

STONE COUNTY
FOOD SERVICE SANITATION
ORDINANCE

Revised November 2007

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

SECTION 1. AUTHORITY. This ordinance is enacted pursuant to Section 192.300, RSMo 2007 (or the most current law), 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 the entrance of 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 regulations authorized and made by the Department of Health and Senior Services in accordance with this chapter or by the Department of Social Services under Chapter 198 RSMo. Any person, firm, corporation or association which violates any of the orders or ordinances adopted, promulgated and published by such county commission is guilty of a misdemeanor and shall be prosecuted, tried and fined as otherwise provided by law. The county commission or county health board of any such county has full power and authority to initiate the prosecution of any action under this section.

SECTION 2. APPLICABILITY. These regulations apply to all food service establishments in Stone County.

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

- 3.01 Board: The Stone County Health Department Board of Trustees.
- 3.02 The Code: The current recommendations of the Missouri Department Health and Senior Services relating to food service.
- 3.03 Food service establishment: An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption.
- 3.04 Regulatory authority: The Administrator of the Stone County Health Department or an authorized representative.

SECTION 4. PERMIT COMPLIANCE PROCEDURES

4.01 No person shall operate a food service establishment who does not have a valid permit issued to him by the regulatory authority. 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 Any person desiring to operate a food service establishment shall make written application for a permit on forms provided by the regulatory authority. A permit may not be transferred from one person to another or from one type of operation to another. 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 of:

- a. Food Establishments
 - High Priority.....\$100.00
 - Medium Priority.....\$75.00
 - Low Priority.....\$50.00

- b. Temporary Food Stands\$15.00
(Three (3) day limit)

- c. Theme Parks (Food)
 - 1. Up to two (2) main kitchens, one commissary, and five mobile units
..... \$750.00
 - 2. Up to five (5) main kitchens, two (2) commissaries, and more than
twenty (20) mobile units \$1,500.00

4.03 Prior to approval of an application for a permit, the regulatory authority shall inspect the proposed food service establishment to determine compliance with the requirements of this ordinance.

4.04 The regulatory shall issue a permit to the applicant if its inspection reveals that the proposed food service establishment complies with the requirements of this ordinance. The food service establishment shall receive a priority rating of high, medium, or low according to the Public Health Food Service Establishment Priority Assessment guidelines as stated by the Department of Health and Senior Services in the Environmental Health Operational Guidelines. Establishments with a priority rating of high or medium shall have at least one employee on duty during all hours of operation that has successfully completed an approved food safety training course.

4.05 The regulatory authority may, without warning, notice, or hearing 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 the 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 suspension.

4.06 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 regulatory authority by the holder of the permit within 10 days. If no written request for hearing is filed within 10 days, the suspension is sustained. The regulatory authority may end the suspension at any time if reasons for suspension no longer exist.

4.07 The regulatory authority may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of this ordinance or for interference with the regulatory authority in the performance of duty.

4.08 Prior to revocation, the regulatory authority 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 regulatory authority by the holder to 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 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 regulatory authority.

4.10 The hearing provided for in this ordinance shall be conducted by the regulatory authority at the time and place designated by it. Any oral testimony given at the hearing shall be reported verbatim, and the presiding officer shall make provision for sufficient copies of the transcript. The regulatory authority shall make a final finding based upon the complete hearing record and shall sustain, modify or rescind any notice or order considered in this hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the regulatory authority.

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 An inspection of a food service establishment shall be performed based on the priority status of the establishment. The priority schedule is as follows:

High Priority – Inspection every nine (9) months

Medium Priority – Inspection every twelve (12) months

Low Priority – Inspection every eighteen (18) months

Additional inspections of the food service establishment shall be performed as often as necessary for the enforcement of this ordinance. Seasonal establishments that operate nine months or less each year shall be inspected once per season of operation.

4.13 Representatives of the regulatory authority, 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.

4.14 Whenever an inspection of a food service establishment or commissary is made, the finding shall be recorded on the inspection report. The inspection report form shall summarize the requirements of this ordinance and shall set forth a weighted point value for each requirement. Inspectional remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from 100. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed inspection report form is a public document that shall be made available for public document according to law.

Failure of establishments with a high or medium priority rating to have an employee on duty that has successfully completed an approved food safety-training course will receive an automatic 5-point deduction.

4.15 Correction 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 a complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the regulatory authority.

(b) All violations of 4- or 5- point weighted items shall be corrected as soon as possible, but in any event, within 10 days following inspection. A follow-up inspection shall be conducted to confirm correction; there will be no charge for this follow-up inspection. If the establishment continues to have violations of 4-or 5- point weighted items, and a second follow-up inspection is required, the establishment will be charged a non-compliance fee of \$100 for each subsequent inspection.

© All 1- or 2- point weighted items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection.

(d) When the rating score of the establishment is less than 60, the establishment shall initiate corrective action on all identified violations within forty-eight (48) hours. One or more re-inspections will be conducted at reasonable time intervals to assure corrections.

(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 regulatory authority.

(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 cessation of operations. If a request for hearing is received, a hearing shall be held within 20 days of receipt of the request.

(g) Whenever a food service establishment is required under provision 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 extensively 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 regulatory authority for review and approval before construction, remodeling, or conversion is began. 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 regulatory 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 regulatory authority.

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

4.17 Procedure when infection is presented.

(a) When the regulatory authority 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 regulatory authority may require any or all of the following measures:

- (1) The immediate exclusion of the employee from employment in food service establishments;
- (2) The immediate closing of the food service establishment concerned until, in the opinion of the regulatory authority, 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 his and their body discharges.

(b) Any person (or responsible officer of that person) who is the holder 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 a misdemeanor and on conviction thereof shall be fined not more than \$1,000 for each violation. Each day in which any such violation does continue shall be deemed a separate offense.

© The regulatory authority may seek to enjoin violations of this ordinance.

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

(e) Enforcement Interpretation: This ordinance shall be enforced by the health authority in accordance with the interpretations thereof contained in the current edition of the "United States Department of Health and Human Services, Public Health Services, Food and Drug Administration Food Code as adopted by the Missouri Department of Health and Senior Services, and the Department of Health and Senior Services Environmental Health Operational Guidelines (EHOG) Manual.

(f) Food service establishments outside jurisdiction: Food from food service establishments outside the jurisdiction of the Stone County health authority may be sold within the County of Stone if such food service establishment conform to the provisions of this ordinance or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the regulatory authority may accept report from responsible authorities in other jurisdictions where such food service establishments are located.

STONE COUNTY FOOD SERVICE SANITATION ORDINANCE

This ordinance shall be liberally construed and applied to promote its underlying purpose of protecting the public health.

An ordinance adopting regulations regarding the administration of food service establishment standards by the Stone County Health Department Board of Trustees.

Be it ordained as follows:

(1) The Commission hereby promulgates and adopts regulations regarding the administration of food service establishment standards as recommended and requested by the Stone County Health Department Board of Trustees. A copy of said regulations are attached hereto and made a part hereof by reference.

(2) The County Clerk is hereby ordered to have the attached regulations printed and available in their office for distribution to the public.

(3) A copy of this order shall be published in a newspaper in this county on three successive weeks, with the first publication occurring not later than thirty-days (30) after the passage of this order.

Be it ordained by the of the Stone County Health Department Board of Trustees that the aforementioned rule was duly adopted and passed by the county of Stone on this _____ day of _____ 2007,

Chair, Board of Trustees
Stone County Commissioners

Presiding Commissioner

Date

Northern District Commissioner

Date

Southern District Commissioner

Date

Attested By:

Clerk of Stone County

Date

Hereby subscribed and sworn before me _____

On _____ (date) My commission expires on _____

(SEAL)