

JASPER COUNTY
FOOD SERVICE SANITATION
ORDINANCE
(REVISED 8/31/2000)

AN ORDINANCE GOVERNING THE CONSTRUCTION, RENOVATION AND OPERATION OF FOOD SERVICE ESTABLISHMENTS WITHIN THE COUNTY, ADOPTING CURRENT FDA FOOD CODE, REQUIRING CERTAIN PERMITS, TRAINING AND PROVIDING PENALTIES FOR VIOLATION THEREOF

SECTION 1 AUTHORITY: This ordinance is enacted pursuant to Section 192.300, RSMo 1986, which provides, in part as follows: The county commissions and the county health boards of the several counties may make and promulgate orders and ordinances or rules and regulation, respectively, as will tend to enhance the public health and prevent infectious, contagious, communicable or dangerous diseases into such county, but orders or ordinances and rules and regulations shall not be in conflict with any rules or regulation authorized and made by the Department of Health in accordance with this chapter or by the Department of Social Services under Chapter 198 RSMo.

SECTION 2 APPLICABILITY: These regulations apply to all food service establishments in Jasper County excluding those establishments governed by local a City Health Department that operates in cooperation with the Missouri Department of Health.

SECTION 3 DEFINITIONS: The following words and phrases shall have the following meanings:

- 3.01 Department: The Jasper County Health Department
- 3.02 The Code: The currently adopted FDA Food Code and/or recommendations of the Missouri Department of Health relating to food service. The FDA Food Code and any section in this ordinance shall be the basis for compliance and enforcement of this ordinance.
- 3.03 Food Service Establishment: An operation that stores, prepares packages, serves, vends or otherwise provides food for human consumption as indicated in The Code Section 1-201.10 (31).
- 3.04 Regulatory authority: The Administrator of the Jasper County Health Department or an authorized representative.
- 3.05 Food Service Priority and Risk Assessment: The Jasper County Health Department shall establish and review each Food service establishment Priority or Food Handling Risk level with an assessment procedure form. Priority level shall be established as LOW, MEDIUM, or HIGH depending on inspection history, potentially hazardous foods served, number of meals per time period served and population served as indicated on the FOOD SERVICE PRIORITY AND RISH ASSESSMENT form.
- 3.06 Food Transportation: The act of moving any substance from one facility to another, which is or will be processed for human consumption. This is not to include agricultural products or live animals in transport to a processing facility or shipping facility.
- 3.07 Stressed Food: Food substances that are being stored or transported in a facility or vehicle that is involved in any type of accident, collision, fire, weather related

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- disturbance, etc. which may adulterate the food or cause it to experience temperature stress or in any way cause the food to be of questionable quality for human consumption.
- 3.08 Temporary Food Establishments: A food outlet temporarily located in a location for a period not to exceed fourteen (14) days in conjunction with a single event or celebration. Typically from a motorized vehicle or trailer.
- 3.09 Unsatisfactory Rating: Any Critical violation and or 10 non-critical violations observed during an inspection of a facility and or any non-critical repeated for one year.
- 3.10 Satisfactory Rating: No Critical violations and or less than 10 non-critical violations observed during an inspection of a facility, no non-critical violations repeated for one year.
- 3.11 Mobile Food Establishment: A food establishment operated in various locations (mobile). Fee will be set the same as for a Food Service Establishment and may be prorated for the number of days per year the facility is in operation with a minimum fee of \$10.00.

SECTION 4 PERMIT COMPLIANCE PROCEDURES

- 4.01 Permit Required: No person shall operate of food service establishment who does not have a valid permit issued to him by the Department. Only a person who complies with the requirements of this ordinance and the code shall be entitled to receive or retain such a permit. Permits are not transferable. A valid permit shall be posted in every food service establishment.
- 4.02 Application and Fees: Any person desiring to operate a food service establishment shall make written application for a permit on forms provided by the regulatory authority. Such application shall include the name and address of each applicant, the location and type of the proposed food service establishment, the signature of each applicant and pay a renewable annual fee. All Fees may be waived for Non-profit Institutions and or Government institutions as determined by the Department. For fee amounts see Fee Section Below.
- 4.03 Pre-opening Inspection: Prior to approval of an application for a permit, the Department shall inspect the proposed food service establishment to determine compliance with the requirements of this ordinance.
- 4.04 Permit Issued: The Department shall issue a permit to the applicant if its inspection reveals that the proposed food service establishment and the staff education comply with the requirements of this ordinance.
- 4.05 Permit Suspension: The Department may suspend any permit to operate a food service establishment if the holder of the permit does not comply with the requirements of this ordinance or if the operation of the food service establishment otherwise constitutes a substantial hazard to public health. Suspension is effective upon service of notice required by Section 4.06 of this ordinance. When a permit is suspended, food service operations shall immediately cease. Whenever a permit is suspended, the holder of the permit shall be afforded an opportunity for hearing within 20 days of receipt of a request for hearing.
- 4.06 Hearing Request/End of Suspension: Whenever a permit is suspended, the holder of the permit or the person in charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if a written request for hearing is filed with the Department by the holder of the permit within 10 days. If no written request for hearing is filed within 10 days, the suspension is

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- sustained. The Department may end the suspension at any time if reasons for suspension no longer exist.
- 4.07 Permit Revocation: The Department, may after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of the ordinance or for interference with the Department in the performance of duty.
- 4.08 10 Day Revocation Delay: Prior to revocation, the Department shall notify, in writing, the holder of the permit, or the person in charge, of the specific reason(s) for which the permit is to be revoked and that the permit shall be revoked at the end of the 10 days following service of such notice unless a written request for hearing is filed with the Department by the holder of the permit within such 10-day period. If no request for hearing is filed within the 10-day period, the revocation of the permit becomes final.
- 4.09 Notice Delivered: A notice provided for in this ordinance is properly served when it is delivered to the holder of the permit or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the Department.
- 4.10 Hearing: The hearings provided for in this ordinance shall be conducted by the Department at a time and place designated by it. Any oral testimony given at a hearing shall be reported verbatim, and the presiding officer shall make provision for sufficient copies of the transcript. The Department shall make a final finding based upon the complete hearing record and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the Department.
- 4.11 Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit.
- 4.12 Inspection Interval/Credit for Training: An inspection of a food service establishment shall be performed at least once every 12 months or as called for by Risk or Priority Assessment. Low Priority establishments every 12 months. Medium Priority establishments two times per year. High Priority establishments three times per year. Additional inspections of the food service establishment shall be performed as often as necessary for the enforcement of this ordinance. Priority assessment shall be reviewed annually.
- 4.13 Inspection Access: Representatives of the Department, after proper identification, shall be permitted to enter any food service establishment at any reasonable time for the purpose of making inspections to determine compliance with this ordinance. The representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received or used. The manager of the facility shall have available records of all staff food service training for inspection at all times.
- 4.14 Inspection Procedures: Whenever an inspection of a food service establishment or commissary is made, the findings shall be recorded on the inspection report. The inspection report form shall summarize the requirements of this ordinance. Inspection remarks shall be written to reference the type of violation and shall state the correction to be made. The rating of the establishment shall be either Satisfactory or Unsatisfactory. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment within five working days of the inspection. The completed inspection report form is a public document that shall be made available as a public document according to law. Inspection shall be made in accordance with the current

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FDA Food Code, Missouri Department of Health requirements, and this ordinance. Any conflict in interpretation shall be settled by appeal to the Department, and appeal board as indicated in Section 4.24 is to be appointed and scheduled within thirty working days.

4.15 Corrections of Violations: The completed inspection report form shall specify a reasonable period of time for the correction of the violations found; and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:

(a) If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease food service operations. Operation shall not be resumed until authorized by the Department.

(b) All violations of a critical nature shall be corrected as soon as possible, but in any event, within 72 hours following inspection. Within 3 days after the inspection, the holder of the permit shall contact the Department to report correction status of the critical violations.

(c) All non-critical items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection any non-critical violation that has not been corrected for one year shall be considered a critical item for that facility for an additional year.

(d) When the rating of the establishment is Unsatisfactory, the establishment shall initiate corrective action on all identified violations within seventy-two (72) hours. One or more re-inspections may be conducted at reasonable time intervals to assure correction.

(e) In the case of temporary food service establishments, all violations shall be corrected within 24 hours. If violations are not corrected within 24 hours, the establishment shall immediately cease food service operations until authorized to resume by the Department.

(f) The inspection report shall state that failure to comply with any time given for corrections may result in cessation of food service operations. An opportunity for hearing on the inspection findings or the time limitations or both will be provided if a written request is filed with the regulatory authority within 10 days following cessations of operations. If a request for hearing is received, a hearing will be held within 20 days of receipt of the request.

(g) Whenever a food service establishment is required under the provisions of Section 4.15 to cease operations, it shall not resume operations until it is shown on re-inspection that conditions responsible for the order to cease operations no longer exist. Opportunity for re-inspection shall be offered within a reasonable time.

4.16 Review of plans:

(a) Whenever a food service establishment is constructed or remodeled and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for such construction, remodeling or conversion shall be submitted to the Department for review and approval before construction, remodeling, or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The Department shall approve the plans and specifications if they meet the requirements of this ordinance. NO food service establishment shall be constructed, extensively remodeled or converted except in accordance with plans and specifications approved by the Department.

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(b) Whenever plans and specifications are required by Section 4.16 (a) of this ordinance to be submitted to the Department, the Department shall inspect the food service establishment prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of this ordinance.

4.17 Procedure when infection is suspected: See **The Code Section 2-201.12 Exclusions and Restrictions.**

When the Department has reasonable cause to suspect possible disease transmission by an employee of a food service establishment, it may secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take appropriate action. The Department may require any or all of the following measures:

- (1) The immediate exclusion of the employee from work as a food handler;
- (2) The immediate closing of the food service establishment concerned until, in the opinion of the Department, no further danger of disease outbreak exist;
- (3) Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease;
- (4) Adequate medical and laboratory examination of the employee and of other employees and of body discharges and blood as necessary;
- (5) The Employee may return to work as a food handler when cleared by a medical doctor and the Department;
- (6) A facility may reopen when the Department issues an approval to open.

4.18 Training Requirements: To be phased over in two years from the effective date of this Ordinance.

(a) All high priority rated food establishments shall have on staff a minimum of one person who has attended and is credited with a food service course approved by the Department at all times of operation, the Manager and/or owner shall also have attended and be accredited with a food service course approved by the Department.

(b) All medium priority food establishments shall have on staff a minimum of one person who has attended and is credited with a food service course approved by the Department at all times of operation, the Manager and/or owner shall also have attended and be accredited with a food service course approved by the Department.

(c) All low priority rated food establishments shall have on staff a minimum of one person who has attended and is credited with a food service course approved by the Department.

4.19 Toilet Facilities:

(a) All existing facilities shall provide toilet facilities for employees that are conveniently located to the working location.

(b) All new or remodeled facilities shall provide toilet facilities for employees and for customers. Separate toilet facilities shall be provided for male employees and customers and for female employees and customers. Two restrooms are sufficient if easily accessible to employees and customers.

(c) Temporary Food Outlets shall have toilet facilities easily accessible to the unit.

4.20 Kitchen Access: Access to kitchen areas, all food preparation areas, food storage areas and similar areas shall be limited to personnel authorized entrance by the person in charge of the facility or by the Health Department. These areas shall not be used as passageways to areas used by the customers. Loitering shall be prohibited in all kitchen areas. This does not prohibit the inspection of food preparation areas by customers who have received permission to have access to the kitchen areas.

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- 4.21 Food Transportation and Stressed Food: Any person who transports food products within the limits of Jasper County shall be subject to inspection at any time to determine that the food products are being transported properly. Trucking firms that do not process food in Jasper County are not required to have a permit to operate in the county. Any food products that are determined to be stressed or unfit for human consumption shall be impounded, embargoed, or otherwise monitored for proper disposal or disposition by personnel from the Department or turned over to proper authorities outside the county for monitoring. Before any stressed food products leave the county they shall be sealed with a Department of Health seal of Adulterated to render the product unusable for any type of food product if Jasper County Health Department personnel are not monitoring final disposal. The facility or transportation firm shall be billed by the county for monitoring time in accordance with Section 6 under Stressed Food Monitoring.
- 4.22 Board of Appeal: A board of appeal shall be formed when a disagreement as to interpretation of the The Code or this ordinance arises from any inspection activity, variance activity, enforcement, or other activities involving food service operation. The board shall be made up of a restaurant owner, a restaurant manager, a local government official from the area of the food service facility in question, the Administrator of the Jasper County Health Department, a food inspector from the Jasper County Health Department, a representative of the Missouri State Department of Health and a County Commissioner. This board will forward recommendations to the County Commission for final ruling in all cases. The Presiding County Commissioner shall determine the actual persons to fill the positions on a board called.

SECTION 5 PENALTIES:

- 5.01 Any person (or responsible officer of that person) who violates a provision of this ordinance and any person (or responsible officer of that person) who is the holder of a permit, or who otherwise operates a food service establishment that does not comply with the requirements of this ordinance, shall be guilty of misdemeanor and on conviction thereof shall be fined not more than \$1,000.00 for each violation. Each day in which any such violation does continue shall be deemed a separate offense. The Department may seek to enjoin violations of this ordinance.

SECTION 6 FEES:

- 6.01 The Department shall charge a reasonable fee for service in accordance with the law.
- A. The fee will be determined by a facility assessment as set forth in the Code Section 8-401.20 performed by the Department.
- B. The fee schedule as follows:
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| (1) | Low Priority..... | \$100.00 per year |
| (2) | Medium Priority..... | \$175.00 per year |
| (3) | High Priority..... | \$250.00 per year |
| (4) | Temporary..... | \$ 40.00 per event |
| (5) | Stressed Food Monitoring..... | \$50.00 per hour |
| (6) | Change of Ownership..... | \$40.00 per change
Or facility Name Change |
| (7) | Plan Review / Pre-open Insp..... | \$100.00
(New Construction and Remodel) |

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- (8) Mobile.....Same fee as 1, 2, and 3 prorated for the number of days per year the facility is in operation with a minimum of \$10.00 fee.

NOTE: Fees may be paid on a semi-annual basis with a \$10.00 office charge added to the annual fee. Example: A \$100.00 annual fee would be paid with a semi-annual fee of \$55.00. All permits will still be issued on an annual basis. Non-payment of a semi-annual fee on time would result in revocation of the operating fee.

SECTION 7 SEVERABILITY:

7.01 If any article, chapter, section, clause or phrase of this regulation is, for any reason, held to be invalid by any court competent jurisdiction, such decision shall not affect the remaining portions of this regulation. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the County.