



Memorandum

Bryan Cave LLP
One Metropolitan Square
211 North Broadway
Suite 3600
St. Louis, MO 63102-2750
Tel (314) 259-2000
Fax (314) 259-2020
www.bryancave.com

Date: DRAFT - August 16, 2014
To: Missouri Council for a Better Economy
From: Daniel C. White
Linda M. Martinez
Lauren K. Shores Pelikan
Re: City and County Public Health Overview and High Level
Issues in Integration

You have asked us to review the laws that affect the public health departments of the City of St. Louis (“City”) and St. Louis County (“County”) as they relate to the potential opportunity to further integrate their functions. The background section of the Memo summarizes the legal framework for the operation of City and County public health departments. The balance of the Memo analyzes the application of the laws to the potential further integration of local public health functions in the following two scenarios:

1. City is separate from County (status quo) – Section I; and
2. City becomes part of County as an incorporated municipality – Section II.

In conducting our analysis, we reviewed the Missouri Constitution, the Revised Statutes of Missouri (“Missouri statutes”), the Missouri Code of State Regulations (“Missouri regulations”), City charter, County charter, Revised Code of the City of St. Louis (“City ordinances”), and St. Louis County Revised Ordinances (“County ordinances”).

EXECUTIVE SUMMARY

Under the status quo, City and County may coordinate their respective health departments. If City and County contract to provide public health services, the following things should be considered:

- Fees imposed by County to cover the cost of public health activities must be used by County to support public health activities in County. Because City is not subject to this statute, its fees do not have to be used to support public health activities.^{1/}
- Missouri Department of Health and Senior Services (“DOHSS”) rules and regulations supersede County public health rules but not City public health rules.^{2/}
- City and County fund their health departments with different sources of tax revenue. County imposes a health fund property tax that may only be used for County public health purposes, and County may not use funds from general revenue to support public health.^{3/} City funds public health through a local use tax that is not subject to any public health restrictions, and City may, but currently does not, use other funds from general revenue to support public health purposes.^{4/}
- City and County public health ordinances contain many differences and would need to be reconciled in order to coordinate and harmonize the provision of public health services.

If City becomes part of County as an incorporated municipality, City would no longer have a separate health department because it would no longer be its own county. The following things should be considered in integrating the City and County public health departments:

- City residents would be subject to County’s health fund property tax. City could no longer fund any public health services with its use tax because state law provides that if a county imposes a health fund property tax, no other sources of revenue can fund public health.
- City would be subject to some County public health-related ordinances.
- Assuming state law is not amended so that City is exempted from DOHSS rules and regulations, City ordinances that are inconsistent with DOHSS rules and regulations would need to be amended so that they are not inconsistent.
- Assuming City’s charter is amended to remove its health department, the Missouri Constitution provides that all of the staff of the health department must be afforded the opportunity to become employees of City.^{5/}
- City and County public health ordinances contain many differences and would need to be reconciled in order to coordinate and harmonize the provision of public health services.

^{1/} Mo. Rev. Stat. §§ 192.300; 192.310.

^{2/} Mo. Rev. Stat. §§ 192.290; 192.300; 192.310.

^{3/} Mo. Rev. Stat. § 205.210.

^{4/} See FY13 City Health Dept. Budget; RHC Governmental Public Health Services Study, page 15.

^{5/} Mo. Constitution Art. VI, Section 32.

BACKGROUND

A. What are the state laws or constitutional provisions that affect the provision of public health by City or County?

The Missouri Constitution provides that City is recognized both as a city and a county. Missouri statutes authorize the various counties of Missouri to establish their own public health departments. A county may also establish a public health center.

At the state level, the Missouri Department of Health and Senior Services (“DOHSS”) supervises and manages all public health functions and programs and has regulatory authority with respect to public health. A separate board, the Missouri State Board of Health, advises the DOHSS in the promulgation of rules and regulations. The rules and regulations of the DOHSS supersede all local ordinances, rules and regulations.^{6/}

B. How are public health activities of City and County organized and overseen?

Both the City and County Charters authorize the creation of their respective public health departments. In the City, the mayor appoints a commissioner to run the department; in the County, a director is appointed by the county executive. While the City’s department of health has regulatory authority to preserve and protect the public health, the County charter gives this authority to the county council. Both City and County have a board of health that advises the public health department.

A local authority, such as a municipality within a county, may also promulgate public health ordinances, rules and regulations, though any such rules may not be inconsistent with the rules and regulations prescribed by the DOHSS.

The board of aldermen of the City and the county council for the County may pass legislation on a parallel basis to undertake public health-related activities. To the extent those activities involve commitments of the City and County budgets respectively, the continuation of the budget allocations for those activities are subject to the annual appropriation processes of the City and the County.

For a more detailed legal background regarding the local governance of public health, please see the Appendix.

^{6/} The DOHSS rules and regulations do not currently supersede City’s public health-related rules and regulations. Mo. Rev. Stat. §§ 192.310; 192.290.

LEGAL ANALYSIS

I. City is Separate from County (status quo)

A. What laws would allow City and County to coordinate their respective health departments?

Missouri statutes allow counties to join in performing any common public health-related function or service.^{7/}

Missouri statutes also allow City and County to cooperate in operating a public health center.^{8/} Specifically, the governing board of any public health center may enter into contracts and agreements with federal, state, county, school and municipal governments and with private individuals, partnerships, firms, associations and corporations for the furtherance of health activities.^{9/}

Provisions in the City and County charters allow City and County to cooperate and contract with each other in the provision of public health services. The City Charter gives City the power to contract and be contracted with.^{10/} Under the County Charter, county council has the power, by ordinance, to cooperate or join by contract with any city, county, state or political subdivision or agency thereof, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service.^{11/}

To provide a more permanent working arrangement between City and County, Article VI, Section 14 of the Missouri Constitution allow the residents of City and County to vote to join City and County in performing any common public health function or service, including the purchase, construction and maintenance of hospitals. In addition, by separate vote of their respective residents, City and County may join in the common employment of public health employees.^{12/}

The above laws would allow City to contract with County for the provision of public health services. However, under the City Charter, City would still need to have a health commissioner even if all public health functions were performed under a contract with County.^{13/}

^{7/} Mo. Rev. Stat. § 70.010.

^{8/} Mo. Rev. Stat. § 205.010; Mo. Constitution Art. VI, Sec. 31 (providing that City is considered a county).

^{9/} Mo. Rev. Stat. §§ 205.031; 205.041; 205.042.

^{10/} City Charter, Art. I, § 1(4).

^{11/} County Charter, Art. II, § 2.180(20).

^{12/} This provision of the Missouri Constitution is applicable to City because City is considered a county pursuant to Article VI, Section 31 of the Missouri Constitution.

^{13/} City Charter, Art. XIII, § 14C(c).

B. Are there any impediments under the Missouri constitution or Missouri statutes that need to be addressed in order for City and County to coordinate their respective health departments?

There are some Missouri statutes that are applicable only to County and not to City.^{14/} The implications of these statutes are as follows:

- Fees imposed by County to cover the cost of public health activities must be used by County to support public health activities in County. Because City is not subject to this statute, its fees do not have to be used to support public health activities and in fact, are not;^{15/}
- DOHSS rules and regulations supersede County public health rules but not City public health rules;^{16/} and
- Any health officer of County must enforce the rules and regulations of the DOHSS, whereas any health officer of City is not required to enforce such rules and regulations.^{17/}

City and County fund their health departments with different sources of tax revenue. County imposes a health fund property tax, the funds of which may only be used for public health purposes in County.^{18/} Missouri law provides that if a county imposes a health fund property tax, no funds from the general revenue may be used for public health purposes. Because County imposes this health fund property tax, no funds from the general revenue of County may be used for public health purposes.^{19/} City has not chosen to impose a health fund property tax. City funds public health through a local use tax, the proceeds of which are not subject to the public health restrictions discussed above.^{20/} City could use funds from the general revenue to fund public health purposes, but it has not chosen to do so. If City and County coordinate their respective health departments, County would not be able to impose its health fund property tax on City property, nor could City spend the health fund property tax on City public health activities.

C. Are there any impediments to City and County coordinating their respective health departments under City and County ordinances?

City and County have some similar public health-related ordinances and some ordinances that are unique to either City or County. Often, when one jurisdiction has a unique public health-related

^{14/} Mo. Rev. Stat. § 192.310. If City dissolves its health department, or its population drops below 75,000, Mo. Rev. Stat. §§ 192.260 - 192.320 would be applicable to City.

^{15/} Mo. Rev. Stat. §§ 192.300; 192.310. RHC Governmental Public Health Services Study, page 15 (explaining that fees collected for direct services are deposited into the general revenue fund for all municipal operations).

^{16/} Mo. Rev. Stat. §§ 192.290; 192.310. Similarly, County's public health rules may not be in conflict with DOHSS rules, whereas City's public health rules may be in conflict with those made by the DOHSS. Mo. Rev. Stat. §§ 192.300; 192.310.

^{17/} Mo. Rev. Stat. §§ 192.260; 192.280; 192.310. Any county health officer who neglects or refuses to enforce DOHSS rules and regulations is guilty of a misdemeanor. Mo. Rev. Stat. § 192.280.

^{18/} Mo. Rev. Stat. § 205.210.

^{19/} Mo. Rev. Stat. § 205.210. However, Mo. Rev. Stat. § 205.230 provides that up to five percent of a county's general fund may be used for the improvement and maintenance of any public hospital.

^{20/} See FY13 City Health Dept. Budget; RHC Governmental Public Health Services Study, page 15.

ordinance, the regulated activity is governed by a different department in the other jurisdiction. Appendix section IV. C contains a detailed chart comparing City and County ordinances.

In addition, many County ordinances limit their application to certain parts of the County. For example, some ordinances apply only in parts of County outside incorporated municipalities. Appendix section IV. B contains a detailed chart comparing some of the differences in the application of public health-related County ordinances.

D. What additional analysis should be undertaken if City and County wish to explore combining public health functions but City remains separate from County?

The City and County ordinances should be reconciled in order to coordinate and harmonize the provision of public health services. In addition, arrangements with funding sources and vendors should be evaluated as part of the integration process.

II. City becomes part of County as an incorporated municipality

A. Does the Missouri constitution or state law prohibit the integration of the City and County health departments?

No, neither the Missouri constitution nor state law prohibits the integration of the City and County health departments.

B. May City maintain its own health department if it becomes part of County as an incorporated municipality?

No, assuming the Missouri Constitution is amended to remove Article VI, Section 31, City may not maintain its own health department. Missouri statutes allow a county to establish its own health department. Pursuant to Article VI, Section 31 of the Missouri Constitution, City is considered a county, and thus is currently authorized to establish its own health department. If the Constitution is amended to remove Article VI, Section 31, then City will not be able to maintain its own health department. However, City will still be able to promulgate rules to enhance the public health, as long as such rules are not in conflict with any rules or regulations made by the DOHSS.^{21/}

C. What public health-related regulatory obstacles would be encountered if City were to become part of County as an incorporated municipality?

If, as part of City becoming a part of County, City's charter is amended such that a county office is reorganized or any of the duties of a county officer are transferred, Article VI, Section 32(b) of the Missouri Constitution provides that the charter amendment will not take effect as to the county officer until expiration of the term of such office holder. In addition, all of the staff of such office

^{21/} Mo. Rev. Stat. § 192.290.

must be afforded the opportunity to become employees of City. If the Missouri Constitution is amended to remove Article VI, Section 32(b), this will not be an issue.

There is also a possible funding issue if City were to become part of County. County currently funds public health through the use of a specifically authorized health fund property tax.^{22/} City currently funds its public health activities with proceeds from a use tax.^{23/} If City were to become part of County, County's health fund property tax would be imposed on all City property. City use tax could not fund any public health functions or services provided by County because state law provides that if a county imposes a health fund property tax, no other sources of revenue can fund public health.^{24/}

D. At the local level, what public health-related regulatory obstacles would be encountered if City were to become part of County as an incorporated municipality?

Not all County ordinances apply to all areas located within County. Many ordinances exclude from their application incorporated municipalities. Some ordinances exempt municipalities that enact and enforce certain state regulations. Please see the Appendix for a detailed chart comparing some of the differences in the application of public health-related County ordinances. As an incorporated municipality City would be subject to some, but not all, County ordinances.

E. How can City provide public health-related functions and work with other County municipalities in the provision of public health services?

As an incorporated municipality of County, City would be permitted to establish public health ordinances, rules and regulations that are necessary for its particular municipality, provided that such rules are not inconsistent with the rules and regulations prescribed by the DOHSS.^{25/}

City would also be able to contract with other County municipalities with respect to public health. Article VI, Section 16 of the Missouri Constitution provides generally that any municipality of Missouri may contract and cooperate with other Missouri municipalities for the operation of a public facility or a common service. Mo. Rev. Stat. Section 70.220 also provides that any municipality may contract and cooperate with another municipality for the operation of a public facility or the provision of a common service.

F. What additional analysis should be taken if City is to become part of County as an incorporated municipality?

1. We recommend a more detailed analysis of the differences between the City and County ordinances in order to coordinate and harmonize the provision of public health services as well as

^{22/} See Mo. Rev. Stat. § 205.210.

^{23/} See RHC Governmental Public Health Services Study (page 6, 15).

^{24/} Mo. Rev. Stat. § 205.210 provides that if a county chooses to impose a health fund property tax, no other tax revenue may fund public health.

^{25/} Mo. Rev. Stat. § 192.290.

evaluating arrangements with funding sources and vendors to make sure any integration does not run afoul of any such arrangements.

2. Identify City ordinances that are inconsistent with DOHSS rules and regulations and consider amending these ordinances so that they are not inconsistent with DOHSS rules and regulations.

APPENDIX

I. Missouri Constitution

Article VI, Section 31, of the Missouri Constitution provides that City is recognized both as a city and as a county. The Constitution also allows City to revise its charter to provide for county officers.

Article VI, Section 14, of the Missouri Constitution provides that by a vote of a majority of the qualified voters voting thereon in each county affected, any contiguous counties may join in performing any common function or service, including the purchase, construction and maintenance of hospitals and any other county property, and by separate vote may join in the common employment of any county officer or employee common to each of the counties.

II. Missouri Statutes

The Missouri Department of Health and Senior Services (“DOHSS”) supervises and manages all public health functions and programs.^{26/} The DOHSS has the authority to adopt, appeal and amend rules necessary to carry out its assigned duties.^{27/} The state board of health^{28/} advises the DOHSS in the promulgation of rules and regulations, budget formulation, planning and operation of the DOHSS.^{29/}

Missouri statutes allow the various counties of Missouri to establish their own public health departments. A county commission^{30/} may create a department of health and welfare.^{31/} The county commissioners serve as the commissioners of health and welfare and have charge and control of all county hospitals, clinics, health centers, institutions for the insane and all county corrective, welfare and charitable institutions except the county jail and the place of detention used by the juvenile court.^{32/} The commissioners of health and welfare may appoint a director of health and welfare, and may employ such assistants as are necessary.^{33/}

In addition, a county may establish and operate a public health center.^{34/} Any health center is to be governed by a board of health center trustees, who would make and adopt such bylaws, rules and regulations for its own guidance and for the government of the county public health center. Any such board may enter into contracts and agreements with federal, state, county, school and municipal

^{26/} Mo. Rev. Stat. §§ 192.002; 192.005.

^{27/} Mo. Rev. Stat. § 192.006.

^{28/} The State Board of Health consists of seven members appointed by the governor, with the advice and consent of the Missouri Senate. Mo. Rev. Stat. § 191.400.

^{29/} Mo. Rev. Stat. § 192.014.

^{30/} The county commission is the county court, which is comprised of three elected commissioners. Mo. Rev. Stat. § 49.010.

^{31/} Mo. Rev. Stat. § 205.765.

^{32/} Mo. Rev. Stat. § 205.766

^{33/} Mo. Rev. Stat. § 205.767

^{34/} Mo. Rev. Stat. § 205.010

governments and with private individuals, partnerships, firms, associations and corporations for the furtherance of health activities.^{35/}

The governing body in all counties of the first class^{36/} having a charter form of government has the power to levy upon all real and tangible personal property in the county an annual tax for the purpose of operating or supporting a public county hospital or public hospital system or for the maintenance of county patients in state institutions, public hospitals, or other hospitals and for the purpose of operating a public county health center or institution and conducting public health programs. The tax may not exceed thirty-eight cents on each one hundred dollars valuation. The proceeds of the tax may only be used for the above mentioned public health purposes. If a county chooses to impose such tax, no funds from the general revenue of the county may be used for public health purposes.^{37/} While County has imposed such tax, City has not.

Missouri statutes allow counties to join in performing any common public health-related function or service.^{38/} In addition, any municipality may contract and cooperate with another municipality for the operation of a public facility or the provision of a common services.^{39/}

Although the above laws are applicable to both County and City, by virtue of City being considered a county, the laws discussed below are only applicable to County because of an exception in Mo. Rev. Stat. Section 192.310.

Rules applicable only to County

The Missouri statutes contain laws applicable to county commissions and county health center boards.^{40/} Although City generally would be subject to these statutes because it is considered a County, these statutes are not applicable to a city with a population of 75,000 or more that maintains an organized health department, provided that the city furnishes the DOHSS reports of contagious, infectious, communicable or dangerous diseases, which have been designated by the city as such and such other statistical information as the DOHSS may require.^{41/} Assuming City furnishes the DOHSS with the required information, City falls within this exception, and thus these rules are not currently applicable to it.^{42/}

Section 192.300 provides that county commissions and county health center boards may make and promulgate rules that will enhance the public health and prevent the entrance of infectious,

^{35/} Mo. Rev. Stat. §§ 205.031; 205.041; 205.042.

^{36/} A county of the first class is a county with an assessed valuation of all real and personal property of nine hundred million dollars. Mo. Rev. Stat. §§ 48.010; 48.020.1.

^{37/} Mo. Rev. Stat. § 205.210. The regulations provide an exception - up to five percent of a county's general fund may be used for the improvement and maintenance of any public hospital. Mo. Rev. Stat. § 205.230.

^{38/} Mo. Rev. Stat. § 70.010.

^{39/} Mo. Rev. Stat. § 70.220.

^{40/} See Mo. Rev. Stat. §§ 192.260 - 192.320. As discussed above, and in this section, a county commission is the governing body of a county's department of health and the county health center board is the governing body of a public health center.

^{41/} Mo. Rev. Stat. § 192.310.

^{42/} If City dissolves its health department, or its population drops below 75,000, it would no longer fall within this exception.

contagious, communicable or dangerous diseases into such county, but that any rules may not be in conflict with any rules or regulations authorized and made by the DOHSS. The county commissions and the county health center boards may establish reasonable fees to pay for any costs incurred in carrying out such rules, however, the establishment of such fees may not deny personal health services to those individuals who are unable to pay such fees or impede the prevention or control of communicable disease. Fees generated must be deposited in the county treasury and all such fees must be used to support the public health activities for which they were generated.

A county commission may, but is not required to, appoint a county health officer. If a county health officer is appointed, the officer’s compensation and expense are paid out of the county treasury.^{43/} If the county establishes a public health center, as previously discussed, the county health officer is the director of such health center.^{44/}

The county commission may appoint assistants to the county health officer. The compensation and expenses of such assistants is paid out of the county treasury.^{45/}

It is the duty of the county health officer to enforce the rules and regulations of the DOHSS throughout his or her respective county outside of incorporated cities which maintain a health officer. However, the health officers of incorporated cities of less than seventy-five thousand population must enforce the rules and regulations of the DOHSS within their respective cities.^{46/}

All rules and regulations authorized and made by the DOHSS supersede all local ordinances, rules and regulations. Further, DOHSS rules and regulations must be observed throughout the state and enforced by all local and state health authorities. However, local authorities may establish additional ordinances, rules and regulations not inconsistent with the rules and regulations prescribed by the DOHSS which may be necessary for their particular locality.^{47/}

III. City and County Charters

The chart below compares the major powers to regulate public health given to City and County by their respective charters.

	City Charter	County Charter
Power to Regulate Public Health	City has the power to do all things whatsoever expedient for promoting or maintaining the health and welfare of the city or its inhabitants. Art. I, § 1(33).	The county council has the power to acquire, establish, construct, equip, improve, extend, repair, maintain, manage, and operate public hospitals, sanitariums, and health centers. Art. II, § 2.180(15).

^{43/} Mo. Rev. Stat. § 192.260.

^{44/} Mo. Rev. Stat. § 205.100

^{45/} Mo. Rev. Stat. § 192.270.

^{46/} Mo. Rev. Stat. § 192.280.

^{47/} Mo. Rev. Stat. § 192.290

	City Charter	County Charter
		The county council has legislative power pertaining to public health in the part of the county outside incorporated cities. Art. II, § 2.180 (23).
Power to Contract	City has power to contract and be contracted with. Art. I, § 1(4).	County council has the power, by ordinance, to cooperate or join by contract with any city, county, state or political subdivision or agency thereof, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service. Art. II, § 2.180(20).
Cooperation within County		The county executive shall promote and encourage cooperative relationships between the county and the political subdivisions within the county in matters relating to public health. Art. III, § 3.050(8).
Head of Public Health	The Department of Health and Hospitals (“DOHH”) is run by a director. Art. XIII, § 1. The division of health is run by a health commissioner. Art. XIII, § 14C(c).	The Department of Community Health and Medical Care (“DOCHMC”) is run by a director. Art. IV, § 4.010
Appointment of Director	The mayor appoints the director of DOHH. Art. XIII, § 14C. The Director of DOHH appoints a health commissioner to run the division of health. Art. XIII, § 14C(c).	The director of DOCHMC is appointed by the county executive, subject to confirmation by the county council. Art. IV, § 4.020.

	City Charter	County Charter
Responsibilities and Powers of Health Department	<p>Responsibilities of the division of health include:</p> <ul style="list-style-type: none"> • Adopt rules and regulations to preserve or promote the public health; • See that law and ordinances relating to public health are observed and enforced; and • Charge of the quarantine, the dog pond, and the registration of all births and deaths within the city. Art. XIII, § 14C(c).^{48/} 	<p>The DOCHMC director has the powers and duties of a county hospital commissioner and a county hospital officer, and possesses the power and duties conferred upon deputy state health commissioners and county health officers. Specifically, the Director has the power to:</p> <ul style="list-style-type: none"> • Manage, control or contract for the operation of all county hospitals, sanitariums, hospital facilities, and institutions operated primarily for the medical care of patients therein;^{49/} • Manage, control or contract for the operation of all county medical clinics; • Arrange with public or private hospitals and medical institutions for the care of patients who are in need of and eligible for free care at county expense, but for whom there are no available facilities at the county hospital; • Recommend to the county executive proposals governing the admission of patients and the operation of county hospital facilities; • See that laws and ordinances relating to public health are observed and enforced;^{50/} • Establish and maintain such activities and clinics as are needed to promote the public health of the county; • Administer the programs for the control of rabies in the county; <ul style="list-style-type: none"> • Inspect the water supply and water supply facilities and sewers and sewer treatment

^{48/} Unlike the County charter, the City charter does not give the division of health the power or responsibility to promote cooperative relationships relating to public health between County and City.

^{49/} The DOCHMC director does not have regulatory power with respect to public health. Pursuant to Art. II, § 2.180(23) of the County Charter, the county council has legislative power pertaining to public health in the part of the county outside incorporated cities.

^{50/} Pursuant to Art. II, § 2.180(23) of the County Charter, the county council has legislative power pertaining to public health in the part of the county outside incorporated cities.

	City Charter	County Charter
		<p>facilities and plumbing facilities to see that they conform with established principles of public health;</p> <ul style="list-style-type: none"> • Recommend to the county executive such proposals as will in his judgment tend to preserve or promote the public health of the county; • Administer those programs authorized by ordinance for the control of weeds, rats and mosquitoes; and • Promote cooperative relationships relating to public health between County and City and between County and other cities and counties and between County and the municipalities and other political subdivisions in County. Art. IV, § 4.130.
Board of Health	<p>There is a board of health comprised of five members appointed by the mayor. The board:</p> <ul style="list-style-type: none"> • advises the DOHH director on matters relating to public health; • examines all proposed public health rules and regulations and transmit their conclusion and recommendations to the director; and • hears and determines such appeals from decisions, rulings and orders of the health commissioner. Art. XIII, Section 14C(e) 	<p>There is a county health and hospital advisory board composed of nine residents of the county, appointed by the county executive subject to confirmation by the county council. The advisory board advises the DOCHMC director. Art. IV, § 4.150.</p>
Chief Medical Examiner		<p>The director of DOCHMC appoints a chief medical examiner and assistant medical examiners and professional specialists. Art. IV, § 4.140. 1.</p>

IV. City and County Ordinances

A. City Ordinances

Section 3.38.040 provides that the director of DOHH appoints a health commissioner to oversee the division of health. The health commissioner's duties include those listed in Article XIII § 14C(c) of the City charter, as discussed above, and any additional duties as may be prescribed by ordinance. The division of health oversees the following services:

- Administrative and special services;
- Preventive medicine services;
- Health center services; and
- Environmental sanitation services.^{51/}

B. County Ordinances

Section 600.010 creates a department of health. The ordinance also provides that whenever the term "Director of Health," "Health Commissioner," "Director of Hospitals," "Hospital Department" or "Director/Department of Community Health and Medical Care" are used in the County ordinances or Missouri statutes, the terms are deemed to mean the department of health or its director.

The director of health with the approval of the county executive may determine the number and nature of the divisions within the department of health.^{52/}

The director of health possesses all the powers and duties conferred upon a deputy state health commissioner and a county health officer.^{53/} The director also has the power to:

- See that laws and ordinances relating to public health are observed and enforced;
- Establish and maintain such activities and clinics as are needed to promote the public health of the County;
- Administer programs for the control of rabies in the County;
- Inspect the water supply and water supply facilities and sewers and sewer treatment facilities and plumbing facilities;

^{51/} St. Louis, Mo., Code § 3.38.050.

^{52/} St. Louis County, Mo., Ordinance § 602.010(2).

^{53/} St. Louis County, Mo., Ordinance § 602.020(1).

- Recommend to the county executive such proposals relating to the public health of the County; and
- Administer programs for the control of weeds, rats and mosquitoes.^{54/}

The department of health has general supervision over the public health and the director is authorized and empowered, with the approval of the county council, to make rules and regulations to promote or preserve the health of the County.^{55/}

Section 602.020(4) authorizes the director of health to inspect all buildings, lands, and places as to their conditions for health and sanitation and to require alterations or changes to make them healthful or sanitary.

Not all County ordinances apply to all areas located within the County. Many ordinances limit their application to certain parts of the County. The following chart compares some of the differences in the application of public health-related County ordinances.

Apply in all unincorporated parts of County and in all incorporated areas except any municipality having a population of 75,000 or more and which maintains an organized health department	Apply in parts of County outside incorporated municipalities	Apply in the parts of County outside of incorporated municipalities, and in parts of County within municipalities except within any municipality which enacts and enforces certain state regulations
Chapter 605 – Indoor Clean Air Code	Chapter 610 – Sewage and Waste Disposal	Chapter 611 – Animal Control Code
Chapter 621 – Tattoo and Body Piercing Establishment Code		Chapter 612 – Air Pollution Control
§ 602.200 Smoking on Motor Buses and Railway Cars Prohibited		
§§ 602.300 - 602.330 (relating to sale of tobacco and smoking)		
§§ 602.425 - 602.460 (relating to video games)		

^{54/} St. Louis County, Mo., Ordinance § 602.020(2).

^{55/} St. Louis County, Mo., Ordinance § 602.020(3).

Apply in all unincorporated parts of County and in all incorporated areas except any municipality having a population of 75,000 or more and which maintains an organized health department	Apply in parts of County outside incorporated municipalities	Apply in the parts of County outside of incorporated municipalities, and in parts of County within municipalities except within any municipality which enacts and enforces certain state regulations
§ 602.600 Bicyclists Under the Age of Seventeen to Wear Protective Headgear		

C. Comparison of City and County Ordinances

The chart below compares other City and County ordinances (or chapters of ordinances) administered or enforced by their respective health departments.

	City Ordinances	County Ordinances
Animals	Chapter 10.04 – Dogs and Cats	Chapter 611 – Animal Control Code
	Chapter 10.16 – Dead Animals	Chapter 629 – Nondomestic Animal Code
	Chapter 10.20 – Raising and Keeping of Certain Animals	
	Chapter 10.24 – Wild Animals	
Pest Control	Chapter 11.08 – Rodent, Insect and Pest Control	Chapter 623 – Pesticides Code
Public Restrooms	Chapter 11.16 - Privies	
Littering	Chapter 11.18 – Littering	
Lead Poisoning	Chapter 11.22 – Lead Poisoning	Chapter 628 – Lead Poisoning Control Code

	City Ordinances	County Ordinances
Smoking/Tobacco	Chapter 11.31 – Smoke Free Air Act	Chapter 605 – Indoor Clean Air Code
	Chapter 11.32 - Smoking	§ 602.200 Smoking on Motor Buses and Railway Cars Prohibited
		§§ 602.300 – 602.371 (relating to the prohibition of sale of tobacco products and smoking in designated areas)
Air Pollution	Chapter 11.34 – Air Pollution	Chapter 612 – Air Pollution Control
Restaurant Inspection	Chapter 11.38 – Food Inspection and Supervision	
	Chapter 11.42 - Restaurants	
Food Products	Chapter 11.46 - Milk	Chapter 614 – Milk Regulations
	Chapter 11.48 – Meat and Meat Products	
	Chapter 11.50 – Fish and Fish Products	
	Chapter 11.51 – Frozen Desserts	Chapter 622 - Frozen Dessert Code
Disease	Chapter 11.56 – Disease and Disease Prevention	
Nuisance	Chapter 11.58 – Nuisances	§§ 602.050 – 602.70 (relating to nuisances)
Births, Deaths, and Burials	Chapter 11.62 – Births, Deaths, and Burials	
Hazardous Substances	Chapter 11.64 – Hazardous Substance Cleanup	§ 602.380 Radioactive and Hazardous Waste Oversight Commission

	City Ordinances	County Ordinances
Blood Vendors	Chapter 11.68 – Commercial Blood Vendor Registration	
Swimming Pools	Chapter 11.79 – Swimming Pool Regulations	
Storage Batteries	Chapter 15.150 – Electric Storage Batteries	
Noise Control	Chapter 15.51 – Industrial Noise	Chapter 625 – Noise Control Code
Tattooing	Chapter 15.124 – Tattooing, Branding or Body Piercing Minors	Chapter 621 – Tattoo and Body Piercing Establishment Code
Waste and Sewage Management		Chapter 607 – Waste Management Code
		Chapter 609 – Nonsewered Sanitation Systems
		Chapter 610 – Sewage and Waste Disposal
Drinking Water		Chapter 615 – Supply, Transportation and Distribution of Water for Human Consumption
Massage Establishment		Chapter 626 – Massage Establishment Code
Mental Health		§ 602.400 Creation of Board of Trustees of the Community Mental Health Fund
Video game		§§ 602.425 - 602.460
Bicyclists		§ 602.600 Bicyclists Under the Age of Seventeen to Wear Protective Headgear

	City Ordinances	County Ordinances
Emergency		§ 602.500 Contracts with Governmental Entities for Public Health Services and Resources During Emergencies.