BILL NO. 2531 ORDINANCE NO. 2349

AN ORDINANCE ADDING SECTIONS 11-10, 11-11 AND 11-12 TO CHAPTER 10 OF THE CHESTERFIELD CITY CODE RELATING TO DISEASE AND DISEASE PREVENTION

WHEREAS, the increasing mobility of people, animals and goods within the City along with the threat of disease can create health hazards to residents and to visitors of the City; and

WHEREAS, it has been determined that the City should have a plan prevent disease within the City and to limit the spread of disease within the City, and

WHEREAS, it is the intent of the City Council of the City of Chesterfield to take certain steps to exercise the reasonable police power over the prevention of disease within the City in an effort to safeguard the general welfare and safety of the community.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI as follows:

Section 1. Section 11-10 through 11-12 of the City of Chesterfield, Missouri, Code is hereby approved to be designated as Section 11-10 through Section 11-12, to read as follows:

Section 11-10 Disease and Disease Prevention

(a) Definitions

For the purposes of this section the following words or phrases shall have the meaning given herein.

(1) "Chemical or radiological contamination" means a person has been exposed to and may physically have on their person ay toxic or poisonous chemicals or precursors of toxic or poisonous chemicals or radiation or radioactive materials at a level dangerous to human life.

(2) "Communicable disease" means a serious disease or condition that can cause death or permanent damage to a person, the infectious agent of which may pass or be carried, directly or indirectly, from the body of one person or animal or contaminated environment to the body of another person or animal.

(3) "Exposure" means contact with suspected cases of a disease or a contaminated environment where there may be contact, absorption, ingestion or inhalation of an infectious agent or chemicals or radiation or radioactive materials that may result in infection with a disease or radiation illness.

(4) "Coordinator of Disease Prevention" is a temporary position appointed by the Mayor and may be reassigned or terminated at any time, without cause. The

Coordinator of Disease Prevention is responsible for designating persons and/or places to be quarantined or isolated, the level of quarantine and its duration. Depending on circumstances, the position may be assigned to a City Employee and it would have no adverse impact on their employment, salary or benefits. The Coordinator of Disease Prevention shall be qualified to treat infectious diseases or will coordinate with an infectious disease expert.

(5) "Isolation" means the separation for the longest period of communicability of infected individuals, premises and animals from other individuals and animals in places and under conditions as will prevent the direct and indirect transmission of the communicable disease from infected individuals or animals who are susceptible or who may spread the agents to others.

(6) "Public Heath Emergency" means a period of time set by the Mayor when the health of the public is at risk because of the presence of a communicable disease in the region or the threat of a communicable disease in the region. The period of time set by the Mayor shall not exceed five days unless a majority of the City Council has been consulted and so informed by the Mayor.

(7) "Quarantine" means the separation from others of persons, groups or persons, premises or animals who had the opportunity to acquire a communicable disease or chemical or radiological contamination through an infected person, animal or contaminated environment. The usual period of time will not be longer than the longest period of communicability of the disease or in the event of chemical and radioactive contamination, until decontamination occurs. The purpose of quarantine is to prevent direct or indirect transmission of the communicable disease, chemical or radiological contamination to other persons, animals or environments.

1. "Complete quarantine" means a limitation of freedom of movement of person, groups of persons or animals exposed to a communicable disease for a usual period of time not longer than the longest period of communicability of the disease or in the event of exposure to chemical or radiation, until decontamination occurs, in order to prevent effective contact with the general population.

2. "Modified quarantine" means a selective, particular limitation of freedom of movement of person, groups of persons or animals determined on the basis of differences in susceptibility or danger of disease transmission. Modified quarantine is designed to meet particular situation and includes, but is not limited, the exclusion of person from geographic areas or school or child care, the closure of schools, child care centers and places of public or private assembly and the prohibition or restriction of those exposed to a communicable disease or chemical or radiation contamination from engaging in travel into or from a specified area or in a particular occupation or activity.

3. "Quarantine of premises" means the closure of buildings. Or parts or buildings, both public and private, until they have been declared safe by the Mayor or his (her) designated representative.

(b) During a period of a Public Health Emergency the Mayor, after consultation with local hospitals, the St. Louis County Department of Health and local law enforcement, may proclaim for a set period of time a Public Health Emergency and appoint a Coordinator of Disease Prevention.

(c) Establishment of quarantine or isolation.

The Coordinator of Disease Prevention shall establish appropriate quarantine or isolation rules and regulations as necessary to prevent the introduction or transmission of communicable disease, as defined in this chapter, or chemical or radiological contamination into, within or from the City of Chesterfield.

(1) Quarantine and isolation orders.

1. Any quarantine and isolation order issued by the Coordinator of Disease Prevention shall be in writing and contain:

   a. The identification of the person, group of persons, premises or animals to be confined, closed or excluded;

   b. The basis for the Coordinator of Disease Prevention's belief that the person, group of persons or animals have a communicable disease, may be incubating a communicable disease, or have chemical or radiological contamination and that the person, group of persons or animal(s) pose(s) a substantial threat to the public health and that quarantine or isolation is necessary to protect and preserve the public health, or that a premises is in such a condition that could lead to such communicable disease or contamination. The premises shall be posted with a NOTICE that the premises is under quarantine. It shall be a violation of this chapter for any person without the consent of the Coordinator of Disease Prevention to remove said NOTICE;

   c. The period of time during which the order shall remain effective;

   d. The place of confinement or exclusion as designated by the Coordinator of Disease Prevention and

   e. The steps necessary to prohibit the illegal entry or occupancy of premises.

2. Further orders of quarantine and isolation pursuant to this section may be issued to previously quarantined or isolated persons, groups of persons,

premises or animals in the event the mayor deems additional quarantine and isolation time is necessary to protect and preserve the public health.

(c) Isolation and quarantine premises.

(1) Entry into quarantine and isolation premises shall be restricted under the following conditions:

The Coordinator of Disease Prevention may authorize physicians, health care workers or others access to individuals in quarantine or isolation as necessary to meet the needs of quarantined or isolated individuals.

No person, other than a person authorized by the Mayor, shall enter quarantine or isolation premises.

Any person entering a quarantine or isolation facility must possess infection control knowledge and use appropriate personal protective equipment.

(2) Any person entering a quarantine or isolation premise with or without the authorization of the Coordinator of Disease Prevention may be quarantined or isolated.

(3) The Coordinator of Disease Prevention may take whatever action necessary to decontaminate any premise and charge the owner the cost of such decontamination and said cost shall be a lien on the property.

(d) Relief from isolation and quarantine.

A person confined or excluded, or owner of an animal confined under this section, shall have relief from isolation if the Coordinator of Disease Prevention determines:

(1) The person or animal ordered confined or excluded is no longer infected with a communicable disease;

(2) The person or animal no longer poses a substantial threat to the public health; and

(3) Confinement or exclusion of the person or animal is not necessary and the least restrictive alternative to protect and preserve the public health;

(4) The owner of the quarantined premises produces documentation satisfactory to the Coordinator of Disease Prevention showing either mitigation or that no contamination (chemical, radiological or biological) is present and that the premises no longer presents any health hazard.

Any person aggrieved from a decision or order of the Coordinator of Disease Prevention may appeal such decision within ten (10) working days of the decision or order to the Mayor and City Council. The City Council shall hold a hearing within thirty (30) working days of the

appeal. The hearing shall determine if the decision or order was appropriate. An appeal does not stay the decision of the Coordinator of Disease Prevention. Neither the City of Chesterfield nor any of its employees, agents, contractors or members of the police department shall be held responsible for any lost wages, income or other damages due to the quarantine or isolation imposed hereunder.

(e) Enforcement.

Orders of quarantine and isolation of property shall be transmitted to the City Council, the Chief of Police, the Monarch Fire Protection District and the St. Louis County Police Department. The Chief of Police is directed to aid and assist the Coordinator of Disease Prevention in the enforcement of the quarantine or isolation order whenever requested to do so

(f) Penalty for violation.

Every person convicted of a violation of any section of this chapter shall be punished by a fine of not less than one ($1) dollar, nor more than one thousand ($1,000) dollars, or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each day that any violation shall continue, it shall constitute a separate offense.

Section 11-11 Access to Treatment Facilities

(a) The Coordinator of Disease Prevention may limit pedestrian and vehicle access to pharmacies, hospitals, physician offices and medical facilities offering or providing vaccines, medicines, antidotes or treatments for communicable diseases. Limitations are intended to prevent the spread of communicable disease and reduce the potential for civil unrest or criminal activity. Limitations on pedestrian and vehicle activity may include:

(1) Restrictions on hours of operation and/or treatment.

(2) Restrictions on pedestrian and vehicle entrances and exits.

(3) Restrictions on the number of people or vehicles in a room, building or parking lot.

(b) Penalty for violation.

Every person convicted of a violation of any section of this chapter shall be punished by a fine of not less than one ($1) dollar, nor more than one thousand ($1,000) dollars, or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each day that any violation shall continue, it shall constitute a separate offense.

Section 11-12 Knowingly or Carelessly Infecting Another

(a) It shall be unlawful, during a Public Health Emergency, for any person to knowingly or carelessly infect other persons with a communicable disease. It is not necessary for a person to know they were contagious at the time the infection is spread. A person having exposure to a communicable disease is considered contagious during the longest period of communicability of said disease.

(b) A person shall be guilty of carelessly infecting others by not taking simple precautions to prevent the spread of a communicable disease. Precautions include, but are not limited to:

(1) Unprotected sneezing or coughing in public places.

(2) Appearing in public places while displaying symptoms of a communicable disease.

(3) Allowing children or elderly adults in your care, custody or control, to associate with someone displaying symptoms of a communicable disease.

(c) Penalty for violation.

Every person convicted of a violation of any section of this chapter shall be punished by a fine of not less than one ($1) dollar, nor more than one thousand ($1,000) dollars, or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. Each day that any violation shall continue, it shall constitute a separate offense.

Section 2. The Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section 3. It is hereby declared to be the intention of the City Council that each and every party, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 7th day of May, 2007.

MAYOR

ATTEST:

CLERK

FIRST READING HELD: 4/16/07