



Jackson County Missouri

Jackson County Courthouse
415 E.12th Street, 2nd floor
Kansas City, Missouri 64106
(816)881-3242

Legislation Details (With Text)

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| File #: | 5393 | Version: | 0 | Name: | Chapter 40 - public health |
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| File created: | 8/27/2020 | In control: | Health and Environment Committee | | |
| On agenda: | 8/31/2020 | Final action: | 9/14/2020 | | |
| Title: | AN ORDINANCE repealing sections 4000., 4001., 4010., and 4051., and Schedule I to chapter 40, Jackson County Code, relating to public health, and enacting, in lieu thereof, five new sections and one new schedule relating to the same subject, with a penalty provision. | | | | |
| Sponsors: | Jeanie Lauer | | | | |
| Indexes: | CHAPTER 40, JACKSON COUNTY CODE, PUBLIC HEALTH | | | | |
| Code sections: | Chapter 40, Schedule I - Jackson County Code, Sections 4000., 4010., 4051., Chapter 40 - Jackson County Code | | | | |
| Attachments: | 1. 5393bu.pdf, 2. 5393adopt | | | | |

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------------------|--------------------------|--------|
| 9/14/2020 | 0 | County Legislature | perfect | Pass |
| 9/14/2020 | 0 | County Legislature | adopt | Pass |
| 9/14/2020 | 0 | County Legislature | Consent Agenda | |
| 9/14/2020 | 0 | Health and Environment Committee | recommend for perfection | Pass |
| 9/1/2020 | 0 | County Legislature | Go To 1st Perfection | Pass |
| 8/31/2020 | 0 | County Legislature | assign to committee | |

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing sections 4000., 4001., 4010., and 4051., and Schedule I to chapter 40, Jackson County Code, relating to public health, and enacting, in lieu thereof, five new sections and one new schedule relating to the same subject, with a penalty provision.

ORDINANCE NO. 5393, August 31, 2020

INTRODUCED BY Jeanie Lauer, County Legislator

WHEREAS, in view of the current and ongoing Coronavirus/COVID-19 pandemic, it is appropriate to

provide a mechanism for the expedited enforcement of public health orders authorized by Missouri state statute in County Municipal Court, as opposed to associate circuit court where sole jurisdiction lies at present; and,

WHEREAS, the Environmental Health Administrator also recommends minor revisions to bring the County Code provisions regarding swimming pools and other aquatic venues in compliance with the Model Aquatic Code; and,

WHEREAS, it is also appropriate at this time to revise the fees assessed for certain environmental health inspections and other services; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause.

Sections 4000., 4001., 4010., and 4051., and Schedule I to chapter 40, Jackson County Code, 1984, are hereby repealed and five new sections and one new schedule enacted in lieu thereof, to be known as sections 4000., 4001., 4010., 4051., and 4052. and Schedule I., to read as follows, with existing code sections 4052., 4053., and 4054. to be renumbered accordingly:

4000. Food Service Code Adopted.

The current edition, as amended, of the Missouri Department of Health's rules governing sanitation of food establishments, 19 CSR 20-1.025, and rules governing the sanitation of frozen desserts, 19 CSR 20-1.030, and section 2.0 of the Department of Health guidelines, entitled Food Protection, which together constitute the Missouri Food Code, are hereby adopted by reference and incorporated into this chapter as if fully set forth herein and shall be in full force and effect as the Food Service Sanitation Code of Jackson County, and may be cited as such. Copies of these rules and guidelines shall be filed with the Office of the Clerk of the County Legislature and [director of public works] Environmental Health Administrator.

4001. Application.

This chapter shall apply to all Food Establishments, Temporary Food Establishments, Food Processor/Warehouses, Farmers' Market Vendors, Lodging Establishments, and Aquatic Venues in the unincorporated area of the County. Incorporated cities, towns, and villages may, by agreement, contract with the County to apply and enforce this chapter. The provisions of this chapter shall govern in the unincorporated County and its cities, towns, and villages under contract to the County. This chapter shall also apply to all Persons within the County outside the corporate limits of the City of Kansas City, MO, for the purpose of the enforcement of the provisions of sections 192.300 and .320, RSMo.

4010. Definitions.

As used in this chapter and in the Missouri Department of Health rules governing sanitation of food

establishments, the following words and phrases shall have indicated meanings, unless the context clearly indicates otherwise. In the event of a discrepancy between a definition contained in the Missouri Department of Health rules and a definition contained in this section, the definition contained in this section shall prevail.

Aquatic Venue. Includes Swimming Pools, Wading Pools, Aquatic Play Features, Spray Grounds, Spas, Hot-Tubs, and Whirlpool Baths.

Category I Aquatic Venue. Includes Swimming Pools, Wading Pools, Spas, Hot-Tubs, Whirlpool Baths, and Aquatic Play Features owned and/or operated by a municipality, other political subdivision, or any other Chapter 40 -2- 03/18/2020 government agency, that are available for use by the general public.

Category II Aquatic Venue. Includes Swimming Pools, Wading Pools, Spas, Hot-Tubs, Whirlpool Baths, and Aquatic Play Features operated by an entity such as a hotel, motel, rental apartment, athletic club, hospital, rehabilitation center, fraternal or social organization, retirement center, camp, school, home association (including, without limitation, a subdivision, town home, planned unit development, or condominium association), country club, day care center, health spa and any other similar facility not specifically included in Category I or Category II, that is offering use to members, patrons, residents, and guests of such establishment.

Category III Aquatic Venue. Includes Spray Grounds owned and/or operated by a municipality, political subdivision, any other government agency, hotel, motel, rental apartment, athletic club, hospital, rehabilitation center, fraternal or social organization, retirement center, camp, school, home association (including, without limitation, subdivision, town home, planned unit development, or condominium association), country club, day care center, health spa, and any other similar facility not specifically included in this listing, that is offering use to the general public, members, patrons, residents, and guests of such establishment. (Ord. 5008, Eff. 09/05/2017)

Aquatic Play Feature. Any feature that provides patron play and recreational activity. Aquatic Play Feature includes, but is not limited to: water slides, lazy river rides, water course rides, water activity pools, interactive water features, water fountains that permit bathing, and wave pools. A Spray Ground shall not be considered an Aquatic Play Feature.

Blood Incident. The spill of any human blood in an Aquatic Venue. In the event of a Blood Incident, a test shall be performed to determine if chlorine is at proper concentration to ensure safety. If the concentration is low, the venue shall remain empty until the concentration is corrected.

Catering Operation. The process of an individual or business with a restaurant-type food permit that conducts food service activities outside of the permitted establishment.

Commissary. A catering establishment, kitchen, or mobile food service base of operations, or any place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored. A commissary must meet all requirements of this chapter.

Contamination Response Plan. A written procedure for handling contamination from formed-stool, diarrheal-stool, vomit, and/or contamination involving blood.

Deep Area. The area of an Aquatic Venue which has, or can have, a water depth of five (5) feet or more.

Department. The Jackson County Department of Public Works, Planning and Environmental Health Division.

Director. The [Director of the] Environmental Health Administrator of Jackson County [Department of Public Works] or designated representative.

Farmers' Market. A designated location used by local farmers and producers primarily for distribution and sale of locally produced agricultural products, or a limited amount of non-agricultural, locally produced products.

Fecal/Vomit Incident. There are two types of Fecal Incidents: formed stool and diarrhea.

Diarrhea must be reported. A Vomit Incident occurs when the full contents of the stomach are emptied into the water. This does not include vomiting from swallowing too much water.

Food Establishment.

a. An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption such as a restaurant, satellite or central preparation facility, catered feeding location, catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people, market, vending (location) operation if the operation provides potentially hazardous foods, conveyance used to transport people; institution, or food bank; and that relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

b. "Food Establishment" includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the Health Officer, satellite catered feeding location, a vending location or satellite feeding location unless the vending or feeding location is permitted by the Health Officer, and an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location, where consumption is on or off the premises.

c. "Food Establishment" does not include an establishment that offers only Chapter 40 - 4- 03/18/2020 prepackaged foods that are not potentially hazardous, a produce stand that only offers whole, uncut fresh fruits and vegetables, a food processing plant, a kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function such as a religious or charitable organization's bake sale, if allowed by law, and if the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the Health Officer, an area where food that is prepared as specified in subparagraph (c) (iv) of this definition is sold or offered for human consumption, a kitchen in a private home, such as a small family daycare provider or a bed-and-breakfast operation that prepares and offers food to guests, if the home is owner-occupied, the number of available guest bedrooms does not exceed 4, breakfast is the only meal offered, the number of guests served does not exceed 12, and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the Health Authority, or a private home that receives catered or home-delivered food.

Food Processor/Warehouse. A commercial operation, such as a food manufacturer, warehouse, processor, or distribution center, that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to the consumer.

Health Officer. The [Director of the] Environmental Health Administrator of Jackson County

[Department of Public Works] or designated representative.

Licensed Aquatic Venue Operator. A person who has been formally trained in aquatic operations and safety and has received a license from that training. Licensing can be achieved by receiving certification from Certified Pool Operator, Aquatic Facility Operator, Association of Pool and Spa Professionals, or other courses with the Health Officer's approval, in aquatic operations and safety. The license must be renewed upon expiration.

Lifeline. A continuous line of rope attached to opposite sides of an Aquatic Venue that divides shallow from deep water and serves as a barrier to prevent nonswimmers from venturing into deep water. The line of rope shall not be less than ¼ inch in diameter, supported by brightly colored buoys, not less than 12 inches apart and tight enough to support the weight of an adult.

Lodging Establishment. Any building, group of buildings, structure, facility, place, or places of business where five (5) or more guest rooms are provided, which is owned, maintained, or operated by any person and which is kept, used, maintained, advertised, or held out to the public for hire, which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort, cabins, tourist home, Chapter 40 -5- 03/18/2020 bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as lodging establishments for either transient guests, permanent guests, or for both transient and permanent guests. This definition shall not apply to dormitories and other living

or sleeping facilities owned or maintained by public or private schools, colleges, universities, or churches unless made available to the general public and not used exclusively for students and faculty, school sponsored events, baseball camps, conferences, dance camps, equitation camps, football camps, learned professional society Meetings, music camps, retreats, seminars, soccer camps, swimming camps, track camps, youth leadership conferences, or church-sponsored events.

Mobile Food Unit. A vehicle-mounted food service establishment, designed to be readily movable, that returns to a commissary daily for clean-up and service.

Non-Profit Organization Food Establishment. A Food Establishment operated by a non-profit organization. A non-profit organization shall submit proof of 501(c) exemption form or other tax-exempt letter with its application.

Non-Profit Organization Temporary Food Establishment. A Food Establishment operated by a non-profit organization for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration. A non-profit organization shall submit proof of 501(c) exemption form or other tax-exempt letter with its application.

Person. Any individual, firm, partnership, association, corporation, company, municipality, political subdivision, governmental agency, lab, organization or other entity owning or operating an establishment required by this chapter.

Potentially Hazardous Food. Foods that require time and temperature controls to remain safe for human consumption.

Pushcart. A non-self-propelled vehicle limited to serving non-potentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

Seasonal Food Establishment. Any Food Establishment Meeting the requirements of this chapter which operates for a period in excess of fourteen (14) days but not longer than six (6) months.

Shallow Area. The area of an Aquatic Venue which has, or can have, a water depth of less than five (5) feet.

Soft Serve Frozen Dessert Machine. Any machine that dispenses any type of mix or ice cream mix, whipped cream mix, ice cream, milk sherbet, ice milk, fruit ice, or ice sherbet, frozen custard, frozen dietary food, diabetic or dietetic ice cream, diabetic or dietetic ice milk, ice milk mix, frozen malted milk, novelty, or other similar product designated as a frozen dessert by the Health Officer, but only if operated in connection with a Food Establishment, Temporary Food Establishment, or Seasonal Food Establishment.

Spa, Hot-tub, or Whirlpool Bath. A pool designed for relaxation, recreational, or therapeutic use where the user is sitting, reclining, or at rest and the pool is not drained, cleaned, or refilled for each user. A Spa may include, but is not limited to features such as, hydrojet circulation, hot water, cold water, mineral baths, or air induction bubbles, or any combination thereof.

Spray Feature. A device that creates a spray of water. This includes, but is not limited, to fountains and waterfalls.

Spray Ground. A structure designed to allow for recreational activities with recirculated, filtered, and/or treated water, but having minimal collective water. Water from the interactive fountain-type feature is collected by gravity below grade in a collector tank or sump. The water is filtered, disinfected, and then pumped to the feature spray discharge heads.

Swimming Pool. Any artificial basin of water which has been wholly designed, modified, improved, constructed or installed for the purposes of swimming, diving, recreational activity, rehabilitation, and/or therapeutic exercising, and shall include any and all accessory equipment.

Temporary Food Establishment. Any Food Establishment which operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration.

Temporary food service may be in conjunction with a fair, carnival, circus, public exhibition, or similar gathering

Transition Point. The area of the floor of an Aquatic Venue where an abrupt change in slope occurs between the shallow and deep areas of the Aquatic Venue.

Vending Machine. Any self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

Wading Pool. Any artificial pool of water less than or equal to 24 inches deep and intended for wading purposes.

4051. Aquatic Venue Regulations.

Aquatic Venues shall be licensed and inspected pursuant to this section.

4051.1 Operating Permit.

- a. No Person shall operate any Aquatic Venue unless the facility holds a valid operating permit from the Health Officer for each Aquatic Venue being operated.

- b. All applicants for an operating permit of an Aquatic Venue shall provide proof of the Licensed Aquatic Venue Operator who will supervise that facility.
- c. Each operating permit shall be issued for one year from the date of issuance.
- d. No operating permit shall be transferable.
- e. Each operating permit shall be conspicuously posted at the permitted facility.

4051.2 Plans and Specifications.

- a. No Person shall begin construction, installation or structural renovation of any Aquatic Venue without first having submitted plans to the Health Officer for review.
- b. Plans shall include the following:
 - i. Illustrations showing the Aquatic Venue, bathhouse, and equipment room;
 - ii. Specifications and layout of all treatment equipment;
 - iii. Piping schematic;
 - iv. Layout of chemical storage room;
 - v. Specifications for the water supply and wastewater disposal systems; and
 - vi. Certification by a professional engineer, architect, or other professional.
- c. No permit for operation of an Aquatic Venue shall be issued until an inspection of the completed Aquatic Venue is made by the Health Officer and compliance with the requirements of this chapter is satisfied.

- d. Existing Aquatic Venues constructed prior to the effective date of this section may continue in use so long as equipment, water quality, safety, supervision, operation, and maintenance can comply with this chapter.

4051.3 Variances.

- a. A variance from a requirement of this chapter may be considered and granted by the Health Officer if the variance does not jeopardize public health or safety.
- b. Any request for variance must be submitted in writing to the Health Officer.

4051.4 Shower Rooms, Showers, Toilets, and Lavatories

- a. Shower facilities are required for all Category I Aquatic Venues. Showers shall be supplied with hot and cold running water from an approved source.
- b. The number of showers, toilets, drinking fountains, and lavatories shall comply with applicable building permit requirements.
- c. At all Aquatic Venues, if shower rooms are provided, they shall be maintained in

good repair, in a clean condition at all times, with sanitary supplies provided, and free from dirt, standing water, mold, and/or algae.

d. If towels are furnished, they shall be thoroughly washed with detergent and water, rinsed, dried, and stored in a clean place.

4051.5 Licensed Aquatic Venue Operators

a. Licensing shall be achieved by successfully completing a Health Officer approved course, examination, and payment of any applicable fees. Any license shall be valid for not more than five (5) years from the date of issuance.

b. Any license may be suspended or revoked by the Health Officer if:

i. The Aquatic Venue that the Licensed Aquatic Venue Operator is supervising is closed by the Health Officer two or more times within a 365-day period; or

ii. The Licensed Aquatic Venue Operator is not readily available, reachable by phone generally within 30 minutes, at the time of Health Officer's inspection.

4051.6 Supervision.

a. Each Aquatic Venue shall be under the supervision of a Licensed Aquatic Venue Operator who shall be responsible for compliance with this chapter. The Licensed Aquatic Venue Operator is not required to be present on site at all times, but shall be readily available during all times the facility is open. The Licensed Aquatic Venue Operator's contact information must be posted in a conspicuous place at the permitted facility. The Licensed Aquatic Venue Operator shall have his/her license readily accessible at the time of inspection. If an Aquatic Venue has a history of violations, the Health Officer may require the Licensed Aquatic Venue Operator be present on site during all times the Aquatic Venue is open.

b. Each Category I Aquatic Venue must provide qualified lifeguards. When qualified lifeguards are used the staffing plan shall include diagrammed zones of patron surveillance for each Aquatic Venue such that:

i. A qualified lifeguard is capable of viewing the entire area of the assigned zone of patron surveillance;

ii. A qualified lifeguard is able to reach the furthest extent of the assigned zone of patron surveillance within 20 seconds;

iii. The diagram shall identify whether each qualified lifeguard is in an elevated stand, walking, in-water, and/or other approved position;

iv. The diagram shall identifying any additional responsibilities for each zone; and

v. All areas of each aquatic venue are assigned a zone of patron

surveillance.

c. Each Category II Aquatic Venues is recommended to have lifeguard services but it is not required. If no lifeguard is present, a proper "WARNING - NO LIFEGUARD ON DUTY" signage shall be placed throughout the pool.

d. The minimum qualifications for a lifeguard shall be satisfactory completion and current certification from a nationally recognized lifeguard training program. Each lifeguard shall have current CPR and First Aid certification.

e. All lifeguards shall wear distinguishing swimsuits or emblems while on duty.

f. Each Category I and Category II Aquatic Venue that has a water surface area in excess of 2,000 square feet and a depth of six feet shall provide at least one elevated lifeguard chair or platform. One (1) additional elevated lifeguard chair or platform shall be provided for each additional 2,000 square feet of water surface area and a depth of six feet.

g. Each Category II Aquatic Venue where lifeguard service is not required or continuously provided, shall display a warning sign stating "WARNING - NO LIFEGUARD ON DUTY" in letters at least four (4) inches high that shall be

conspicuously placed at the entrance to the venue.

h. Each Category I and II Aquatic Venue shall have “Pool/ Spa Rules” posted in a conspicuous place, which rules shall include, but not be limited to, the following:

i. No person with open cuts, sores, lesions, infections, obvious communicable disease, or diarrhea shall use the Swimming Pool;

ii. Animals are not allowed in or around the Swimming Pool, except that service animals as defined by the Americans with Disabilities Act must be allowed on pool decks and any other places the public is allowed. Service animals are not allowed in the water, on diving boards, on water slides, on floatation rafts, etc;

iii. Glass containers are not allowed in or around the Swimming Pool;

iv. Children who are not toilet trained shall wear tight fitting plastic underwear or swim diapers that will prevent leakage;

v. No diving (at Swimming Pools without an approved diving well configuration);

vi. Children, as defined by the Aquatic Venue, shall be accompanied by an adult; and

vii. The following only apply to Spas, Hot-Tubs and Whirlpool Baths:

(1) Due to high temperature and humidity the spa can be dangerous to your health, so consult your physician before use;

(2) Observe reasonable time limits (no longer than 15 minutes), then leave the water and cool down before returning.

i. Each Category III Aquatic Venue shall display “Spray Ground Rules” posted in a conspicuous place, which rules shall include, but not limited to the following:

- i. No person with open cuts, sores, lesions, infections, obvious communicable disease, or diarrhea shall use the Spray Ground;
- ii. Animals are not allowed in or around the Spray Ground;
- iii. Glass containers are not allowed in or around the Spray Ground;
- iv. Children who are not toilet trained shall wear tight fitting plastic underwear or swim diapers that will prevent leakage;
- v. Spray features use recirculated water, DO NOT DRINK THE WATER; and
- vi. Children shall be accompanied by an adult.

j. Each Category I and Category II Aquatic Venue shall post its maximum design patron load and shall not permit more patrons than indicated. Patron load shall be calculated as follows:

- (i) One (1) person per 20 square feet of water surface area for Swimming Pools and Aquatic Play Features;
- (ii) One (1) person per 10 square feet of water surface area for Spas, Hot-Tubs, and Whirlpool Baths.

4051.7 Safety Requirements.

- a. The following shall be provided at each Category I and Category II Aquatic Venue:
 - i. A life pole or shepherd's crook 12-feet long or a reach beyond half the distance of the width of the pool;
 - ii. A ring buoy, Coast Guard approved or equivalent, fitted with a ¼ inch-diameter line attached with a length of 1.5 times the maximum width of the Swimming Pool or 50 feet, whichever is less;
 - iii. A blanket; and
 - iv. A first aid kit with the following minimum supplies:
 - (1) Triangular bandages;
 - (2) One roll 1-inch tape;
 - (3) Plain gauze pads, 3" X 3" and 4" X 4";
 - (4) One roll 2-inch gauze bandage;
 - (5) One tube or bottle of antiseptic;
 - (6) First Aid Book;
 - (7) Scissors; and
 - (8) Assorted band-aids.
- b. All lifesaving equipment shall be mounted in a conspicuous place, readily accessible, and in a condition ready for use, except that the blanket and first aid kit may be kept in

a designated place approved by the Health Officer.

c. Each Category I and II Aquatic Venue shall have a readily accessible emergency telephone or other means of emergency communication that is operational and only for emergency use. Directions for use of the emergency telephone shall be clearly posted. Emergency phone numbers along with the venue's address must be prominently posted.

d. All chemicals used in an Aquatic Venue's maintenance shall be stored under conditions where they are only accessible to authorized persons, in a dry, well-ventilated storage room according to manufacturers' instructions. The following additional requirements shall be observed:

i. Chemicals shall be stored in their original containers, tightly closed. All chemical containers, drums, boxes, and bags shall be stored at least 6 inches off the floor or in a manor to eliminate contact with standing water. Overhead storage of chemicals is prohibited;

ii. Incompatible chemicals shall be stored away from each other in specifically identified locations in the chemical storage room;

iii. "No Smoking" signs shall be posted in the chemical storage room; and

iv. Swimming pool chemicals and test kit reagents shall be stored out of direct

sunlight.

e. In each Category I and Category II Aquatic Venue the depth of the water shall be plainly marked at or above the water surface on the vertical wall of the Aquatic Venue, and on the edge of the deck next to the Aquatic Venue. Where depth markers cannot be placed on the vertical walls above the water level, other means shall be used so that markings shall be plainly visible to persons in the Aquatic Venue. Markers shall be at least 4-inch high numbers and of a color contrasting with the background. Depth markers shall be:

i. Located at the points of maximum and minimum depths;

ii. On both sides and both ends of the Aquatic Venue;

iii. Spaced so that the distance between adjacent markers is not greater than 25 feet when measured peripherally; and

iv. At appropriate points as to denote water depth in diving areas, if the Swimming Pool is designed for diving (Swimming Pools without an approved diving well configuration shall also have “NO DIVING” included in the posted pool rules).

f. The point of transition [in the slope] with an abrupt change between the deep and the shallow areas shall be identified by a buoyed lifeline that separates the deep area from the shallow area and is located 2-feet toward the shallow end from the point

of transition or by a line of contrasting color on the floor and walls of the pool, present at the point of transition.

g. If night swimming is permitted, deck and underwater lighting shall be provided to illuminate all underwater areas so that water clarity requirements will be maintained.

h. Electrical equipment and wiring in or adjacent to any Aquatic Venue shall meet the requirements of the National Electric Code (NEC 70), Article 680 and any additional local requirements.

i. Steps, ladders, stairs, or ramps shall be provided at the shallow and deep ends of the Aquatic Venue. If the Aquatic Venue is over 30 feet wide steps, ladders, stairs, or ramps shall be installed on each side. Ramps shall not exceed a slope of 1:12. Handrails shall be provided for use with all ladders, steps, and stairs. Handrails shall be maintained in sound working condition.

j. All steps, ramps, and diving boards are to be of non-slip construction or be covered with non-slip materials.

k. An Aquatic Venue shall be immediately closed and the swimmers removed from the water when any of the following occurs. Closure resulting from an inspection will require

a re-inspection before the Aquatic Venue begins operating again.

- i. Failure to meet required disinfectant concentrations;
- ii. Failure to meet water clarity requirements;
- iii. The grate on the main drain is missing or broken;
- iv. Failure to meet lifeguard requirements;
- v. A recirculation or filter pump is non-operational;
- vi. The water temperature exceeds 104° Fahrenheit;
- vii. A Fecal or Vomit Incident (documentation of the incident and measures taken must be documented and submitted to the health officer.);
- viii. The presence of an electrical storm at an outdoor venue; or
- ix. Readily accessible emergency telephone/communications device is inoperable.

I. Each Aquatic Venue shall be in compliance with all current and any future state and federal regulations. This includes but not limited to the Virginia Graeme Baker Pool and Spa Safety Act and the Americans with Disabilities Act (ADA).

m. A Licensed Aquatic Venue operator shall notify the Health Officer as soon as possible in the event of a drowning that result in a death or Fecal/Vomit Incident. Each

Aquatic Venue shall have and follow an approved *Contamination Response Plan* for dealing with Fecal, Blood, and Vomit contamination. The Aquatic Venue shall document each Fecal, Blood, and Vomit Incident. Documentation of Fecal, Blood, and Vomit Incidents shall be retained for at least one (1) year after the incident.

n. The water supply for each Aquatic Venue shall be from a water source approved by the Health Officer. No piping arrangements shall exist which, under any conditions, will permit sewage or waste water to enter the Aquatic Venue's water system or permit water from an Aquatic Venue to enter the make-up water supply.

o. Because of serious safety considerations, the use of gas chlorine is not recommended and may not be approved. When used, the operation must be in compliance with all state and federal safety requirements.

4051.8 Water Quality of Swimming Pools.

a. The water shall have sufficient clarity at all times so that either a black disc six (6) inches in diameter is readily visible in the deepest portion of the Swimming Pool or the bottom drain at the deepest point is clearly visible.

b. The water shall be free of all scum and floating matter on the surface and dirt and

other material on the floor of the Swimming Pool.

c. Disinfection shall be provided by mechanical feeders. The water in all parts of the Swimming Pool shall have a minimum free available chlorine (FAC) content of at least 1.0 ppm, but FAC shall not exceed 10.0 ppm.

i. Bromine used as a disinfectant shall be maintained at a residual level of not less than 2.0 ppm but shall not exceed 10.0 ppm; and

ii. Other disinfecting materials or methods must be approved by the Health Officer.

d. If cyanuric acid or chlorinated isocyanurates are used, the concentration of cyanuric acid in the water should be at least 30 ppm to 50 ppm and shall not exceed 1000 ppm and the free available chlorine (FAC) shall be at least 2.0 ppm.

e. The water shall be maintained at a pH of not less than 7.2 and not over 7.8.

f. The total alkalinity [shall be maintained] is recommended to be within the range of 60 ppm to 180 ppm.

g. No harsh or irritating chemical in concentrated form shall be added manually and directly to the water of any Swimming Pool while any person is present in the water. When chemicals are added, use of the Swimming Pool shall cease until such time as the chemical is completely dissolved and is thoroughly diffused throughout the Swimming Pool water.

h. The water in a Swimming Pool shall be continuously recirculated. The circulation system for Swimming Pools shall achieve a turnover rate of six (6) hours or less. The circulation system for any Wading Pool shall achieve a turnover rate of two (2) hours or less. Each Category I and Category II Swimming/Wading Pool shall have a flow meter installed that is capable of measuring from $\frac{1}{2}$ to at least 1-1/2 times the designed flow of the circulation system.

4051.9 Spas, Hot-Tubs, and Whirlpool Baths.

a. Maximum water depth shall be four (4) feet measured from the water line. The maximum depth of any seat or sitting bench shall be two (2) feet measured from the water line.

b. The water shall be clear at all times, and free of scum and floating matter on the surface and dirt and other material on the floor.

- c. Water temperature controls shall be provided to prevent the water temperature from exceeding 104° F.
- d. A thermometer shall be available to monitor water temperature.
- e. Each Spa, Hot-Tub, or Whirlpool Bath shall be equipped with a 15-minute timer controlling the hydrotherapy jets and blower operation.
- f. Each Spa, Hot-Tub, or Whirlpool Bath shall be equipped with an emergency shut-off switch to stop all circulation. The shut-off switch shall be visible from the Spa, Hot-Tub, or Whirlpool Bath.
- g. Spray features are prohibited in any Spa, Hot-Tub, or Whirlpool Bath.
- h. Disinfection shall be provided by mechanical feeders and water shall have a minimum free available chlorine (FAC) content of 3 ppm but FAC shall not exceed 10 ppm, with a maximum combined chlorine level of 0.5 ppm. For bromine disinfection the minimum total bromine level shall be 4.0 ppm but shall not exceed 10 ppm.
- i. Other disinfecting materials or methods must be approved by the Health

Officer;

- ii. Water shall be maintained at a pH of not less than 7.2 and not over 7.8;
- iii. Total alkalinity shall be maintained within the range of 60 to 180 ppm; and
- iv. The calcium hardness shall be maintained within the range of 150 to 250 ppm but not exceed 1000 ppm.

i. Water in a Spa, Hot-Tub, or Whirlpool Bath shall be continuously recirculated. The circulation system for any Spa, Hot-Tub, or Whirlpool Bath shall achieve a turnover rate of 30 minutes or less. Each Category I or Category II Spa, Hot-Tub, or Whirlpool Bath shall have a flow meter installed that is capable of measuring from $\frac{1}{2}$ to at least 1-1/2 times the designed flow of the circulation system.

j. Each Spa, Hot-Tub, or Whirlpool Bath shall have posted in a conspicuous place the "Spa Rules" for the facility.

k. Each Spa, Hot-Tub, or Whirlpool Bath not drained weekly shall superchlorinate its water and filtering system to a level of 10 ppm at least once a week.

l. Each Spa, Hot-Tub, or Whirlpool Bath shall be drained and refilled as needed to maintain proper water quality.

m. No harsh or irritating chemical in concentrated form shall be added manually and directly to the water of any Spa, Hot-Tub, or Whirlpool Bath while any person is present in the water. When chemicals are added, use of the Spa, Hot-Tub, or Whirlpool Bath shall cease until such time as the chemical is completely dissolved and is thoroughly diffused throughout the Spa, Hot-Tub, or Whirlpool Bath water.

n. Any Spa, Hot-Tub, or Whirlpool Bath shall be closed immediately and the patrons removed from the water when any of the following health or safety hazards exist. Closure resulting from an inspection will require a re-inspection before the Aquatic Venue begins operating again.

- i. Failure to meet required disinfectant concentrations;
- ii. Failure to meet water clarity requirements;
- iii. The grate on the main drain is missing or broken;
- iv. Failure to meet lifeguard requirements;
- v. A recirculation or filter pump is non-operational;
- vi. The spa water temperature exceeds 104° Fahrenheit;
- vii. A Fecal, Blood or Vomit Incident;
- viii. The presence of an electrical storm at an outdoor venue; or

- ix. The readily accessible emergency telephone/communications device is inoperable.

4051.10 Spray Grounds.

- a. Disinfection shall be provided by mechanical feeders and water shall have a minimum free available chlorine (FAC) content of 2 ppm, but FAC shall not exceed 10 ppm.

- i. Other disinfecting materials or methods must be approved by the Health Officer;

- ii. The water shall be maintained at a pH of not less than 7.2 and not over 7.8; and

- iii. The total alkalinity shall be maintained within the range of 60 to 180 ppm.

- b. Each Spray Ground shall have posted in a conspicuous place the "Spray Ground Rules" for the facility.

- c. The water in a Spray Ground shall be continuously circulated, filtered and disinfected.

- d. The spray pad shall be adequately cleaned and flushed daily.
- e. Each Spray Ground shall be closed immediately and the patrons removed from the Spray Ground when any health or safety hazard exists, such as:
 - i. Failure to meet required disinfectant concentrations;
 - ii. The grate on the main drain is missing or broken;
 - iii. A reported fecal, blood or vomit accident;
 - iv. The presence of an electrical storm; (A sign may be posted warning of danger during electrical storms in unattended areas); or
 - v. Readily accessible emergency telephone/communications device is inoperable.
- f. Each Spray Ground shall be fenced to prevent access by animals.

4051.11 Air Circulation for Indoor Aquatic Venues.

Each indoor Aquatic Venue constructed after the effective date of this section shall meet the ventilation standards established by the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE).

4051.12 Pool and Spa Heaters.

All heaters shall be installed per the American National Standards Institute guidelines: ANSI Standard 2223.1 and comply with all applicable local codes.

4051.13 Operating Records.

a. Each Category I, II, or III Aquatic Venue shall maintain records showing:

- i. Disinfectant residuals testing a minimum of two times daily or as often as needed to maintain the water quality as indicated in this section;
- ii. pH reading testing a minimum of two times daily or as often as needed to maintain the water quality as indicated in the section;
- iii. Chemicals used during the operation period;
- iv. Cyanuric acid level testing at least once a week;
- v. Alkalinity testing at least once a week; and
- vi. All Fecal, Blood, and Vomit Incidents.

b. Additional records required for each Spa, Hot-Tub, and Whirlpool Bath are:

- i. Dates of superchlorination;
 - ii. Temperature reading testing a minimum of every 3 hours of operation;
 - iii. Calcium Hardness testing at least once a week; and
 - iv. Dates of drain and refill.
- c. All records shall be retained for at least one (1) year from date of test.

4051.14 Testing Equipment.

- a. The following test equipment shall be maintained at each Swimming Pool, Wading Pool, Spa, Hot-Tub, or Whirlpool Bath:
- i. A DPD chlorine tester or bromide tester, capable of measuring residuals in the range of 0 to 10.0 ppm. When chlorine is used, the test equipment shall be capable of measuring both free available chlorine and total combined chlorine;
 - ii. A pH tester capable of measuring pH between 6.8 and 8.2;
 - iii. An alkalinity tester capable of measuring the range of 50 to 200 ppm;
 - iv. A cyanuric acid test kit (where applicable); and
 - v. A calcium hardness tester capable of measuring the range of 150 to 500 ppm.
- (required for each Spa, Hot-Tub, or Whirlpool Bath, recommended for all Aquatic

Venues)

4051.15 Fences/Enclosures/Safety Covers.

a. Each Category I, II, or III Aquatic Venue shall be protected by a fence, wall, building, or other enclosure, or any combination thereof which completely encloses the Aquatic Venue area such that all the following conditions are met:

- i. Constructed so as to afford no external handholds or footholds;
- ii. Constructed of durable materials;
- iii. A four (4) foot minimum height is provided entirely around the Aquatic Venue;
- iv. The horizontal space between vertical members of the enclosure shall not exceed four (4) inches;
- v. The height of any opening under the bottom of the enclosure shall not exceed two (2) inches; and
- vi. Where no lifeguards are present, all gates and doors shall be equipped with self-closing and positive self-latching closure mechanisms which shall be located as high as possible and comply with the Americans with Disabilities Act (ADA) requirements.

b. If a safety cover is used it must meet ASTM standard F1346-91 Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas, and Hot Tubs.

4051.16 Wastewater Disposal.

All wastewater from any Category I, II, or III Aquatic Venue shall be disposed of in a manner which will not create a nuisance and is in accordance with applicable local regulations.

4051.17 General Maintenance.

Each Category I, II, or III Aquatic Venue must be maintained in such a way as not to create a nuisance or public health risk.

4051.18 Inspections.

a. The Health Officer shall conduct such inspections as often as deemed necessary to ensure compliance with all the provisions of this chapter and he/she shall have right of entry at any reasonable time to the Aquatic Venue, its records, and accompanying facilities.

b. Upon investigation or inspection of an Aquatic Venue, the Health Officer determines that conditions exist that warrant the closing of the facility, the Health Officer shall issue a written closing order to the owner or operator of the Aquatic Venue, noting the violations. A “notice of closure” sign shall be conspicuously placed at the entrance to the facility. It shall be unlawful for any Person to remove a “notice of closure” sign

unless authorized to do so by the Health Officer. The owner or operator, thereafter, shall be responsible for prohibiting any Person from using the facility until the violations have been abated. If the Health Officer notes violations, which do not warrant closing the facility, a written notice shall be provided to the owner or operator with reasonable times for compliance. If the noted violations are not abated within the time set forth in the notice, the facility shall then be automatically closed unless the Health Officer, upon good cause, extends the time for compliance.

c. The following violations shall warrant immediate closure by the Health Officer. Closure resulting from an inspection will require a re-inspection before the Aquatic Venue begins operations again.

- i. Any hazardous condition that may create an immediate danger to life, health, or safety;
- ii. Failure of the Aquatic Venue's equipment or structure that may jeopardize the health or safety of the persons using or operating it;
- iii. Failure to meet required disinfectant concentrations;
- iv. Failure to meet water clarity requirements;
- v. The grate on the main drain is missing or broken;
- vi. Failure to meet lifeguard requirements;
- vii. A Spa's water temperature exceeds 104° Fahrenheit;

- viii. Readily accessible emergency telephone/communications device is inoperable;
- ix. Failure to have all entrances equipped with self-closing and self-latching door/gate;
- x. Lack of required safety equipment;
- xi. Failure to meet the Licensed Aquatic Venue Operator requirement;
- xii. Repeat violations from previous inspection(s); or
- xiii. If an Aquatic Venue has been linked to a recreational water illness outbreak confirmed by a licensed physician.

d. The Health Officer shall conduct a follow-up inspection to insure all violations from the initial investigation(s)/inspection(s) have been abated. Fees shall apply for all follow-up inspections.

e. If violation(s) are corrected at the time of the initial investigation/inspection a follow-up inspection will not be required.

f. Closing orders shall be repealed once all violations that warranted the closing order have been abated and inspected by the Health Officer.

4052. Enforcement of Missouri State Public Health Rules and Regulations.

The Health Officer shall have authority to issue general ordinance summonses to Persons for alleged violations of sections 192.300 and .320, RSMo, and corresponding provisions of the Missouri Code of State Regulations which, upon conviction, are punishable pursuant to section 4054. of this chapter.

SCHEDULE I

FOOD SAFETY AND ENVIRONMENTAL HEALTH

Required Permits and Permit Fees.

Establishments, events, and public engagements that require a permit and inspection are listed in this Schedule I. Annual permit fees shall be charged according to Schedule I.

The [chart] schedule below reflects current service fees [for 2017]. [An] Increases [is to] shall be implemented [every two years] according to the schedule [below].

| Permit | [2019] <u>Current</u> | 2021 | 2023 |
|-------------------------------------------|-----------------------|-------|-------|
| Replacement Fee | \$5 | \$5 | \$5 |
| Plan Review Fee | \$310 | \$315 | \$320 |
| Re-inspection Fee | \$105 | \$105 | \$110 |
| Low Priority Food Establishment permit | \$255 | \$255 | \$260 |
| Medium Priority Food Establishment Permit | \$460 | \$470 | \$475 |
| High Priority Food Establishment Permit | \$775 | \$785 | \$795 |
| Mobile Unit/Push Cart Permit | \$205 | \$210 | \$215 |
| Non-Profit Food Establishment Permit | \$30 | \$30 | \$30 |

| | | | |
|-------------------------------------------------------------------------------------------------------------------------|-------|-------|-------|
| School Cafeteria Permit | \$55 | \$55 | \$55 |
| Seasonal Permit | \$105 | \$105 | \$105 |
| Soft Serve Dessert Machine Permit | \$55 | \$55 | \$55 |
| Temporary Food Establishment Permit | \$55 | \$55 | \$55 |
| Catering Permit | \$385 | \$395 | \$400 |
| Farmer's Market Vendor Stall Permit | \$30 | \$30 | \$30 |
| Non-Profit Temporary Food Permit | \$30 | \$30 | \$30 |
| Lodging Establishment Permit | \$155 | \$155 | \$160 |
| Food Processor/Warehouse Permit | \$155 | \$155 | \$160 |
| Aquatic Venue Permit | \$155 | \$155 | \$160 |
| Vending Machine Permit Fee | \$30 | \$30 | \$30 |
| Food Permit Late Filing Fee | \$55 | \$55 | \$55 |
| Temporary Food Permit Late Fee - Application is considered late if submitted less than 48 hours before the event. | \$30 | \$30 | \$30 |

Section B. Penalty Provision.

Any person who violates any provision of this Ordinance shall, upon conviction, be subject to punishment pursuant to the provisions of section 4054., Jackson County Code.

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

Chief Deputy County Counselor County Counselor

I hereby certify that the attached ordinance, Ordinance No. 5393 introduced on August 31, 2020, was duly passed on September 14, 2020 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 7 Nays 2

Abstaining 0 Absent 0

This Ordinance is hereby transmitted to the County Executive for his signature.

Date

Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 5393.

Date

Frank White, Jr., County Executive