

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

~~Res~~/Ord No.: 4635

Sponsor(s): Bob Spence

Date: June 30, 2014

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| <p>SUBJECT</p> | <p>Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance</p> <p>Project/Title: Amending Chapter 40 Food Safety and Environmental to bring into compliance with Missouri Food code, amending definitions for clarity, and amending Schedule I to Chapter 40, Jackson County Code to include a vending machine rate and an exemption for Disaster Relief Shelters.</p> | | | | | | | | | | | | |
| <p>BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i></p> | <table border="1" data-bbox="315 575 1192 890"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM / TO</td> <td>FROM ACCT</td> </tr> <tr> <td></td> <td>TO ACCT</td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><input checked="" type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: Estimated Use: \$</p> <p>Prior Year Budget (if applicable): Prior Year Actual Amount Spent (if applicable):</p> | Amount authorized by this legislation this fiscal year: | \$ | Amount previously authorized this fiscal year: | \$ | Total amount authorized after this legislative action: | \$ | Amount budgeted for this item * (including transfers): | \$ | Source of funding (name of fund) and account code number; FROM / TO | FROM ACCT | | TO ACCT |
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| | TO ACCT | | | | | | | | | | | | |
| <p>PRIOR LEGISLATION</p> | <p>Prior ordinances and (date): Ord. 4485, eff. 12/3/12; Ord. 4390, Eff. 2/27/12; Ord. 4200, 3/29/10; Ord. 3889, 4/9/07; Ord. 3168, 8/13/01;</p> <p>Prior resolutions and (date):</p> | | | | | | | | | | | | |
| <p>CONTACT INFORMATION</p> | <p>RLA drafted by (name, title, & phone): Scott George, Assistant Director of Public Works. ext. 77071</p> | | | | | | | | | | | | |
| <p>REQUEST SUMMARY</p> | <p>Jackson County adopted the Missouri Food Code, which has recently been updated. These changes have required us to modify Chapter 40 to comply with these changes. This includes changing the code we adopted from the 1999 food code to current "Missouri Food Code". A summary of these changes is attached.</p> <p>Additionally, several definitions are being clarified based on input from various food establishments.</p> <p>Finally, two changes are proposed for the fee schedule. The first exempts a disaster relief shelter from lodging fees since these shelters meet the definition of lodging establishments. The second change sets the price for a vending machine that sales potential hazardous food (refrigerated) at \$25. This fee did not exist, but since we are required to permit these machines, an associated fee needed to be established. See attached summary of Chapter 40 changes for explanation of each change.</p> | | | | | | | | | | | | |
| <p>CLEARANCE</p> | | | | | | | | | | | | | |

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|-------------|--|------------------|
| | <input type="checkbox"/> Tax Clearance Completed (Purchasing & Department) <input type="checkbox"/> Business License Verified (Purchasing & Department) <input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office) | |
| ATTACHMENTS | Summary of Chapter 40 changes, Chapter 40 revisions, Summary of State changes | |
| REVIEW | Department Director: Earl Newill <i>Earl Newill</i> | Date: 06/16/2014 |
| | Finance (Budget Approval): <i>If applicable</i> | Date: |
| | Division Manager <i>Shelley Temple Knowles</i> | Date: 6/30/2014 |
| | County Counselor's Office: | Date: |

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the _____ Fund in _____.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # _____
- Funds sufficient for this appropriation are available from the source indicated below.

| Account Number: | Account Title: | Amount Not to Exceed: |
|-----------------|----------------|-----------------------|
| | | |

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

Summary of Proposed Changes to Chapter 40

1. Section 4000. Food service Code Adopted – Change Section 3.0 to 2.0 and remove “1999” to be current with the State verbiage and compliant with the State Food Code. This code is to be adopted per agreement with the state of Missouri to provide certain health related services.
2. Section 4010. Seasonal Food Establishment- Clarifies the definition of seasonal food establishment.
3. Section 4030.3. Remove. The State of Missouri inspects all processors and warehouses. This permit is not needed due to that fact.
4. Section 4030.4. Change existing section numbering to 4030.3 due to removal of Processing/warehousing.
5. Section 4030.4 Add a vending machine permit to 4030.4. Permit will be required only for machines dispensing potentially hazardous foods such as milk or deli sandwiches. These are required by state code to be inspected.
6. Section 4044.2. Take out the requirement for commercial refrigeration. The Missouri Food Code requires food to be held at 41° F or below. The code does not specify that commercial refrigeration is required. Gives an option in certain instances to require commercial refrigeration if large amounts of cooling are needed and can only be achieved with commercial grade equipment.
7. Section 4046.1. Change wording for correction of violations during Temporary Food Events. These events typically last less than 24 hours. All violation should be corrected prior to staff giving permit and leaving location.
8. Fee Schedule I. Add Lodging Establishment Fee exemption for shelters during disaster situations. Without exemption, we would be required to charge a permit fee for disaster shelters.
9. Fee Schedule I. Add Vending Machine Permit. Add a \$25.00 permit for vending machines. Without this permit, we would have to inspect these as regular establishments.

New Missouri Food Code: Effective October 1, 2013. Summary of changes

Violations will now be listed as Core and Priority Violations. Core violations are replacing the previous heading of non-critical violation and Priority replaces the previous heading of critical violation.

Cut Leafy greens and cut tomatoes are now considered potentially hazardous. This means that they must be maintained at a temperature of 41degrees Fahrenheit and they must be date marked if they are not used in the same day they are cut.

A person in charge may demonstrate knowledge by attending training from an accredited program. Accredited Program is defined as a food protection manager certification program that has been evaluated and listed by a Conference for Food Protection recognized accrediting agency as conforming to the Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification programs that certify individuals.

Non Continuous Cooking is defined as: The cooking of food in a food establishment using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service. Non Continuous Cooking does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.

When Non Continuous Cooking is used the product to be cooked later must reach 165 degrees Fahrenheit.

Containers of chemical sanitizing solutions in which wiping cloths are held between uses shall be stored off the floor and in a manner that prevents contamination of food, equipment, utensils, linens, single-service or single-use articles.

Extensive Renovation is defined as a physical change to portions of the food establishment designated for food preparation, food storage, and/or warewashing. Examples include but are not limited to, building additions, demolition of interior or exterior walls, the addition or removal of hand sinks, three compartment sinks, or service sinks. Repair or replacement of broken, worn, or dated equipment items shall not be considered an extensive renovation.

Extensive renovation will include a substantial change in the foods prepared, sold, or served as to require additional equipment or different food handling processes or procedures. This includes changing the type of food service operation, such as fast food to full service.

A plan review will be required for any extensive renovation.

Norovirus has been added as an illness that must be reported to the regulatory authority. Employees with Norovirus shall be excluded from work. They may be reinstated when the health authority gives approval and when one of the following conditions is met: written documentation is provided from a health practitioner stating the employee is free of the norovirus infection, The employee has been symptom free for 48 hours, or the employee did not develop symptoms and more than 48 hours has passed since the diagnosis was made.

Fingernail polish and artificial nails may be worn as long as the employee wears intact gloves that are in good repair.

Effective 12/31/13, all cold holding will be 41 degrees Fahrenheit.

When packaged by a food processing plant that is inspected by a regulatory authority date marking does not apply to: deli salads such as ham salad, seafood salad, chicken salad, egg salad, pasta salad, potato salad, and macaroni salad, hard and semi-soft cheeses containing not more than 39% moisture such as cheddar, parmesan, romano, blue, gouda, and monterey jack, cultured dairy products such as yogurt, sour cream, and buttermilk, preserved fish products such as pickled herring, dried and salted cod, and other acidified fish products. Shelf stable dry fermented sausages (pepperoni and Genoa salami) Shelf stable salt cured products (prosciutto and Parma (ham) that are not labeled "keep Refrigerated" and Unsliced portions of ready to eat fermented sausage and salt cured products such as cooked bologna and salami with the original casing maintained on the remaining portion.

Time as a public health control can be extended to six hours if the food has an initial temperature of 41 degrees Fahrenheit or below when removed from temperature control and the food temperature may not exceed 70 degrees Fahrenheit during the six hours. The food shall be monitored regularly during the six hours and discarded if the temperature is over 70 degrees or the food is not consumed within the six hours.

Special processes approval now include operating a mulluscan shellfish display tank used to store and display shellfish offered for human consumption and sprouting seeds or beans.

Consumer advisory must be done in a two part series. First an asterisk must mark any product that is available undercooked and second the warning must be posted that there is a risk when eating undercooked products.

A small diameter probe that is designed to take temperatures on thin masses shall be provided and easily accessible.

Cutting or piercing parts of can openers on vending machines shall be protected from manual contact, dust, insects, rodents, and other contamination.

A warewashing machine installed after January 2000 shall be equipped to: automatically dispense detergents and sanitizer and incorporate a visual means to verify that detergent and sanitizer are dispensing, or a visual or audible alarm that the detergent or sanitizer was not delivered to the respective cycles. This means we need to see the sanitizer and soap drip into the machine or there must be an alarm.

Equipment and utensils after being cleaned and sanitized shall not be rinsed before air drying or use unless: the rinse is applied directly by a warewashing machine and the rinse is applied only after the equipment and utensils have been sanitized by the application of hot water or the application of chemical sanitizer whose EPA registered label indicates that the sanitizer be rinsed off.

Water provided at a handwashing sink must be 100 degrees Fahrenheit.

Mop sinks are now required to have hot and cold running water.

A back flow prevention device is now required for carbonators.

Floors with anti slip applications are still considered to be smooth and easily cleanable.

Dumpsters shall be stored on a smooth hard surface if there is evidence of vermin or a creation of a public health hazardous.

A hand drying device that employs an air-knife system that delivers high velocity pressurized air is now allowed.

A private home, a room used as sleeping or living quarters, or an area directly opening into a room used as living or sleeping quarters may not be used for conducting food establishment operations. This violation is now a priority violation.

Controlling pests – All pest issues are now a priority violation.

Chapter 8 has been added. This chapter gives direction for when a HACCP plan is needed, when special processes require justification, submission of forms and plan reviews, Responsibility of the applicant, and trade secrets. To view this chapter please visit our web site at jacksongov.org/eh.