

CHAPTER I

GENERAL PROVISIONS AND ADMINISTRATION

- 1.1 **Name of Code and Purpose:** There is hereby adopted a Code of Health Regulations, to be known as the Boone County Code of Health Regulations, which may be referred to as “the Code” or “Code,” and shall be comprised of all of the health regulations of Boone County, Missouri. The Code shall be organized into chapters, sections, subsections and parts thereof under a suitable system of codification adopted, approved and from time-to-time revised by or under the direction of the County Clerk of the County.
- 1.2 **Authority:** The Code and the regulations adopted thereunder are enacted under the general authority vested in the County Commission of Boone County, Missouri by section 192.300 RSMo. Supp. 1989 as enacted by S.B. 68 of the 85th General Assembly, and any other special authority applicable under the Revised Statutes of Missouri as now and hereafter in effect.
- 1.3 **Definitions:** Terms used in this Code shall have the plain meaning used in general dictionaries as applicable in the context of the sentence, paragraph, section or subsection that is applicable. Special terms may be defined in each chapter of the Code as necessary and the special meaning of defined terms shall be applicable and control unless the context indicates otherwise.
- 1.4 **Administration and Enforcement:** The provisions of this Code shall be administered as follows:
- 1.4.1 **Health Director and Officials, Appointment and Duties** -The provisions of this Code shall be administered by the Health Director, who shall be appointed by the Boone

County Commission and serve at the pleasure of the Commission. The Health Director is hereby authorized to appoint or designate such other officials authorized by this Code for the purpose of assisting the Health Director in administering or enforcing the provisions of this Code. All such appointments shall be subject to the discretionary review and approval of the Boone County Commission.

1.4.2 Interference with Health Officials and Employees Prohibited - No person shall knowingly interfere with any person appointed under the provisions of this Code in the performance of his or her official duties as prescribed by this Code or as provided by state law.

1.4.3 Inspections – Persons requiring permits under this Code shall be obligated to authorize Health Officials charged with enforcement of this Code to conduct inspections as reasonably necessary to determine compliance with the regulations applicable to such permits. Aside from inspections conducted to determine compliance with permits issued under this Code, Health Officials are hereby authorized to enter private property for the purpose of conducting inspections for the sole purpose of determining compliance with the Code and these regulations so long as such inspections are conducted outside of homes, sheds, outbuildings or other enclosures or structures, and are otherwise outside areas which an ordinary and reasonable person would believe the owner or occupant intended to be an area of privacy shielded from public view; such inspections shall be conducted during normal business hours except in cases of emergency or other exigent circumstance and such inspections shall be conducted in a manner which does not infringe upon ordinary, reasonable expectations of privacy. Any other inspection conducted for purposes of determining compliance with or

enforcement of these regulations shall be pursuant to a lawfully issued search warrant except in those cases when a search warrant is not required by law.

1.4.4 **User Fees** - The County Commission may by order from time-to-time establish or ratify the establishment or imposition of reasonable fees recommended by the Health Director or determined by the Health Director to be reasonably necessary in order to pay for any costs incurred in carrying out the administration and enforcement of the Code, however, the establishment or imposition of such fees shall not deny personal health services to those individuals who are unable to pay such fees or impede the prevention or control of communicable disease. Fees generated shall be deposited in the county treasury or otherwise deposited and credited to the county as may be prescribed in the annual budget. All fees generated under the provisions of this Code shall be used to support the public health activities for which they were generated.

1.5 **Interpretation and Severability:** The regulations enacted in this Code are intended to be supplementary to other provisions or remedies authorized or prescribed by law or rule or regulation enacted thereunder. The invalidity of any particular regulation enacted herein shall not affect the validity of any other provision and all regulations hereunder shall be construed as consistently and harmoniously as possible with each other and other applicable provisions of law. These regulations also shall be liberally and harmoniously construed to the fullest extent permitted by law to effectuate the broad remedial purposes for which they are intended.

1.6 **Jurisdiction:** Unless and except as otherwise specifically provided in a chapter of this Code dealing with a particular aspect of public health, the regulations

contained in this Code shall be applicable to all unincorporated areas within Boone County, Missouri.

1.7 **Penalties and Remedies** - Any person who violates any requirement or provision of this Code shall be deemed guilty of a misdemeanor and shall be punished as provided section 192.300, RSMo, or as otherwise provided by law. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared herein to be unlawful, whether individually or in connection with one or more other persons or as principal, agent or accessory, shall be guilty of such unlawful act, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision hereof shall likewise be guilty. Every day any violation of any regulation of this Code shall continue shall constitute a separate offense unless otherwise specifically provided herein. The penal remedy provided herein shall not be exclusive and the Health Director or any health official may seek and obtain in their own name or in the name of the County any other judicial relief provided for in equity or at law, including but not limited to imposition of civil fines for violations of this Code as provided for in section 49.272, RSMo, and such other declaratory and injunctive relief as may be appropriate under the circumstances.

1.8 **Repeal of Regulations** - The repeal of any regulation or part of any regulation shall not affect any act done or right accrued or established in any proceeding, action, suit or prosecution had or commenced prior to the time when such repeal shall take effect, but every such act, right or proceeding shall remain and continue as valid and effectual as if such repeal has not taken place. No offense committed, and no fine, forfeiture or penalty incurred previous to the time when the repeal of

any regulation shall take effect, shall be affected, released or in any way discharged by such repeal, but the trial, conviction and punishment of all such offenses and the recovery of all such fines, forfeitures and penalties shall be had in all respects as if such repeal had not taken place. No action, prosecution, suit or proceeding pending at the time the repeal of any regulation or part of any regulation shall take effect shall be affected by such repeal. Each such action, prosecution, suit or proceeding as set out in the preceding paragraph shall be continued and prosecuted to a final determination, or judgment or execution, as if such repeal had not taken place.

- 1.9 **Headings, Titles, and Catchlines** - The headings, titles and catchlines of the several chapters and sections of this Code are intended as mere summary descriptions to indicate the contents of the chapter, section, or subsection, and shall not be deemed or taken to be headings, titles, or catchlines imparting special meaning to such chapters, sections, or subsections, nor to be a part of the chapter, section, or subsection, nor, unless expressly so provided, shall they be so deemed when any of such chapters or sections or subsection, including the headings, titles and catchlines, are amended or reenacted.
- 1.10 **Maintenance of Code** - The original and supplements to this Code shall be prepared and printed whenever authorized or directed by the County Clerk and the Code shall be maintained by the County Clerk or such persons or officers as the County Commission may otherwise direct from time-to-time by order of the Commission. A supplement to the Code shall include all substantive permanent and general parts of regulations passed by the County Commission during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the

Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest regulations included in the supplement. In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages. When preparing a supplement to this Code, the County Clerk or other person or officer designated as provided herein may make formal, nonsubstantive changes in regulations and parts of regulations included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, but not by way of limitation, the County Clerk or other designated person or officer may: may publish the Code in printed form and in electronic media; organize the Code and provide appropriate headings, titles, and catchlines for the chapters, sections, subsections and other parts of the Code; prepare tables of contents, indexes, appendices, covers, and other publication features in original electronic or printed form and in supplement; make changes in such headings, titles and catchlines; assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subsection or part numbers; change the words "this regulation" or words of the same meaning to "this chapter, " "this section, " "this subsection, " etc., as the case may be, or to "sections _____ to _____ (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the regulations incorporated into the Code); and make other nonsubstantive changes necessary to preserve the original meaning of regulation chapters and sections inserted into the Code; but in no case shall the County Clerk or other designated

person or officer make any change in the meaning or effect of regulation material included in the supplement or already embodied in the Code.