

An order entitled “Food Service Ordinance” that provides for the inspection and licensing of all food service establishments in Lafayette County.

SECTION 1: Definitions.

1.1 **Code** refers to the Missouri Food Code, 19 CSR 20-1.025 Sanitation of Food Establishments, hereby adopted by reference

1.2 **Department** means the Lafayette County Health Department and its designated representative.

1.3 **Extensive remodeling** means construction, conversion, or modifications which involve changing the location, replacement, or installation of major plumbing fixtures and food equipment and/or food contact surfaces of counters and/or the construction or replacement of walls, floors, and ceilings in food prep areas.

1.4 **Food Establishment** means an operation that stores, prepares packages, serves, vends, or otherwise provides food for human consumption.

(A) “Food Establishment” does not include:

- (I) An establishment that only offers commercially prepackaged foods, none of which requires refrigeration.
- (II) A produce stand or facility that offers only whole, uncut fresh fruits and vegetables.
- (III) A food processing plant under federal or state inspection
- (IV) A religious or charitable organization’s bake sale if only non-potentially hazardous food is offered.
- (V) A kitchen in a private home for the occupants use, a state licensed daycare provider, or a bed-and-breakfast operation if the home is owner-occupied, the number of guest bedrooms does not exceed 4, and breakfast is the only meal served.

1.5 **Non-Potentially Hazardous Food** means a food that is not capable of supporting the growth of infectious or toxigenic organisms. This includes foods with a water activity level of .85 or less, a pH level of 4.6 or below, commercially processed foods in an unopened hermetically sealed container not labeled to be refrigerated, or any food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic organisms cannot occur. Examples include but are not limited to dry baked goods such as cookies and cake, fruit pies, candy, and commercially packaged products in unopened containers.

1.6 Required Plans means plans which must be submitted as part of the permit approval process for new construction and extensively remodeled facilities regulated under this Code. Plans must include information on the intended menu, floor plan, equipment schedule, interior finish schedule, and other information that may be required by the Department for proper review to ensure compliance with the Code.

1.7 Public Health Priority (PHP) means a rating based upon risk factors as determined by a PHP worksheet maintained for each establishment and updated yearly.

SECTION 2 Food Establishment Rules and Regulations.

The inspection of food establishments and operations and the enforcement of this ordinance shall be regulated with 19 CSR 20-1.025 Sanitation of Food Establishments , three copies of which shall be maintained on file in the office of the County Clerk, and shall be adopted by reference in whole.

2.1 Establishment inspections

- (A) Representatives of the Department shall be permitted to enter a food establishment at any time to determine compliance with this ordinance.
- (B) The Department shall perform routine inspections of food establishment at a frequency determined by public health priority (PHP) and establishment type. HIGH PHP establishment s
- (C) Additional Inspections such as follow-up inspections, requested inspections for liquor license approval or change of ownership/remodeling, or distressed food incidents such as fire or flood will be conducted as necessary.
- (D) The type of inspection conducted (routine, follow-up etc. is indicated at the top of each inspection report.

SECTION 3 Permit Compliance Procedures

Each food establishment shall be required to obtain and post in view of the public a County Food Establishment Permit in order to operate a food establishment. Permits are issued yearly shall be valid from January 1 to December 31. A permit application shall be submitted and approved and the permit fee paid before a permit is issued. Existing establishments must annually renew their permits on or before January 1. New, extensively remodeled, or those with a change of ownership must apply for and obtain a permit before opening for business; and the permit shall be valid from the date of issuance until December 31 of that year. No person shall operate a food establishment without a valid permit. The Permit shall be obtained by the owner of the establishment or by an officer of the legal owner ownership. Permits are not transferable. If a change of ownership, a change of location or extensive remodeling of an existing establishment occurs, renewal of the establishment's permit shall be required.

3.1 Fee Charge Schedule.

HIGH Public Health Priority (PHP) establishment permit -----	\$159
MEDIUM PHP establishment permit-----	\$106
LOW PHP establishment permit-----	\$53
Temporary Food Stand permit-----	\$25/\$75
Additional inspections-----	\$53/hour + \$.455/mile

School meal programs, senior citizens nutrition sites, and temporary food stands operated by religious/charitable organizations will be exempt from obtaining permits but are subject to the rules and laws contained in the Food Code. These entities must submit documentation of tax exempt status.

3.2 New, converted, and extensively remodeled food establishments.

The Health Department may issue a permit to the applicant after a properly completed application is submitted, the required fee is submitted, the Required Plans, specifications and information are submitted and approved, and a pre-opening inspection shows that the establishment is built and/or remodeled in accordance with the approved plan and specifications and is in compliance with the code and this ordinance.

3.3 Existing establishments, permit renewal and change of ownership

Existing establishments at the time of implementation of this ordinance will be issued a permit from the Health Department, which must be renewed annually no later than January 1 of the New Year. The Health Department may renew a permit for an existing food establishment or may issue a permit to a new owner of a food establishment after a properly completed application is submitted, reviewed and approved, the proper fee submitted, and an inspection shows the establishment to be in compliance with the code and this ordinance.

3.4 Temporary and mobile food establishments

The Health Department May issue a permit for a temporary or mobile food establishment after an on-site inspection shows that the establishment is in compliance with this code and this ordinance and after a properly completed application is submitted, and approved, and the appropriate fee paid.

3.5 Correction of violations

The completed inspection form shall specify a reasonable period of time for correction of the violations found, and a correct-by date shall be set for each violation as mutually agreed upon by the person in charge and the Department, in accordance with the following provisions:

- (A) If an imminent health hazard is determined by the Department to exist, the establishment shall immediately cease all food operations until authorized by the Department to resume.

- (B)** IF upon re-inspection any violations are found to be uncorrected after the correct-by date previously agreed upon, A Work Order shall be issued and an additional follow up inspection shall be scheduled. Failure to correct the specified violations upon a second follow up shall result in revocation of the food establishment's operating permit.

SECTION 4 Food safety training and certification

A food safety training class conducted or approved by the Department must be scheduled and attended:

- (A) By all managers and employees before opening a new food service establishment.
- (B) By all managers and employees before reinstatement of a suspended or revoked Permit.
- (C) By all new managers and employees within 3 months of hiring.

SECTION 5 Prevention of food borne disease transmission

5.1 The Department shall act when it has reasonable cause to believe that food borne disease transmission has occurred by closing a food establishment in order to investigate a food borne outbreak associated with the establishment until in the opinion of the department no further danger of disease transmission exists

5.2 The Department shall act when it has reasonable cause to believe that a food handler or handlers have possibly transmitted a disease, may be infected with a communicable disease transmissible through food, may be a carrier of infectious agents which are transmissible through food, or are affected with a boil, infected wound, or acute respiratory infection by:

- (A) Making appropriate investigations, including securing a confidential medical history.
- (B) Requiring appropriate medical examinations, including collection of specimens for laboratory analysis of a suspected food handler or handlers.
- (C) By requiring the owner/manager to exclude or restrict an employee from working until cleared by a physician.

SECTION 6 Denial or suspension of permits

A permit may be suspended or a Permit Application denied if the Permit Holder or Applicant has failed to comply with any part of this rule until such time that the Department determines that they are in compliance. While under suspension a food establishment may not be open to the public.

SECTION 9 Distressed food and disasters

Any time there is a fire, interruption of water supply or power supply, a backup of sewage into the establishment, or any other event which may compromise the safety of the food or the sanitation of a food establishment, the owner or

manager must immediately notify the Department and if so ordered cease all food operations and comply with all requirements for destruction, disposal, or reconditioning of food or food equipment as determined by the Department.

9.1 Additional Requirements

When during the course of an inspection the Department deems any food product(s) to be unsafe, the permit holder must comply with all requirements imposed by the Department for destruction, disposal, or reconditioning of the food in question.

SECTION 9 Penalties

Any person who violates any provision of this ordinance is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1000 or by imprisonment for not more than 60 days, or by both fine and imprisonment. For each day during any portion of which any violation of the provisions of this article is found to exist and is continued, such person or persons is guilty of separate offences for each day and shall be punished therefore as provided.

SECTION 9: Saving Clause

If any part of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this order.

SECTION 10 Amendments

This ordinance may be amended at anytime pursuant to RSMo 192.300.