

An order entitled “Food Service Ordinance” that provides for the inspection and licensing of all food service establishments in Lafayette County (revised 4/25/05).

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 food, 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 Approved Program means a food safety training program approved or conducted by the Lafayette County Health Department that provides a certificate of training after completion. Properly documented certification of completion of a nationally-recognized program or that of another health department may be accepted upon review using the criteria developed and listed on the Approval Worksheets (see attachments)

SECTION 2. Jurisdiction

This ordinance shall apply to all food establishments in unincorporated Lafayette County, Missouri and to all food establishments in incorporated cities in Lafayette County not maintaining an organized health department.

SECTION 3. 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, including any revisions, modifications and amendments to the rule, any re-adoption of the rule, and the adoption of any successor rule or rules, which may be enacted after the adoption of this ordinance. Three copies shall be maintained on file in the office of the County Clerk, and shall be adopted by reference in whole.

3.1 Establishment inspections

- A. Representatives of the Department shall be permitted to enter food establishment at any time to determine compliance with this ordinance.
- B. The Department at least once every year shall perform an inspection of a food establishment. Additional inspections shall be performed as determined by public health priority and as necessary for the enforcement of this ordinance.
- C. Religious and Charitable organizations offering occasional meal events at their facilities will not be inspected, unless after receipt of a valid complaint or upon request by the organization.

SECTION 4. 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 and 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. Failure to renew a permit by January 16 will result in the levy of an additional \$75.00 late payment fee. 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. Failure to obtain a permit after 15 days from notification by the Department in the case of a new or extensively remodeled establishment shall result in the levy of an additional \$75.00 late payment fee. 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.

4.1 Permit Fee Charge Schedule. Public Health Priority of restaurants and food stores (PHP) are determined by the PHP worksheet (attached)

High Priority-----	\$100
Medium Priority-----	\$75
Low Priority-----	\$50
Food processors/manufacturers/warehouses-----	\$50
Temporary Food Stands-----	\$25

School meal programs, senior citizens nutrition sites are exempt from obtaining a permit but will still be inspected as High Priority establishments. Temporary food stands or dinner events operated by religious/charitable organizations will be exempt from obtaining permits, but are expected to follow the rules and laws contained in the Food Code. These entities must submit documentation of tax exempt status.

4.2 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.

4.3 Existing establishments, permit renewal and change 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.

4.4 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.

4.5 Correction of violation

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, an additional follow up inspection shall be scheduled and a \$75 fee shall be levied upon the establishment for this second follow up. Failure to correct the specified violations upon a second follow up shall result in revocation of the food establishment's operating permit.

SECTION 5. Food safety training and certification

Any current management and supervisory staff of high, medium, and low priority food establishments must have documentation of approved food safety certification from an approved program within 4 months of notification during a routine inspection of this requirement or after hiring.

Any employees of high, medium, or low priority food establishments must hold a food handler's permit from an approved program within 4 months of notification on a routine inspection report of this requirement or after hiring.

SECTION 6. Prevention of food borne disease transmission

6.1 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

6.2 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 7. 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 8. 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

8.1 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. Penalty

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 offenses for each day and shall be punished therefore as provided.

SECTION 10. 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 11. Amendments

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

BE IT ORDAINED AS FOLLOWS:

SECTION 1: The County Commission hereby promulgates and adopts the Food Service Ordinance as recommended and requested by the Lafayette County Board of Trustees.

SECTION 2: The County Clerk is hereby ordered to have the Ordinance printed and available in his/her office for distribution to the public.

SECTION 3: A copy of this Ordinance shall be published in some newspaper in this county in three successive weeks, with the first publication occurring not later than thirty (30) days after the adoption of this Ordinance.

THIS AMENDED ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER THE DATE OF ITS PASSAGE AND APPROVAL.

PASSED THIS _____ DAY OF _____, 2005.

Presiding Commissioner

Southern District Commissioner

Northern District Commissioner

ATTESTED BY:

Clerk of the County of Lafayette

Hereby subscribed and sworn before me _____ on
_____ (date). My commission expires on _____.

SEAL