

CHAPTER 15

HEALTH AND SANITATION¹

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ARTICLE I. GENERALLY

Sec. 15-1. Fluoridation of water supply.

A. Any suppliers of water by means of a pipe distribution system to citizens of the City of Jefferson are hereby required to provide the means and to proceed with the introduction of fluoride ions into the public water supply of the city in such quantities as are required to provide throughout the pipe distribution system a fluoride concentration of approximately one part fluoride per one million (1,000,000) parts of water. The suppliers of water shall keep an accurate record of the amount of fluoride bearing chemical applied to the quantities of water treated and cause such analytical tests to be made for fluoride, in terms of the element "F," in the untreated and treated water supply.

B. The City of Jefferson shall make periodic tests to ensure compliance with this section.
(Ord. No. 13934, §1, 9-19-2005)

(Code 1977, §§ 19-1, 19-2)

State law reference - Authority to regulate water supply, RSMo. § 77.140.

Sec. 15-2. Tattooing prohibited.

A. It shall be unlawful for any person within the city to tattoo a human being or conduct a business of tattooing, except that a physician who is licensed by the state may perform tattooing for medical purposes.

B. As used in this section the terms "tattoo," "tattooed," or "tattooing" refer to any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin.

(Ord. No. 9370, § 1, 1-7-80)

Sec. 15-3. Sale of unwholesome food, etc.

Any person who shall, in this city, sell or expose for sale, or offer for sale at any place, the flesh of any dead animal which was sick or overheated or run down by dogs or otherwise, at or immediately before the time at which the same was butchered or slain, or which died a natural death or was killed by accident, or otherwise than in the usual or ordinary method of slaying animals for food, or shall sell or offer for sale any blown, raised, stuffed, decayed or unsound meat, flesh, vegetables, eggs, poultry, fish or other unwholesome article of food, shall be deemed guilty of a misdemeanor.

(Code 1977, § 26-43)

Secs. 15-4 - 15-26. Reserved.

ARTICLE II. SWIMMING POOLS²

Sec. 15-27. Definitions.

For the purpose of this Article the following terms, phrases, words and their derivations shall have the meaning given herein:

Family pool: A body of water and auxiliary structures operated and maintained at a private residence, and intended only for the use of the owner and invited guests.

Person: Any person, firm, partnership, association, corporation, institution or any organization of any kind, including public educational institutions.

Health authority: The designated representative from the Department of Community Development, division of community sanitation. (Ord. No. 13301, 11-5-2001)

Swimming pool: An artificial or natural receptacle containing a body of water, whether located indoors or outdoors, used or intended to be used for public, semi-public or private swimming, whether or not any charge or fee is imposed for such uses, operated and maintained by any person, including all swimming pools operated and maintained in conjunction with or by clubs, motels, hotels, apartment complexes and shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, excluding family pools as defined herein.

(Ord. No. 9430, § 1(19-30), 5-19-80)

Sec. 15-28. General operating requirements.

A. The publication entitled "A Guide for the Design and Operation of Public Bathing Places" (E 12.01-Rev. 5/72), printed by the Department of Social Services, Missouri Division of Health, Jefferson City, Missouri, is hereby adopted by reference as if set out at length in this Article, and a copy of the same has been filed in the office of the city clerk.

B. Any person owning or operating a swimming pool, or a pool operated as ancillary service of a motel, hotel, or apartment complex, excluding family pools, shall provide and maintain the following:

1. At least one lifeguard on duty at an appointed station for each fifty (50) persons in the pool area during the time that such pool is in use. Said lifeguard shall have completed the senior life saving or water safety instructor courses conducted by the American Red Cross or the YMCA, and shall have in his possession a valid, unexpired card duly authenticated to that effect; except that when organized classes are being conducted by an educational institution, the aforesaid requirements shall be satisfied by the presence of an appointed swimming instructor of the institution conducting the classes. All such lifeguards or instructors on duty must be physically fit and able to rescue any bather in danger of drowning.
2. Rules for the conduct of bathers so as to minimize danger of injury to persons using the pool shall be approved by the Department of Community Development. (Ord. No. 13301, 11-5-2001)

3. Swimming pools operated in conjunction with a hotel, motel, or apartment complex, shall, at all times when a lifeguard is not on duty, have conspicuously posted at the entrance to the pool a sign with letters not less than two (2) inches in height reading, "No Lifeguard on Duty. Swim at Own Risk."
4. Daily records showing chlorine residuals and pH values shall be kept and made available upon request.

C. The following are operating requirements for swimming pools and family pools:

1. The water in such pool shall contain not less than 0.6 or more than 2.0 parts per million (ppm) available or excess chlorine and a pH between 7.2 and 7.8 at all times when the pool is in use except that natural bodies of water shall only be certified free of pollution and approved for swimming by the health authority.
2. A continuous feeding chemical feeder sized according to the pool size, having such capacity to maintain proper chlorine residuals in the pool at all times shall be provided.
3. Filters of acceptable construction with a circulation pump capable of a pool turnover rate of once every eight (8) hours, complete with pressure gauge and flow metering device shall be provided.
4. Bacteriological quality shall be demonstrated by water samples collected by the health authority and analyzed by a certified laboratory. Staphylococci organisms per standard sample shall not exceed fifty (50) per one hundred (100) milliliters of pool water. Whenever in any two (2) consecutive tests made by the health authority, not more than fifteen (15) days apart nor less than five (5) days apart, the count of staphylococci organisms exceed the allowable limits described above, the pool shall be immediately closed on a temporary basis until further tests are conducted and the water complies with the above standards.
5. Convenient means of ingress and egress shall be provided. Water depth shall be clearly indicated as well as any irregularities of the bottom of the pool.

(Ord. No. 9430, § 1(19-31), 5-19-80)

Sec. 15-29. Fences.

Any person owning or operating a permanently constructed swimming pool or permanently constructed family pool, whether public or private, shall provide and maintain a fence or wall not less than four (4) feet in height, having no openings or holes larger than six (6) inches in any dimensions except for doors and gates, which fence shall completely surround the pool or the property upon which it is located. All doors and gates shall be fastened and locked at any and all times that the pool is not in use or is unattended.

(Ord. No. 9430, § 1(19-32), 5-19-80)

Sec. 15-30. Sanitation and safety of premises.

The buildings, grounds, dressing rooms, and other swimming pool or family pool facilities shall be kept by the owner or operator of such pool in a sanitary and safe condition and maintained free from garbage, trash, other refuse and objects hazardous to the health and safety of bathers.

(Ord. No. 9430, § 1(19-31), 5-19-80)

Sec. 15-31. Inspections, etc.

A. The Department of Community Development shall be required to inspect all swimming pools and family pools regularly and to take samples of water in use for the purpose of determining the sanitary condition of the pool and pool area, and for this purpose shall have the right to enter upon the pool premises. If the condition of the pool area or the water (except bacteriological quality) fails to meet the requirements of the rules and regulations of the department, or if the pool is not being operated within the provisions of this Article, the department shall have the power to abate or cause a suspension of the use of such pool until such time as compliance is obtained; provided, however, that the owner and operator of the pool shall have first been notified of the unsatisfactory conditions and given a reasonable period of time to correct the conditions to the satisfaction of the department. (Ord. No. 13301, 11-5-2001)

B. Family pools shall be exempt from regular inspection. The Department of Community Development shall inspect family pools under the following conditions: (Ord. No. 13301, 11-5-2001)

1. After receiving a request from the owner for assistance, with a date and time pre-determined by the owner prior to the inspection.
2. After receiving a complaint upon the operation of a family pool creating a nuisance to the public, at which time the owner shall be contacted as to the nature of the complaint and a pre-determined time established for the inspection.

C. All assistance available to swimming pool owners shall be made available to the family pool owner upon request.
(Ord. No. 9430, § 1(19-32), 5-19-80)

Sec. 15-32. Civil liability.

This Article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling, or installing a swimming pool or family pool; nor shall the city, or any of its inspectors, agents or employees, including its sanitarian, be held as assuming any such liability by reason of the inspection authorized herein or permits issued as herein provided.
(Ord. No. 9430, § 1(19-35), 5-19-80)

Secs. 15-33 - 15-39. Reserved.

ARTICLE III. CLEAN AIR IN PUBLIC PLACES

Sec. 15-40. Declaration of Policy.

It is the intent and purpose of this Article to provide residents protection from exposure to tobacco smoke by placing restrictions on smoking within the City of Jefferson.
(Ord. No. 11334, § 1, 11-6-89)

Sec. 15-41. Exemptions.

The restrictions of this Article shall not apply to any of the following:

- A. Areas which are specifically designated as smoking permitted areas as designated by the proprietor or person in charge. City buildings shall be left to the discretion of the Mayor and City Council.
- B. Restaurants that seat fifty (50) or less people;
- C. An entire room or hall while in use for a private social function, provided that the seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the place;
- D. Performers in any theatrical production, provided smoking is part of the theatrical production;
- E. Places where more than fifty percent (50%) of the dollar volume of business is the sale of alcoholic beverages (bars, taverns, and lounges).
- F. Private residences.
- G. Bowling alleys, pool halls, barber shops and hair salons.
- H. Private offices with two or less employees.

(Ord. No. 11334, § 1, 11-6-89)

Sec. 15-42. Regulation of smoking.

No person shall smoke or carry a lighted cigar, cigarette, pipe or any other form of smoking object or device in the following places unless they are in designated smoking areas as provided in Section 15-41.

- A. Building facilities and other places of public assembly including but not limited to classrooms, hearing rooms, conference and meeting rooms;
- B. Any commercial establishment including, but not limited to, retail stores, banks, malls, convention halls, auditoria, office buildings, offices and restaurants.
- C. All public areas and waiting rooms of public transportation facilities including, but not limited to, bus and airport facilities, elevators and public rest rooms;
- D. Any indoor place of entertainment or recreation including, but not limited to, gymnasiums, theaters,

concert halls, bingo halls, arenas and swimming pools;

E. Any public area of health care facility, health clinics or ambulatory care facilities including, but not limited to, laboratories associated with the rendition of health care treatment, hospitals, convalescent and nursing homes, doctors' and dentists' offices, and homes for the aged or ill;

F. All child and day care facilities, pre-primary, primary, and secondary schools, community colleges, technical training establishments, specialty schools, colleges and universities;

G. Places of employment including, but not limited to factories, warehouses, financial institutions, businesses, professional and government offices;

H. Any vehicle of public transportation including, but not limited to, buses, limousines for hire, and taxicabs;

No area may be designated where prohibited by Jefferson City ordinance or by regulations of another agency having jurisdiction.

(Ord. No. 11334, § 1, 11-6-89)

Sec. 15-43. Designation of smoking areas.

A. When not otherwise provided by law, limited smoking permitted areas may be designated by the proprietors or person in charge of the places listed in this Article and any owner or person in charge of an establishment may designate the facility as a non-smoking area in its entirety.

B. Where smoking permitted areas are designated, existing physical barriers and functioning ventilation systems may be used to minimize the effects of smoke in adjacent non-smoking areas. This provision shall not be construed to require fixed structural or other physical modifications in providing these areas or to require operation of any existing heating, ventilating and air conditioning system in any manner which decreases its energy efficiency and/or increases its electrical demand, nor shall this provision be construed to require installation of new or additional heating, ventilating or air conditioning systems.

(Ord. No. 11334, § 1, 11-6-89)

Sec. 15-44. Posting of signs.

The owner, operator, manager, proprietor or other person having control of a place governed by this Article shall prominently and conspicuously post where applicable and at major entrances "**SMOKING IS PROHIBITED, EXCEPT IN DESIGNATED AREAS**" or the international "**NO SMOKING**" symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a bar across it in every place where smoking is regulated by this Article. Such signs shall be protected from tampering, damage, removal or concealment.

(Ord. No. 11334, § 1, 11-6-89)Sec. 15-45. Inspection and Enforcement.

A. The Director of Community Development shall provide information about this Article to citizens affected by it and shall guide owners, operators and managers in their compliance. (Ord. No. 13301, 11-5-2001)

B. The owner, operator, manager, or person in charge of the facility shall enforce this Article by requesting compliance verbally or prohibiting employees from smoking except in designated areas, post appropriate signs, provide appropriate smoke-free areas, and permit the Director of the Community Development Department entrance to the facility to determine compliance with this Article. (Ord. No. 13301, 11-5-2001)

C. The authority to administer and enforce the provisions of this Article is vested in the Director of the Community Development Department. The Director of the Community Development Department shall be authorized to serve official notices of violations of this Article.
(Ord. No. 11334, § 1, 11-6-89; Ord. No. 13301, 11-5-2001)

Sec. 15-46. Penalty.

Every person convicted of a violation of any section of this Article shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00).
(Ord. No. 11334, § 1, 11-6-89)

Secs. 15-47 - 15-99. Reserved.

Note: Article IV repealed by Ord. 13654 11-17-2003

(Ord. No. 11883, § 1, 4-21-93; Ord. 13654, §1, 11-17-2003)

NOTES

1. **Cross references** - Definitions and rules of construction generally, § 1-2; animals and fowl, Ch. 5; nuisances, Ch. 21; sewers and sewage disposal, Ch. 29; solid waste, Ch. 30.

State law reference - General health power of city, RSMo. §§ 77.530, 77.560.

2. **Cross reference** - Buildings and building regulations, Ch. 8.