

**BEFORE THE COUNTY COMMISSION OF
BOONE COUNTY, MISSOURI**

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|----------------------------------|--------------------------------------|
| In Re: Amendment and Enactment) | May Session |
| Boone County) | May Adjourned |
| Health Regulations) | Term 2002 |
| Chapter 1 and 6) | Commission Order No. <u>241-2002</u> |

**ORDER AMENDING CHAPTER I AND ENACTING CHAPTER 6
BOONE COUNTY HEALTH REGULATIONS**

NOW on this 21st day of May, 2002, the County Commission of Boone County, Missouri met in regular session and entered the following order amending Chapter 1 and newly enacting Chapter 6 of the Health Regulations of Boone County, Missouri, as follows:

AMENDMENTS TO CHAPTER 1

IT IS ORDERED that the Health Regulations of Boone County, Missouri, Chapter 1, Animal Control, be amended, the text of which is attached hereto and incorporated by reference, as follows: (a) repeal and reenact sections 1.4.2 and subparts through 1.4.2.5 inclusive, and (b) revise Appendix to Chapter 1 by expanding geographic area of urban service area to include defined areas around Ketterer Road, and

IT IS FURTHER ORDERED that the foregoing amendments of the said regulations shall be effective from and after the date this order is entered.

IT IS FURTHER ORDERED that the County Clerk of Boone County, Missouri, print and make available for distribution to the public copies of the amendments to Chapter I, Animal Control, of the Boone County Health Regulations.

ENACTMENT OF CHAPTER 6

WHEREAS, the County Commissioners of Boone County, Missouri (hereinafter referred to as the Commission), adopts and administers regulations for the enhancement and protection of public health through a public health department and specifically supports paramedic advanced life support services to the citizens and visitors of Boone County through its participation in the administration and funding of county-wide E-911 emergency dispatch services; and

WHEREAS, the American Heart Association has determined one key way to improving survival rates from cardiac arrest is to reduce the time to deliver defibrillation therapy; and

WHEREAS, the American Heart Association reports recent breakthroughs in technology have resulted in the availability of devices known as automated external defibrillators (AED@) which are proven to be safe and effective for use by lay persons with minimal training in rapidly delivering a defibrillatory shock; and

WHEREAS, the American Heart Association anticipates the widespread availability of AEDs will make sudden cardiac arrest a truly treatable disease and will save hundreds of lives; and

WHEREAS, the American Heart Association has determined it is in the public interest to make AEDs readily available within the community and that the public be trained to properly use AEDs and to immediately activate the emergency medical services system upon using an AED; and

WHEREAS, the Missouri Legislature has determined that certain procedures should be implemented to ensure proper use of AEDs and has enacted ' 190.092 RSMo outlining these procedures; and

WHEREAS, it is the intent of this Ordinance to set minimum standards for use, training, data collection and data recovery for the Community Automated External Defibrillator Program; and

WHEREAS, the Boone County Health Department, JCIC and Emergency Medical Service providers of pre-hospital care will develop and coordinate implementation of this Program.

NOW THEREFORE, IT IS ORDERED that the Health Regulations of Boone County, Missouri be expanded to add Chapter 6, Community Automated External Defibrillator Program, the text of which is attached hereto and incorporated by reference, and

IT IS FURTHER ORDERED that the foregoing addition of Chapter 6 of said regulations shall be effective on the 1st day of July, 2002.

IT IS FURTHER ORDERED that the County Clerk of Boone County, Missouri, print and make available for distribution to the public copies of the reenacted Chapter I, Animal Control, of the Boone County Health Regulations.


IT IS FURTHER ORDERED that the attached order pertaining to the amendments to Chapter 1 and addition of Chapter 6 be published for a period of three (3) successive weeks commencing within sixty (60) days of the date of this order.

WITNESS the signatures and seal of the Boone County Commission on the day and year first above written.

Boone County, Missouri
By Boone County Commission



Presiding Commissioner



District I Commissioner



District II Commissioner

ATTEST:



Boone County Clerk

**BEFORE THE COUNTY COMMISSION OF
BOONE COUNTY, MISSOURI**

| | |
|----------------------------------|--------------------------------------|
| In Re: Amendment and Enactment) | May Session |
| Boone County) | May Adjourned |
| Health Regulations) | Term 2002 |
| Chapter 1 and 6) | Commission Order No. <u>241-2002</u> |


ORDER FOR PUBLIC NOTICE

On the 21st day of May 2002, the County Commission for Boone County, Missouri, met in regular session and entered the following order in regard to amendments and additions to the Health Regulations of Boone County, Missouri:

IT IS ORDERED THAT the County Clerk of Boone County, Missouri, make available to the public copies of amendments to chapter 1, Animal Control, amendment to Chapter 1 Appendix and chapter 6, Community Automated External Defibrillator Program, of the Boone County Health Regulations as adopted on the 21st day of May, 2002, by order of this Commission and that the general public is hereby notified that such regulations are available for distribution to the public at the office of the County Clerk, Boone County, Missouri, Roger I. Wilson Boone County Government Center, 801 E. Walnut, Columbia, Missouri 65201.

Boone County, Missouri
By: Boone County Commission:


Presiding Commissioner

ATTEST:


County Clerk



District I Commissioner



District II Commissioner

Insertions:

1.4.2 Vicious Dogs - The following regulations shall be applicable to determining whether dogs are vicious and to the management and control of vicious dogs:

1.4.2.1 Procedure For Classification of Vicious Dogs - The following procedure shall be applicable for classifying a dog as vicious:

1.4.2.1.1 Complaint and Investigation - A complaint may be presented to any law enforcement officer or law enforcement department having jurisdiction, or to an animal control officer or to a health official. A complaint shall be investigated by a health official or animal control officer or other person designated by the Health Director to determine if there is probable cause to believe that a dog is vicious as defined by these regulations. Complaints shall be investigated only when submitted by a citizen who is willing to testify that the dog has acted in a manner which may reasonably cause it to be classified as a vicious dog as defined in these regulations, or the complaint is based upon a dog bite report filed with a law enforcement officer, animal control officer, or a health official, or an animal control officer, health official, or law enforcement officer observes the dog to act in a manner which may reasonably cause it to be classified as a vicious dog as defined in these regulations. The results of all investigations shall be submitted to the Health Director for review and determination of whether a dog should be classified as a vicious dog under these regulations.

1.4.2.1.2 Vicious Dog Declaration - When the Health Director determines after review of investigation reports submitted that there is probable cause to believe that a dog is vicious, then the Health Director may issue a declaration that a specific dog is classified as a vicious dog. The declaration shall be in writing and shall contain a description of the animal, the name and address of the owner or possessor of the animal (if known), the whereabouts of the animal (if it is not in the custody of the owner), the facts upon which the of vicious dog declaration is based, the availability of an appeal and hearing in case the owner or possessor objects to the declaration and that a request for a hearing must be made within five (5) business days of service of the declaration upon the owner or possessor, the restrictions placed on the animal as a result of the vicious dog declaration, and the penalties for violation of the restrictions, including the possibility of destruction of the animal and imposition of fine or imprisonment. The vicious dog declaration shall be in writing and shall be personally served on the owner or possessor of the dog, or if the owner or possessor cannot be served personally, then served by certified mail to the last known address of the owner or possessor, or if the owner or possessor cannot be located, then service can be made by publication in a newspaper of general circulation in the closest city or town having such a newspaper where the dog was observed or seized.

1.4.2.1.3 Appeals of Vicious Dog Declarations - Any owner or possessor of a dog declared a vicious dog may appeal that determination by filing a written request with the Health Director to review and set aside that

declaration within five (5) business days of being served with notice of the declaration. The Health Director shall schedule an informal hearing with the owner or possessor of a dog subject to such declaration within fifteen (15) business days of receipt of such request for review. The hearing shall be conducted before the Health Director or his or her appointed representative, available members of the Vicious Dog Advisory Board, and shall include upon request the voluntary attendance of the dog owner or possessor and/or his or her representative, an animal control officer having personal knowledge of the dog, the complainants and/or their representative, and any other interested parties or witnesses. At such hearing the Health Director or his or her appointed representative shall receive all relevant evidence presented by the complainant, the dog's owner/possessor, as well as the health official or animal control officer or law enforcement officer involved, and the recommendation of the Vicious Dog Advisory Board. The Health Director or his or her appointed representative shall decide at the conclusion of the hearing whether to affirm or set aside the declaration. Any final determination by the Health Director that a dog is a vicious dog as defined in these regulations or any such declaration to which no timely request for review is made shall create a conclusive presumption that the dog determined to be a vicious dog is in fact and in law a vicious dog as defined in these regulations for purposes of any legal proceedings after such final determination applicable to such dog, or owner or possessor thereof. However, a finding that a dog is a vicious dog pursuant to the provisions of these regulations shall not be a condition precedent to institution of any civil, quasi-criminal or criminal proceeding under these regulations, or any other provision of law. In any legal proceeding where a final determination has not been made pursuant to these regulations, the question of whether or not a dog is vicious shall be a factual issue to be determined as a part of such proceeding. Any final decision of the Health Director shall be in writing stating the facts upon which it is based, and whether under these regulations such dog is in fact a vicious dog. Any further appeals thereafter shall be as provided by law.

1.4.2.2 Vicious Dog Management and Control - No person shall own or possess a vicious dog except in accordance with the following requirements:

1.4.2.2.1 Vicious Dog Permit - No person shall own or possess a vicious dog without an annual permit issued by the Health Director. Any person owning or possessing a vicious dog shall obtain and maintain a permit authorizing the possession and ownership of for such dog within 10 business days of the Health Director declaring such dog to be vicious. Any appeal of the Health Director's declaration of a dog to be vicious shall not affect the requirement for an annual permit or requirements for management and control of vicious dogs established by these regulations, but in the event that the declaration of the Health Director is set aside by the Health Director or final decision of a court of competent jurisdiction, then such permit shall be void and any permit fees paid to the Health

Director for such permit shall be refunded. The Health Director shall furnish permit application forms containing such information as deemed reasonable by the Health Director. A permit applicant shall pay such user fees as are established by order of the County Commission as are reasonably necessary for administration and enforcement of these regulations for the management and control of vicious dogs. Permits issued for vicious dogs shall expire one year from date of issuance unless renewed; all such permits shall be renewed annually unless the vicious dog which is the subject of the permit is dead or the ownership and possession of such dog has been permanently transferred outside of geographic jurisdiction of these regulations; a prorated refund of any annual permit fee is authorized in the discretion of the Health Director if it is proven to the Health Director's reasonable satisfaction that a vicious dog subject to the annual permit is dead or has been permanently transferred outside of the jurisdiction as well as the date of such event.

1.4.2.2.2 Vicious Dog Confinement - All vicious dogs shall be securely confined within a building or in a securely enclosed and locked kennel within 30 calendar days of the Health Director's declaration that the dog is vicious regardless of any appeal therefrom unless the Health Director extends the time for compliance for good cause shown. Any dog declared to be vicious shall be confined and controlled as required under these regulations regardless of appeal and any animal control officer shall have the right to enter upon and inspect the building or kennel in which a vicious dog is confined at all times; the refusal of any owner or possessor of a vicious dog to permit an animal control officer to inspect a building or kennel in which a vicious is confined for compliance with these regulations shall be grounds for impoundment of such dog. In addition, any dog declared to be vicious which is not confined and controlled as required by these regulations shall be impounded by an animal control officer until the owner or possessor of such dog has complied with the requirements of these regulations and such dog has been redeemed or such dog has been disposed of as otherwise provided in these regulations. All vicious dogs and their places of confinement shall be inspected by an animal control officer at least bimonthly to ensure compliance with the following regulations.

1.4.2.2.3 Standards for Vicious Dog Kennels - A kennel used for keeping a vicious dog must have secure sides of sufficient height and a secure top attached to the sides to prevent escape. Such kennel must have a secure bottom or floor attached to the sides of the kennel, or the sides of the kennel must be embedded in the ground no less than two (2) feet. The kennel must be locked with a key or combination lock when such animals are within the structure. Any such kennel must comply with all applicable zoning and building regulations. The Health Director or his representative may permit alternative pen construction, if the other construction is determined to be equivalent or superior in safety to the above

requirements. In Urban Service areas, any such kennel must be located at least ten (10) feet from any property line.

1.4.2.2.4 Building Confinement of Vicious Dogs - When confined within a building, no vicious dog may be kept on a porch, patio or in any part of building that would allow the dog to leave such building on its own volition. No such dog may be kept in a building when windows are open or when screen windows or screen doors are the only obstacle preventing the dog from leaving the building.

1.4.2.2.5 Control of Vicious Dogs - No person shall permit a vicious dog to go outside its kennel or building unless the dog is muzzled and secured on a leash no longer than four (4) feet in length with a minimum tensile strength of 300 pounds and a person has physical control of the leash. Such dogs shall not be leashed to inanimate objects such as trees, posts, or buildings. The muzzle shall be constructed in such a manner that it will prevent the dog from biting any person or animal but also will not cause injury to the dog or interfere with its vision or respiration. All vicious dogs shall be implanted with a microchip at the cost of the owner or possessor as required by the Health Director within 7 days of being initially declared a vicious dog by the Health Director or 7 days after hearing thereon if timely request for hearing has been, whichever occurs later; no additional appeal of a vicious dog declaration shall be grounds for delay in implanting a microchip in a vicious dog except the Health Director may extend the time for implanting a microchip for good cause shown.

1.4.2.2.6 Vicious Dog Signage - Signs shall be conspicuously posted upon kennels of vicious dogs and all buildings used to confine vicious dogs and made plainly visible from all sides in letters at least four (4) inches high stating the following: "Beware of Vicious Dog"

1.4.2.3 Removal from the List of Vicious Dogs - The owner or possessor of a dog that has been declared vicious may petition the Health Director for a hearing to reconsider vicious dog declaration 12 months or more after the initial declaration. If sufficient reason is determined to warrant reconsideration, a hearing will be called to include the Health Director, the dog's owner and/or representative, the complainant(s) and/or representatives, and available members of the Vicious Dog Advisory Board. After hearing, the Health Director may declare the dog which is the subject of the hearing to no longer be vicious and exempt from permitting or deny reclassification of the vicious dog. Any further appeal of the Health Director's decision shall be as provided by law.

1.4.2.4 Transfer of Ownership or Possession of a Vicious Dog - If a dog which has been declared vicious is sold, given away, or the possession of such dog is otherwise transferred, the previous possessor/owner shall notify the new possessor/owner in writing of the dog's classification as a vicious dog and required compliance with these regulations. The previous possessor/owner shall also notify the Health Director in writing if the dog is sold or otherwise transferred within three (3) business days of the transfer of the dog. The

notification shall include the name and address of the new owner/possessor.

1.4.2.5 Destruction of Vicious Dogs - A vicious dog shall be ordered humanely destroyed by order of the Associate Circuit Court or Circuit Court if such court finds after hearing that a dog is vicious as the term is defined in these regulations by presumption or otherwise and that one of the following factors are applicable:

(a) The owner or possessor of such vicious dog has previously pled guilty to or been found guilty of any offense pertaining to such dog which involves failing to adequately confine or control such dog, or

(b) The owner or possessor has factually failed to comply with the provisions of these regulations pertaining to the confinement and control of vicious dogs on one or more occasions after such dog has been determined to be a vicious dog and the owner or possessor was served with notice thereof, or

(c) The vicious propensities of the vicious dog are such that such dog presents an imminent threat to the public health and safety, or

(d) The vicious dog has seriously injured or killed a human being.

An order of destruction provided for in this section may be sought and obtained in an independent civil equitable proceeding or requested as relief as a part of any quasi-criminal or criminal proceeding applicable to a vicious dog or owner or possessor thereof. The owner or possessor of a dog vicious dog shall be liable for the expenses of impoundment, boarding and destruction as authorized by this chapter.

APPENDIX
CHAPTER I
ANIMAL CONTROL
Geographical Description of Urban Service Areas

The following geographical areas within Boone County, Missouri, shall constitute the Urban Service Areas as used in chapter one of the Boone County Code of Health Regulations. All incorporated municipalities shall be excluded from this description unless expressly included by subsequent order of record issued by the Boone County Commission.

Within Township 49 North, Range 12 West, the following sections outside the city limits of Columbia:

All of Sections 16, 17, 19, 20, 21, 23, 26, 27, 28, 29, 30, 33, 34, 35, 36, West ½ of Sections 15 and 24.

The South ½ of the Northeast ¼ of Section 8, the North ½ of the Southeast ¼ of Section 8, that section of the Southeast ¼ of the Northwest ¼ of Section 8 situated east of Clay's Fork Creek, that section of the Northeast ¼ of the Southwest ¼ of Section 8 situated east of Oakland Gravel Rd.

The South ½ of the NW ¼ of Section 9, the Southwest ¼ of Section 9, that section of the West ½ of the Southeast ¼ of Section 9 situated west of State Highway B, that section of the South ½ of the Northeast ¼ of Section 9 situated west of State Highway B.

Within Township 48 North, Range 11 West, the following sections outside the city limits of Columbia:

The West ½ of Sections 6 and 7.

Within Township 48 North, Range 12 West, the following sections outside the city limits of Columbia:

All of Sections 1, 2, 3, 10, 11, 12, 14, 15, 16, 21, 22, 23, 28, 29, 31, 32 and 33.

Within Township 47 North, Range 12 West, the following sections outside the city limits of Columbia:

All of Section 4, the West ½ of Section 3, the North ½ of Section 6.

Within Township 47 North, Range 13 West, the following sections outside the city limits of Columbia:

All of Sections 2, 3 and 4, the North ½ of Section 1, the North ½ of Section 10, and the North ½ of Section 11.

Within Township 48 North, Range 13 West, the following sections outside the city limits of Columbia:

All of Sections 4, 5, 6, 7, 8, 17, 20, 27, 28, 29, 33, 34 and 36.

Within Township 49 North, Range 13 West, the following sections outside the city limits of Columbia:

All of Sections 23, 24, 25, 26, 33, 34, 35 and 36.

Within Township 48 North, Range 14 West, the following sections outside the city limits of Columbia:

All of Sections 1, 2, 11 and 12.

All of Sections 9, 10, 11, 14, 15 and 16 Township 46 North, Range 12 West located outside the municipal limits of Ashland.

All of Sections 3, 9, 10, 11, 14, 15, 16, 21, 22 and the E $\frac{1}{2}$ of Section 4 and the E $\frac{1}{2}$ of Section 17, of township 51 North, Range 11 West located outside the municipal limits of Centralia.

All of Sections 13, 14 and 23 of Township 50 North, Range 12 West located outside the municipal limits of Hallsville.

All of Sections 10, 11, 13, 14 and the W $\frac{1}{2}$ of Section 12 of Township 50 North, Range 14 West located outside of the municipal limits of Harrisburg.

All of Section 8, Township 45 North, Range 12 West located outside the municipal limits of Hartsburg.

All of Section 1, Township 48 North, Range 15 West and Section 6, Township 48 North, Range 14 West, located outside of the municipal limits of Rocheport and located within Boone County.

All of Sections 5 and 8 and the E $\frac{1}{2}$ of Section 7 and the N $\frac{1}{2}$ of Section 17, Township 51 North, Range 12 West located outside of the municipal limits of Sturgeon.

1.4.2 Vicious Dogs - The following regulations shall be applicable to determining whether dogs are vicious and to the management and control of vicious dogs:

1.4.2.1 Procedure For Classification of Vicious Dogs - The following procedure shall be applicable for classifying a dog as vicious:

1.4.2.1.1 Complaint and Investigation - A complaint may be presented to any law enforcement officer or law enforcement department having jurisdiction, or to an animal control officer or to a health official. A complaint shall be investigated by a health official or animal control officer or other person designated by the Health Director to determine if there is probable cause to believe that a dog is vicious as defined by these regulations. Complaints shall be investigated only when submitted by a citizen who is willing to testify that the dog has acted in a manner which may reasonably cause it to be classified as a vicious dog as defined in these regulations, or the complaint is based upon a dog bite report filed with a law enforcement officer, animal control officer, or a health official, or an animal control officer, health official, or law enforcement officer observes the dog to act in a manner which may reasonably cause it to be classified as a vicious dog as defined in these regulations. The results of all investigations shall be submitted to the Health Director for review and determination of whether a dog should be classified as a vicious dog under these regulations.

1.4.2.1.2 Vicious Dog Declaration - When the Health Director determines after review of investigation reports submitted that there is probable cause to believe that a dog is vicious, then the Health Director may issue a declaration that a specific dog is classified as a vicious dog. The declaration shall be in writing and shall contain a description of the animal, the name and address of the owner or possessor of the animal (if known), the whereabouts of the animal (if it is not in the custody of the owner), the facts upon which the of vicious dog declaration is based, the availability of an appeal and hearing in case the owner or possessor objects to the declaration and that a request for a hearing must be made within five (5) business days of service of the declaration upon the owner or possessor, the restrictions placed on the animal as a result of the vicious dog declaration, and the penalties for violation of the restrictions, including the possibility of destruction of the animal and imposition of fine or imprisonment. The vicious dog declaration shall be in writing and shall be personally served on the owner or possessor of the dog, or if the owner or possessor cannot be served personally, then served by certified mail to the last known address of the owner or possessor, or if the owner or possessor cannot be located, then service can be made by publication in a newspaper of general circulation in the closest city or town having such a newspaper where the dog was observed or seized.

1.4.2.1.3 Appeals of Vicious Dog Declarations - Any owner or possessor of a dog declared a vicious dog may appeal that determination by filing a written request with the Health Director to review and set aside that

declaration within five (5) business days of being served with notice of the declaration. The Health Director shall schedule an informal hearing with the owner or possessor of a dog subject to such declaration within fifteen (15) business days of receipt of such request for review. The hearing shall be conducted before the Health Director or his or her appointed representative, available members of the Vicious Dog Advisory Board, and shall include upon request the voluntary attendance of the dog owner or possessor and/or his or her representative, an animal control officer having personal knowledge of the dog, the complainants and/or their representative, and any other interested parties or witnesses. At such hearing the Health Director or his or her appointed representative shall receive all relevant evidence presented by the complainant, the dog's owner/possessor, as well as the health official or animal control officer or law enforcement officer involved, and the recommendation of the Vicious Dog Advisory Board. The Health Director or his or her appointed representative shall decide at the conclusion of the hearing whether to affirm or set aside the declaration. Any final determination by the Health Director that a dog is a vicious dog as defined in these regulations or any such declaration to which no timely request for review is made shall create a conclusive presumption that the dog determined to be a vicious dog is in fact and in law a vicious dog as defined in these regulations for purposes of any legal proceedings after such final determination applicable to such dog, or owner or possessor thereof. However, a finding that a dog is a vicious dog pursuant to the provisions of these regulations shall not be a condition precedent to institution of any civil, quasi-criminal or criminal proceeding under these regulations, or any other provision of law. In any legal proceeding where a final determination has not been made pursuant to these regulations, the question of whether or not a dog is vicious shall be a factual issue to be determined as a part of such proceeding. Any final decision of the Health Director shall be in writing stating the facts upon which it is based, and whether under these regulations such dog is in fact a vicious dog. Any further appeals thereafter shall be as provided by law.

1.4.2.2 Vicious Dog Management and Control - No person shall own or possess a vicious dog except in accordance with the following requirements:

1.4.2.2.1 Vicious Dog Permit - No person shall own or possess a vicious dog without an annual permit issued by the Health Director. Any person owning or possessing a vicious dog shall obtain and maintain a permit authorizing the possession and ownership of for such dog within 10 business days of the Health Director declaring such dog to be vicious. Any appeal of the Health Director's declaration of a dog to be vicious shall not affect the requirement for an annual permit or requirements for management and control of vicious dogs established by these regulations, but in the event that the declaration of the Health Director is set aside by the Health Director or final decision of a court of competent jurisdiction, then such permit shall be void and any permit fees paid to the Health

Director for such permit shall be refunded. The Health Director shall furnish permit application forms containing such information as deemed reasonable by the Health Director. A permit applicant shall pay such user fees as are established by order of the County Commission as are reasonably necessary for administration and enforcement of these regulations for the management and control of vicious dogs. Permits issued for vicious dogs shall expire one year from date of issuance unless renewed; all such permits shall be renewed annually unless the vicious dog which is the subject of the permit is dead or the ownership and possession of such dog has been permanently transferred outside of geographic jurisdiction of these regulations; a prorated refund of any annual permit fee is authorized in the discretion of the Health Director if it is proven to the Health Director's reasonable satisfaction that a vicious dog subject to the annual permit is dead or has been permanently transferred outside of the jurisdiction as well as the date of such event.

1.4.2.2.2 Vicious Dog Confinement - All vicious dogs shall be securely confined within a building or in a securely enclosed and locked kennel within 30 calendar days of the Health Director's declaration that the dog is vicious regardless of any appeal therefrom unless the Health Director extends the time for compliance for good cause shown. Any dog declared to be vicious shall be confined and controlled as required under these regulations regardless of appeal and any animal control officer shall have the right to enter upon and inspect the building or kennel in which a vicious dog is confined at all times; the refusal of any owner or possessor of a vicious dog to permit an animal control officer to inspect a building or kennel in which a vicious is confined for compliance with these regulations shall be grounds for impoundment of such dog. In addition, any dog declared to be vicious which is not confined and controlled as required by these regulations shall be impounded by an animal control officer until the owner or possessor of such dog has complied with the requirements of these regulations and such dog has been redeemed or such dog has been disposed of as otherwise provided in these regulations. All vicious dogs and their places of confinement shall be inspected by an animal control officer at least bimonthly to ensure compliance with the following regulations.

1.4.2.2.4 Standards for Vicious Dog Kennels - A kennel used for keeping a vicious dog must have secure sides of sufficient height and a secure top attached to the sides to prevent escape. Such kennel must have a secure bottom or floor attached to the sides of the kennel, or the sides of the kennel must be embedded in the ground no less than two (2) feet. The kennel must be locked with a key or combination lock when such animals are within the structure. Any such kennel must comply with all applicable zoning and building regulations. The Health Director or his representative may permit alternative pen construction, if the other construction is determined to be equivalent or superior in safety to the above

requirements. In Urban Service areas, any such kennel must be located at least ten (10) feet from any property line.

1.4.2.2.4 Building Confinement of Vicious Dogs - When confined within a building, no vicious dog may be kept on a porch, patio or in any part of building that would allow the dog to leave such building on its own volition. No such dog may be kept in a building when windows are open or when screen windows or screen doors are the only obstacle preventing the dog from leaving the building.

1.4.2.2.5 Control of Vicious Dogs - No person shall permit a vicious dog to go outside its kennel or building unless the dog is muzzled and secured on a leash no longer than four (4) feet in length with a minimum tensile strength of 300 pounds and a person has physical control of the leash. Such dogs shall not be leashed to inanimate objects such as trees, posts, or buildings. The muzzle shall be constructed in such a manner that it will prevent the dog from biting any person or animal but also will not cause injury to the dog or interfere with its vision or respiration. All vicious dogs shall be implanted with a microchip at the cost of the owner or possessor as required by the Health Director within 7 days of being initially declared a vicious dog by the Health Director or 7 days after hearing thereon if timely request for hearing has been, whichever occurs later; no additional appeal of a vicious dog declaration shall be grounds for delay in implanting a microchip in a vicious dog except the Health Director may extend the time for implanting a microchip for good cause shown.

1.4.2.2.6 Vicious Dog Signage - Signs shall be conspicuously posted upon kennels of vicious dogs and all buildings used to confine vicious dogs and made plainly visible from all sides in letters at least four (4) inches high stating the following: "Beware of Vicious Dog"

1.4.2.3 Removal from the List of Vicious Dogs - The owner or possessor of a dog that has been declared vicious may petition the Health Director for a hearing to reconsider vicious dog declaration 12 months or more after the initial declaration. If sufficient reason is determined to warrant reconsideration, a hearing will be called to include the Health Director, the dog's owner and/or representative, the complainant(s) and/or representatives, and available members of the Vicious Dog Advisory Board. After hearing, the Health Director may declare the dog which is the subject of the hearing to no longer be vicious and exempt from permitting or deny reclassification of the vicious dog. Any further appeal of the Health Director's decision shall be as provided by law.

1.4.2.4 Transfer of Ownership or Possession of a Vicious Dog - If a dog which has been declared vicious is sold, given away, or the possession of such dog is otherwise transferred, the previous possessor/owner shall notify the new possessor/owner in writing of the dog's classification as a vicious dog and required compliance with these regulations. The previous possessor/owner shall also notify the Health Director in writing if the dog is sold or otherwise transferred within three (3) business days of the transfer of the dog. The

notification shall include the name and address of the new owner/possessor.

1.4.2.5 Destruction of Vicious Dogs - A vicious dog shall be ordered humanely destroyed by order of the Associate Circuit Court or Circuit Court if such court finds after hearing that a dog is vicious as the term is defined in these regulations by presumption or otherwise and that one of the following factors are applicable:

- (a) The owner or possessor of such vicious dog has previously pled guilty to or been found guilty of any offense pertaining to such dog which involves failing to adequately confine or control such dog, or
- (b) The owner or possessor has factually failed to comply with the provisions of these regulations pertaining to the confinement and control of vicious dogs on one or more occasions after such dog has been determined to be a vicious dog and the owner or possessor was served with notice thereof, or
- (c) The vicious propensities of the vicious dog are such that such dog presents an imminent threat to the public health and safety, or
- (d) The vicious dog has seriously injured or killed a human being.

An order of destruction provided for in this section may be sought and obtained in an independent civil equitable proceeding or requested as relief as a part of any quasi-criminal or criminal proceeding applicable to a vicious dog or owner or possessor thereof. The owner or possessor of a dog vicious dog shall be liable for the expenses of impoundment, boarding and destruction as authorized by this chapter.

CHAPTER 6 COMMUNITY AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM

6.1 Findings and Purpose- These regulations are adopted for the enhancement and protection of public health under 192.300 RSMo and to develop and implement a county-wide automated external defibrillator (AED) program under 190.192 RSMo, which will establish rules for AED use, training and data collection, as well as requirements and procedures for implementing and using all existing and new AEDs in the community.

6.2 Applicability- Notwithstanding any provisions of any other county regulations to the contrary, this chapter and sections thereunder shall apply to, and be enforced in, the incorporated as well as the unincorporated areas of Boone County. Hospitals are exempt from the provisions of these regulations.

6.3 Requirements and Procedures- The following shall be the requirements and procedures for use, training and data collection of the AED program:

6.3.1 Use of AEDs - No AED shall be used in the incorporated or unincorporated areas of Boone County without first complying with the requirements and procedures set forth in this chapter. No AED used outside of a health care facility shall be used except in accordance with a medical protocol for use with the AED which is approved by a licensed physician.

6.3.2 Notification - The Columbia/Boone County Health Department (Department) will be notified of the purchase or implementation of an AED by any individual, entity, organization or company purchasing or otherwise assuming responsibility for implementation of an AED. Written notification shall be provided using an AED registration form provided by the Department. The form shall be submitted prior to the implementation of the AED and updated annually thereafter. The Department is authorized and directed to determine the content of the form and requirements for registration.

6.3.3 Training - Prior to implementing an AED, the individual, organization or company assuming responsibility for implementing the AED shall provide for training of all intended users. The training shall consist of a class provided by a nationally recognized or Department approved training organization, including, but not limited to the American Heart Association, American Red Cross, or the National Safety Council. The curriculum shall include basic cardiopulmonary resuscitation training and demonstrated proficiency in the use, maintenance and inspection of AED's. The training organization will issue individual certification, for a period not to exceed two years, that the training has been completed. Recertification training of users shall be provided for by the individual, organization or company assuming responsibility for implementing the AED prior to the expiration of the intended users certification

6.3.4 Standards for AED Maintenance - The individual, organization or company assuming responsibility for implementing the AED will ensure that the AED is maintained and tested in accordance with manufacturers' operational guidelines and specifications.

6.3.5 Quality Assurance Review - The individual, organization or company assuming

responsibility for implementing the AED shall conduct a quality assurance review of each AED use based on the physician provided medical protocol. The Department may conduct a quality assurance review of AED usage that includes gathering clinical data and information from the person that used the AED, the written records of the AED use and from the AED itself.

6.3.6 Consent to Quality Assurance Review - The owner and user of the AED shall not withhold consent to the quality assurance review by the Department after the use of an AED or the retrieval of clinical data from the device itself.

6.4 Conflict and Severability- In the event any of the regulations in this chapter conflict with any other applicable law, the more restrictive or one offering greater protection to public health shall apply. If any phrase or portion of these regulations is held invalid or unconstitutional by the court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

6.5 Penalties and Remedies: Any person who violates any requirement or provision of this chapter shall be deemed guilty of a misdemeanor and shall be punished as provided by law; each incident of violation of such regulation shall constitute a separate and distinct offense. The penalty provided in this section shall not be construed to be exclusive but is intended to be supplementary and in addition to any other remedy provided or authorized by law or equity.

6.6 Effective: This regulation shall become effective 60 days after enactment.

Page : 1 of 1
 Printed : 05/21/2002 10:31
 Order Number : 30576134
 PO Number :
 Customer : L8864390 - Boone Co. Commission
 Contact : Purchasing
 Address1 : 601 E. Walnut, 2nd Floor
 Address2 :
 City : Columbia, MO 65201
 Phone : (573) 886-4390
 Fax :

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 Printed By : Susan Twitchell
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AFFIDAVIT OF PUBLICATION AND INVOICE

PO # _____ Invoice # _____

STATE OF MISSOURI }
 County of Boone } ss.

BEFORE THE COUNTY COMMISSION OF BOONE COUNTY, MISSOURI
 In Re: Amendment and Enactment
 Boone County Health Regulations Chapter 1 and 6

May Session
 May Adjourned
 Term 2002
 Commission Order No. 241-2002

ORDER FOR PUBLIC NOTICE
 On the 21st day of May 2002, the County Commission for Boone County, Missouri, met in regular session and entered the following order in regard to amendments and additions to the Health Regulations of Boone County, Missouri:

IT IS ORDERED THAT the County Clerk of Boone County, Missouri, make available to the public copies of amendments to chapter 1, Animal Control, amendment to Chapter 1 Appendix and chapter 6, Community Automated External Defibrillator Program, of the Boone County Health Regulations as adopted on the 21st day of May, 2002, by order of this Commission and that the general public is hereby notified that such regulations are available for distribution to the public at the office of the County Clerk, Boone County, Missouri, Roger I. Wilson Boone County Government Center, 801 E. Walnut, Columbia, Missouri 65201.

Boone County, Missouri
 By: Boone County Commission:
 Don Stamper
 Presiding Commissioner
 Karen M. Miller
 District I Commissioner

Skip Elkin
 District II Commissioner
 Attest:
 Wendy S. Noren
 County Clerk

Insertion Dates: May 22, 23, 24, 26, 27, 28, 29, 30, 31, June 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13 and 14, 2002.

I, Patricia B. Hoddinott being duly sworn according to law state that I am one of the publishers of the Columbia Missourian, a daily newspaper of general circulation in the County of Boone where located: which has been admitted to the Post Office as second class matter in the City of Columbia, Missouri the city of publication: which newspaper has been published regularly and consecutively for a period of three years and has a list of bona fide subscribers voluntarily engaged as such who have paid or agreed to pay a stated price for a subscription for a definite period of time, and that such newspaper has complied with the provision of Section 493.050; Revised Statutes of Missouri, 1969. The affixed notice appeared in said newspaper on the following consecutive issues:

| | | | |
|----------------|-------|--------|------|
| 1st Insertion | ..... | May 22 | 2002 |
| 2nd Insertion | ..... | " 23 | 2002 |
| 3rd Insertion | ..... | " 24 | 2002 |
| 4th Insertion | ..... | " 26 | 2002 |
| 5th Insertion | ..... | " 27 | 2002 |
| 6th Insertion | ..... | " 28 | 2002 |
| 7th Insertion | ..... | " 29 | 2002 |
| 8th Insertion | ..... | " 30 | 2002 |
| 9th Insertion | ..... | " 31 | 2002 |
| 10th Insertion | ..... | June 2 | 2002 |
| 11th Insertion | ..... | " 3 | 2002 |
| 12th Insertion | ..... | " 4 | 2002 |
| 13th Insertion | ..... | " 5 | 2002 |
| 14th Insertion | ..... | " 6 | 2002 |
| 15th Insertion | ..... | " 7 | 2002 |
| 16th Insertion | ..... | " 9 | 2002 |
| 17th Insertion | ..... | " 10 | 2002 |
| 18th Insertion | ..... | " 11 | 2002 |
| 19th Insertion | ..... | " 12 | 2002 |
| 20th Insertion | ..... | " 13 | 2002 |
| 21st Insertion | ..... | " 14 | 2002 |

COLUMBIA MISSOURIAN

PRINTER'S FEE \$ 548.10

By: Patricia B. Hoddinott
 (Patricia B. Hoddinott, General Manager)

Subscribed and sworn to before me this
 14 day of June, 2002

Susan Twitchell
 (Susan Twitchell, Notary Public)
 My Commission Expires June 13, 2004

SUSAN TWITCHELL
 Notary Public - Notary Seal
 STATE OF MISSOURI
 Cooper County
 My Commission Expires: June 13, 2004

CERTIFIED COPY OF ORDER

STATE OF MISSOURI }
 County of Boone } ea.

May Session of the May Adjourned

Term. 20 02

In the County Commission of said county, on the

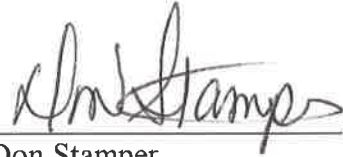
21st day of

May 20 02

the following, among other proceedings, were had, viz:


Now on this day, the County Commission of the County of Boone does hereby authorize the use of the Courthouse Grounds on June 2, 2002 from 1:00 p.m. to 1:30 p.m. for a Memorial Service for the Confederate Memorial by the Sons of Confederate Veterans. It is further ordered that the Presiding Commissioner be hereby authorized to sign said application.

Done this 21st day of May, 2002.



Don Stamper
 Presiding Commissioner

ATTEST:


 Wendy S. Noren
 Clerk of the County Commission

ABSENT

Karen M. Miller
 District I Commissioner



Skip Elkin
 District II Commissioner

Don Stamper, Presiding Commissioner
Karen M. Miller, District I Commissioner
Skip Elkin, District II Commissioner



Boone County Government Center
801 East Walnut Room 245
Columbia, MO 65201-7732
7573-886-4305 • FAX 573-886-4311

Commission agenda
Boone County Commission
242-2002

**APPLICATION FOR PERMIT FOR ORGANIZATIONAL USE OF
BOONE COUNTY COURTHOUSE GROUNDS**

The undersigned organization hereby applies for a permit to use the Boone County Courthouse grounds as follows:

Description of Use: MEMORIAL SERVICE - CONFEDERATE MEMORIAL

Date(s) of Use: JUNE 2, 2002

Time of Use: From: 1:00 a.m/p.m thru 1:30 a.m/p.m

The undersigned organization agrees to abide by the following terms and conditions in the event this application is approved:

1. To notify the Columbia Police Department and Boone County Sheriff's Department grounds. of time and place of use and abide by all applicable laws and ordinances in using Courthouse
2. To remove all trash or other debris which may be deposited on the courthouse grounds by participants in the organizational use.
3. To repair or replace or pay for the repair or replacement of damaged property including shrubs, flowers or other landscape caused by participants in the organizational use of courthouse grounds.
4. To conduct its use of courthouse grounds in such a manner as to not unreasonably interfere with normal courthouse functions.
5. To indemnify and hold the County of Boone, its officers, agents and employees, harmless from any and all claims, demands, damages, actions, causes of action or suits of any kind or nature including costs, litigation expenses, attorney fees, judgments, settlements on account of bodily injury or property damage incurred by anyone participating in or attending the organizational use on the courthouse grounds as specified in this application.

Name of Organization: SONS OF CONFEDERATE VETERANS

Organization Representative/Title: JAMES J. SEARCY Camp #1923 - Bill Berry
COMMANDER

Phone Number: 442-3751

Date of Application: MAY 16, 2002

PERMIT FOR ORGANIZATIONAL USE OF COURTHOUSE GROUNDS

The County of Boone hereby grants the above application for permit in accordance with the terms and conditions above written. The above permit is subject to termination for any reason by duly entered order of the Boone County Commission.

ATTEST:

BOONE COUNTY, MISSOURI

Wendy J. Norman
Clerk

Don Stamper
Commissioner

DATE: 5/21/2002