



Jackson County Missouri

Jackson County Courthouse
415 E. 12th Street, 2nd floor
Kansas City, Missouri
64106
(816)881-3242

Legislation Text

File #: 3889, Version: 0

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IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing sections 4000., 4010., 4030., 4031., and 4046., and schedule I to chapter 40, Jackson County Code, 1984, relating to sanitation of food establishments, and enacting in lieu thereof, five new sections and one new schedule relating to the same subject.

ORDINANCE # 3889, April 9, 2007

INTRODUCED BY Theresa Garza, County Legislator

WHEREAS, the fees charged by the Public Works Departments Environmental Services Division for the inspection of restaurants and food establishments have not been reviewed since 1992; and,

WHEREAS, these fees have not kept pace with the cost of providing these services, such that modest increases are in order; and,

WHEREAS, there is also a need for the addition of new definitions to the code in connection with these fees; and,

WHEREAS, the amendments embodied in this Ordinance are in the best interests of the health,

welfare, and safety of the citizens of Jackson County; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section A. Enacting Clause. Sections 4000., 4010., 4030, 4031., and 4046., and schedule I to chapter 40, Jackson County Code, 1984, are hereby repealed and five new sections and one new schedule enacted in lieu thereof, to be known as sections 4000. and 4010. and schedule I, to read as follows:

4000. Food Service Code Adopted.

The current edition, as amended, of the Missouri Department of Health's rules governing sanitation of food establishments, 19 CSR 20-1.025, and rules governing the sanitation of frozen desserts, 19 CSR 20-1.030, and Section 3.0 of the Department of Health's guidelines, entitled "Food Protection," which together constitute the 1999 Missouri Food Code, are hereby adopted by reference and incorporated into this chapter as if fully set forth herein and shall be in full force and effect as the Food Service Sanitation Code of Jackson County, and may be cited as such. Copies of these rules and guidelines shall be filed with the office of the clerk of the county legislature and director of public works.

4010. Definitions.

As used in this chapter and in the Missouri Department of Health rules governing sanitation of food establishments, the following words and phrases shall have indicated meanings, unless the context

clearly indicates otherwise. In the event of a discrepancy between a definition contained in the Missouri Department of Health rules and a definition contained in this section, the definition contained in this section shall prevail.

Department.

The Jackson County Department of Public Works, Environmental Services Division.

Director.

The Director of the Jackson County Department of Public Works or designated representative.

Food Establishment.

a. An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption such as a restaurant, satellite or central preparation facility, catered feeding location, catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people, market, vending (location) operation if the operation provides potentially hazardous foods, conveyance used to transport people; institution, or food bank; and that relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

b. "Food Establishment" includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the

Health Officer, satellite catered feeding location, a vending location or satellite feeding location unless the vending or feeding location is permitted by the Health Officer, and an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location, where consumption is on or off the premises[, regardless of whether there is a charge for the food].

c. "Food Establishment" does not include an establishment that offers only prepackaged foods that are not potentially hazardous, a produce stand that only offers whole, uncut fresh fruits and vegetables, a food processing plant, a kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function such as a religious or charitable organization's bake sale, if allowed by law, and if the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the Health Officer, an area where food that is prepared as specified in subparagraph (c) (iv) of this definition is sold or offered for human consumption, a kitchen in a private home, such as a small family daycare provider or a bed-and -breakfast operation that prepares and offers food to guests, if the home is owner-occupied, the number of available guest bedrooms does not exceed 4, breakfast is the only meal offered, the number of guests served does not exceed 12, and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the Health Authority, or a private home that receives catered or home-delivered food.

Health Officer.

The Director of Jackson County Department of Public Works or designated representative.

Seasonal Food Establishment.

Any Food Establishment which operates for a period in excess of fourteen (14) days but not longer than six (6) months.

Soft Serve Frozen Dessert Machine.

Any machine that dispenses any type of mix or ice cream mix, whipped cream mix, ice cream, milk sherbert, ice milk, fruit ice, or ice sherbet, frozen custard, frozen dietary food, diabetic or dietetic ice cream, diabetic or dietetic ice milk, ice milk mix, frozen malted milk, novelty, or other similar product designated as a frozen dessert by the Health Officer, but only if operated in connection with a Food Establishment, Temporary Food Establishment, or Seasonal Food Establishment.

Temporary Food Establishment.

Any Food Establishment which operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration. Temporary food service may be in conjunction with a fair, carnival, circus, public exhibition, or similar gathering.

4030. Permit Required.

No person, firm, partnership, or corporation shall operate a Food Establishment [or], Temporary Food Establishment, Seasonal Food Establishment, or Soft Serve Frozen Dessert Machine without a permit issued by the Health Officer.

4031. Permit Application.

Any person, firm, partnership, or corporation desiring to operate a Food Establishment [or], Temporary Food Establishment, Seasonal Food Establishment, or Soft Serve Frozen Dessert Machine shall make written application for a permit.

4031.1 Forms and Fees

All applications for permits shall be made on forms provided by the Health Officer, and shall be accompanied by the appropriate fee as set out on Schedule 1 to this chapter.

4031.2 Temporary Food Establishment.

Applications for a Temporary Food Establishment permit shall include the dates of the proposed operation.

4046. Notice.

When the Health Officer discovers a violation of this chapter, the Health Officer shall notify the permit holder or the operator of the establishment of the violation by means of an inspection report form or other written notice.

4046.1 Inspection/Enforcement Procedures.

Inspection and enforcement activities shall be conducted in accordance with the current edition of Section 3.0 of Missouri Department of Health operational guidelines, as modified by this section.

4046.2 Temporary Food Establishment Inspection Violations.

In the case of a Temporary Food Establishment, all critical violations shall be corrected immediately and all other violations shall be corrected within twenty-four (24) hours. If violations are not corrected within [twenty-four (24) hours] the time period set out in this subsection, the establishment shall immediately cease food service operations until authorized to resume by the Health Officer.

4046.3 Imminent Health Hazard.

If an imminent health hazard exists, such as complete lack of refrigeration, sewage backup into the establishment, fire, misuse of poisonous or toxic materials, gross unsanitary occurrence or conditions, or other circumstances that may endanger public health, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the Health Officer.

CHAPTER 40

SCHEDULE I

Permit Fees.

The following annual permit fees shall be charged:

Fees. Food Establishment Permit.

The following annual fees apply to Food Establishments. Note that Food Establishments that engage in both food service and retail business in the same location are subject to fees based on [both seating capacity and number of checkout stands] low, medium, or high priority classification, as defined in the Missouri Department of Health Rules.

[Less Than 25 Seats.] Low Priority Establishment.

An annual fee of [forty dollars (\$40)] one hundred dollars (\$100) shall be charged of [Food Establishments with less than twenty-five (25) seats] each Low Priority Food Establishment.

[25 to 74 Seats.] Medium Priority Establishment.

An annual fee of [fifty dollars (\$50)] two hundred fifty dollars (\$250) shall be charged of [Food Establishments having twenty-five (25) or more seats but less than seventy-five (75) seats] each Medium Priority Food Establishment.

[75 to 199 Seats.] High Priority Establishment.

An annual fee of [seventy-five dollars (\$75)] seven hundred sixty dollars (\$760) shall be charged of [Food Establishments having seventy-five (75) or more seats but less than two hundred (200) seats] each High Priority Food Establishment.

[200 or More Seats.]

[An annual fee of one hundred dollars (\$100) shall be charged of Food Establishments having two hundred (200) or more seats.]

[1 Checkout Stand.]

[An annual fee of forty dollars (\$40) shall be charged of Food Establishments having one (1) checkout stand.]

[2 or More Checkout Stand.]

[Food Establishments with additional checkout stand will be charged the initial forty dollars (\$40) plus (+) five dollars (\$5) for each additional checkout stand.]

Fee, Temporary Food Establishment Permit.

A fee of [twenty-five dollars (\$25)] fifty dollars (\$50) shall be charged [to] of each Temporary Food Establishment for a permit not to exceed fourteen (14) days. [If the food service is in conjunction with a fair, carnival, circus, public exhibition, or similar gathering, an Operating Authority Permit will be issued to the operating authority at a fee of twenty-five dollars (\$25), and a Food Establishment Permit will be issued to each food service booth at a fee of ten dollars (\$10) each.] A

separate permit [will be issued] is required for each event in which a [food service booth] Temporary Food Establishment participates.

A fee of one hundred (\$100) shall be charged of each Seasonal Food Establishment.

School Cafeteria [/Day Care Permits].

An annual permit of [twenty-five dollars (\$25)] fifty dollars (\$50) shall be charged [to] of each school cafeteria [and to day care facilities].

A late fee of twenty-five dollars (\$25) will be charged for any annual Food Establishment permit issued after December 31st of any year.

Re-inspection Fee.

A re-inspection fee of fifty dollars (\$50) will be charged for a critical violation when a re-inspection is required, with the exception of school cafeterias and Temporary Food Establishments.

Soft Serve Frozen Dessert Machine Fee.

A soft serve frozen dessert machine annual permit fee of fifty dollars (\$50) shall be charged for each soft serve frozen dessert machine within a Food Establishment, Temporary Food Establishment, or Seasonal Food Establishment.

Plan Review/ Pre-Opening Inspection Fee.

A fee of one hundred fifty dollars (\$150) shall be charged for the review of plans and pre-opening inspection of Food Establishments, excluding Temporary Food Establishments.

Replacement Permits.

A replacements permit will be issued upon receipt of written application. A charge of five dollars (\$5.00) shall be made for the duplicate permit.

Public Agencies

Whenever a public agency with taxing authority is the applicant for a permit, any fee authorized by this chapter may be reduced or abated by the Health Officer for the purpose of conserving public tax resources.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

Chief Deputy County Counselor

County Counselor

I hereby certify that the attached Ordinance, Ordinance #3889 introduced on April 2, 2007 was duly passed on April 16, 2007 by the Jackson County Legislature. The votes thereon were as follows:

Yeas _____ 9 _____

Nays _____ 0 _____

Abstaining _____ 0 _____

Absent _____ 0 _____

This Ordinance is hereby transmitted to the County Executive for his signature.

Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #3889.

Michael D. Sanders, County Executive