



# Jackson County Missouri

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## Legislation Text

File #: 3168, Version: 0

### IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

**AN ORDINANCE** repealing chapter 40 and schedule I thereto, Jackson County Code, 1984, relating to the sanitation of food service establishments, and enacting, in lieu thereof, one new chapter, consisting of 25 sections, and a new schedule I, relating to the same subject, with a penalty provision.

**ORDINANCE #3168**, August 13, 2001

**INTRODUCED BY Terry Young**, County Legislator

WHEREAS, in connection with the recent adoption of new food service establishment sanitation regulations by the Missouri Department of Health, the Director of Public Works recommends that chapter 40, Jackson County Code, be revised to incorporate the new state regulations; and,

WHEREAS, the recommended revision is 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.

Chapter 40, Jackson County Code, 1984, consisting of 28 sections, and schedule I thereto, are hereby repealed, and one new chapter and schedule enacted in lieu thereof, to be known as chapter 40 and schedule I, consisting of 25 new sections, to be known as sections 4000., 4001., 4010., 4030., 4031., 4032., 4133., 4034., 4035., 4036., 4037., 4038., 4039., 4040., 4041., 4042., 4043., 4044., 4045., 4046., 4047., 4048., 4049., 4050., and 4051., to read as follows:

### CHAPTER 40 SANITATION OF FOOD ESTABLISHMENTS

#### SCOPE

##### 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 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.

#### 4001. Application.

This chapter shall apply to all Food Establishments and Temporary Food Establishments in the unincorporated area of the county. Incorporated cities, towns, and villages of less than 75,000 inhabitants may, by agreement, contract with the county to apply and enforce this chapter. The provisions of this chapter shall govern in the unincorporated county and its cities, towns, and villages under contract to the county.

### DEFINITIONS

#### 4010. Definitions.

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

##### 4010.1 Department.

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

##### 4010.2 Director.

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

##### 4010.3 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.

4010.4 Health Officer.

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

4010.5 Temporary Food Establishment.

Any Food Establishment which operates for a period of no more than 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.

## PERMITS

4030. Permit Required.

No person, firm, partnership, or corporation shall operate a Food Establishment or Temporary Food Establishment, 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 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.

4032. Inspection Prior to Issuance.

On receipt of the application and payment of the appropriate fee, the Health Officer shall inspect the establishment to determine its priority assessment.

4033. Permit Issuance.

If the Health Officer determines that the establishment complies with the provisions of this chapter, the permit shall be issued.

4034. Nontransferable.

A permit issued under this chapter is not transferable.

4035. Posting of Permit.

Each permit issued under this chapter shall be posted in a conspicuous place in the permitted establishment.

4036. Time Permit Valid.

Each permit issued under this chapter is valid for one (1) year from the date of issuance.

4037. Replacement Permit.

If a permit is lost or destroyed, a replacement permit will be issued upon receipt of a written application and the appropriate fee.

AUTHORITY OF HEALTH OFFICER

4038. Enforcement.

The Health Officer shall enforce this chapter.

4039. Suspend or Revoke Permits.

The Health Officer may suspend or revoke permits of establishments which fail to comply with this chapter.

4040. Inspection and Form.

The frequency of inspection is to be determined by the Health Officer based on a Food Establishment public health priority assessment worksheet. The Health Officer shall determine if a Food Establishment is a high, medium, or low priority. A high priority establishment shall be inspected 3 to 4 times per year; a medium priority establishment shall be inspected 2 to 3 times per year; and a low priority establishment shall be inspected 2 times per year. The Health Officer shall utilize a Food Establishment inspection report similar to that of the Missouri Division of Health Food Establishment Inspection Report E6.37 during the inspection.

4040.1 Posting of Inspection.

Each inspection report issued under this chapter shall be posted with the permit in a conspicuous place in the permitted establishment.

4040.2 Additional Inspections.

The Health Officer may also make such additional inspections and re-inspections as are reasonably necessary for the enforcement of this chapter.

4041. Access to Health Officer.

Any person, firm, partnership, or corporation operating any establishment regulated by this chapter shall grant the Health Officer, upon request, access to all parts of the establishment and shall permit an examination of all records of food and supplies purchased, received, or used, and employees.

4042. Examination of Food.

The Health Officer may examine or take samples of food as necessary to detect adulterated or misbranded food.

4043. Condemnation of Food.

The Health Officer may condemn and forbid the sale of, or cause to be removed or destroyed, any food which is adulterated or misbranded.

#### 4044. Review Future Construction.

Each person, firm, partnership, or corporation seeking to construct, remodel, or alter a Food Establishment subject to regulation under this chapter shall submit properly prepared plans and specifications for such construction, remodeling, or alteration to the Health Officer for review and approval prior to the commencement of work.

##### 4044.1 Plans Required.

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. All equipment and utensils must meet the standards set forth in Department of Health rule governing sanitation of food establishments. The Health Officer shall approve the plans and specifications if they meet the requirements of this chapter.

##### 4044.2 Building Permits.

The director of public works shall not issue a building permit for a Food Establishment under chapter 54 of this code unless the plans have been approved by the Health Officer.

#### 4045. Temporary Food Establishment.

The following apply to Temporary Food Establishments.

##### 4045.1 Modification of Physical Facility Requirements.

The Health Officer may modify specific requirements of physical facilities when, in his judgment, no imminent health hazard will result.

##### 4045.2 Prohibit Sale of Hazardous Food.

The Health Officer may prohibit sale of potentially hazardous food.

### PROCEDURE

#### 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 violations shall be corrected within twenty-four (24) hours. If violations are not corrected within twenty-four (24) hours, 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.

4047. Content of Violation Notification.

The notice of violation shall include the following.

4047.1 Violation.

The notice shall include the specific violation(s) found.

4047.2 Time to Correct.

The notice shall include a specific and reasonable period of time for the correction of the violations.

4047.3 Effect of Noncompliance.

The notice shall include a statement that failure to comply with the notice within the time period specified may result in the immediate closure of the Food Establishment and suspension of the permit.

4047.4 Appeal.

The notice of violation shall include a statement that an opportunity for an appeal from the order/notice or inspection findings will be provided on written request to the Director within the period of time established in the notice for correction.

4048. Service of Notice.

Proper service of a notice of violation shall be by personal delivery to the permit holder or to the person in charge of the establishment, or by certified mail, return receipt requested, to the last known address of the permit holder.

4049. Failure to Comply.

When a permit holder fails to comply with a notice of violation issued by the Health Officer, the permit holder shall be notified of the following:

4049.1 Immediate Suspension and Closure of the Food Establishment.

The current permit is immediately suspended and the food establishment is closed effective on service of notice.

4049.2 Hearing.

On written request to the Director, a hearing shall be afforded as soon as possible.

4050. Disease Control.

No person who is infected with any disease in a communicable form, or who is a carrier of such disease, or who is afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in any area of a Food Establishment or Temporary Food Establishment in any capacity where there is a likelihood that the person may contaminate food or food-contact surfaces or transmit disease to other individuals.

4050.1 Communicable Disease Suspected by Food Service Operator.

If the operator of an establishment suspects that any employee has contracted a communicable disease or has become a carrier of such a disease, he shall immediately notify the Health Officer.

4051. Penalty Provision.

Any person, firm, partnership, or corporation who violates any provision of this chapter shall, on conviction, be fined not more than one thousand dollars (\$1,000.00) or sentenced to not more than one (1) year in the county jail, or both.

4051.1 Separate Offense.

Each day that a violation of this chapter exists shall constitute a separate offense.

**CHAPTER 40**  
**SCHEDULE I**  
FOOD SERVICE ESTABLISHMENTS FEES

Permit Fees.

The following annual permit fees shall be charged.

Fees, Food Establishment Permits.

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.

Less Than 25 Seats.

An annual fee of forty dollars (\$40) shall be charged of Food Establishments with less than twenty\_five (25) seats.

25 to 74 Seats.

An annual fee of fifty dollars (\$50) shall be charged of Food Establishments having twenty\_five (25) or more seats but less than seventy\_five (75) seats.

75 to 199 Seats.

An annual fee of seventy\_five dollars (\$75) shall be charged of Food Establishments having seventy\_five (75) or more seats but less than two hundred (200) seats.

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 Stands

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

Fees, Temporary Food Establishment Permits.

A fee of twenty\_five dollars (\$25) shall be charged to Temporary Food Establishments 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 for each event in which a food service booth participates.

School Cafeteria/Day Care Permits.

An annual permit fee of twenty\_ five dollars (\$25) shall be charged to school cafeterias and to day care facilities.

Replacement Permits.

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

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

APPROVED AS TO FORM:

\_\_\_\_\_ County Counselor

I hereby certify that the attached Ordinance, Ordinance # 3168 of August 13, 2001 was duly passed on \_\_\_\_\_ August 27 \_\_\_\_\_, 2001 by the Jackson County Legislature. The votes thereon were as follows:

Yeas \_\_\_\_\_ 7 \_\_\_\_\_                      Nays \_\_\_\_\_ 0 \_\_\_\_\_  
Abstaining \_\_\_\_\_ 0 \_\_\_\_\_                      Absents \_\_\_\_\_ 2 \_\_\_\_\_

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

\_\_\_\_\_ Date    \_\_\_\_\_ Mary Jo Brogato, Clerk of Legislature

I hereby approve the attached Ordinance #3168.

\_\_\_\_\_ Date    \_\_\_\_\_ Katheryn J. Shields, County Executive