



Jackson County Missouri

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Legislation Text

File #: 4635, Version: 0

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE repealing sections 4000., 4010., 4030., 4044., 4046., and Schedule I to chapter 40, Jackson County Code, 1984, relating to food safety, and enacting, in lieu thereof, five new sections and one new schedule relating to the same subject.

ORDINANCE NO. 4635, June 30, 2014

INTRODUCED BY Bob Spence, County Legislator

WHEREAS, Public Works staff have completed a thorough review of chapter 40 of the Jackson County Code, relating to food safety and environmental standards; and,

WHEREAS, staff now recommends several revisions to the code to bring it more closely into compliance with modern food safety standards; and,

WHEREAS, such revisions 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 Sections 4000., 4010., 4030., 4044., 4046., and Schedule I to chapter 40, Jackson County Code, 1984, are hereby repealed, and five new sections and one new schedule enacted in lieu thereof, to be known as sections 4000., 4010., 4030., 4044., 4046., and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] **2.0** of the Department of Health's guidelines, entitled A 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.

Catering Operation. The process of an individual or business with a restaurant-type food permit that conducts food service activities outside of the permitted establishment.

Commissary. A catering establishment, kitchen, or mobile food service base of operations, or any place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored. A commissary must meet all requirements of this chapter.

Department. The Jackson County Department of Public Works, Planning and Environmental

Health Division.

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

Farmers Market. A designated location used by local farmers and producers primarily for distribution and sale of locally produced agricultural products, or a limited amount of non-agricultural, locally produced products.

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 a common carrier.

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.

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 Officer, or a private home that receives catered or home-delivered food.

Food Processor/Warehouse. A commercial operation, such as a food manufacturer,

warehouse, processor, or distribution center, that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to the consumer.

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

Lodging Establishment. Any building, group of buildings, structure, facility, place, or places of business where five (5) or more guest rooms are provided, which is owned, maintained, or operated by any person and which is kept, used, maintained, advertised, or held out to the public for hire, which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort, cabins, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as lodging establishments for either transient guests, permanent guests, or for both transient and permanent guests. This definition shall not apply to dormitories and other living or sleeping facilities owned or maintained by public or private schools, colleges, universities, or churches unless made available to the general public and not used exclusively for students and faculty, school sponsored events, baseball camps, conferences, dance camps, equitation camps, football camps, learned professional society meetings, music camps, retreats, seminars, soccer camps, swimming camps, track camps, youth leadership conferences, or church-sponsored events.

Mobile Food Unit. A vehicle-mounted food service establishment, designed to be readily movable, that returns to a commissary daily for clean-up and service.

Non-Profit Organization Temporary Food Establishment. A Food Establishment operated by a non-profit organization for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration. A non-profit organization shall submit proof of 501(c) exemption form or other tax-exempt letter with its application.

Potentially Hazardous Food. Foods that require time and temperature controls to remain safe for human consumption.

Pushcart. A non-self-propelled vehicle limited to serving non-potentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

Seasonal Food Establishment. Any Food Establishment **meeting the requirements of this chapter** 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 sherbet, 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.

Vending Machine. Any self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

4030. Permit Required. No person, firm, partnership, or corporation shall operate a Food Establishment, Temporary Food Establishment, Non-Profit Organization Temporary Food Establishment, Seasonal Food Establishment, Soft Serve Frozen Dessert Machine, Mobile Food Unit, Pushcart, Lodging Establishment, Food Processor/Warehouse, Farmers' Market Stall, or Catering Operation without the appropriate permit issued by the Health Officer.

4030.1 Farmers' Market Vendor Stall Permit. Issued to and required of any vendor at a farmers' market that will offer samples of produce, or that will sell pre-packaged, potentially hazardous foods such as inspected frozen meats or eggs. This does not include concession-type sales for immediate consumption (no cooking or food preparation, except for sampling).

4030.2 Catering Operation Permit. Issued to a permitted restaurant-type establishment that may apply for a catering permit issued by the Health Officer to conduct food service activities outside of the permitted establishment. A Catering Operation permit will be issued to any establishment that has demonstrated proper food safety knowledge relating to food preparation and transportation techniques. The Health Officer reserves the right to deny a

Catering Operation permit, and/or revoke any previously issued permit, to any establishment that has not demonstrated the ability to safely conduct food service operations off-site.

4030.3 [Food Processor/Warehouse Exception. A permit shall not be required for any Food Processor/Warehouse establishment inspected by the State of Missouri Health Department.

4030.4] Lodging Establishments. Any Lodging Establishment shall be constructed and operated in a safe and sanitary manner, and in accordance with this chapter and any other applicable local code and the State of Missouri's laws and regulations for Lodging Establishments.

a. Compliance Procedures. Prior to approval of an application for a permit, the Health Officer shall inspect the proposed Lodging Establishment to determine compliance with the requirements of this chapter. The Health Officer shall issue a permit to the applicant if the inspection reveals that the proposed Lodging Establishment complies with the requirements of this chapter.

b. Inspection, Annual. An inspection of a Lodging Establishment shall be performed at least once every year. Additional inspections of a lodging establishment shall be performed as often as necessary for the enforcement of this chapter.

c. Inspection, Other. The Health Officer or designee, after proper identification, is authorized to enter any Lodging Establishment at any reasonable time for the purpose

of making inspections to determine compliance with this chapter.

4030.4 Vending Machine Permit . A vending machine permit shall be required for each individual vending machine that holds Potentially Hazardous Food.

4044. Review Future Construction. Each person, firm, partnership, or corporation seeking to construct, remodel, or alter a Food Establishment or any other 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 Equipment. **[Commercial]** Kitchens are required to use [refrigerators and] dishmachines [approved by the National Sanitation Foundation International (NSF)] **that are certified or classified for sanitation by an American National Standards Institute (generally referred to as “commercial grade.”** Any permitted establishment operating prior to [the effective date of Jackson County Ordinance 4390] **February 27, 2012**, that replaces an existing [refrigerator or] dishmachine, shall replace with **certified or**

classified equipment [approved by the National Sanitation Foundation International (NSF)]
. Kitchens may be required to use refrigeration certified for restaurant use in instances where the menu dictates a large amount of cooling is done.

4044.3 Building Permits. The Director 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.

4046. Violation, 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 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 the time period set out in this subsection, the establishment shall immediately cease food service operations until authorized to resume by the Health Officer]. **Once all violations are corrected a permit will be issued.**

4046.2 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

FOOD SERVICE ESTABLISHMENTS AND OTHER OPERATIONS

Permit Fees. The following annual permit fees shall be charged:

Authorized Events Conducted by County Employees in County Facilities Fee, Waiver. No fee shall be charged for any approved one-day fundraising event that is sponsored by the County or Circuit Court within County facilities and open to the public for a nonprofit/charitable cause.

Catering Permit Fee. An annual fee of three hundred seventy five dollars (\$375) shall be charged of each establishment that will have a Catering Operation.

Farmers' Market Vendor Stall Permit Fee. An annual fee of twenty five dollars (\$25) shall be charged for each farmer's market vendor stall.

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 low, medium, or high priority classification, as defined in the Missouri Department of Health Rules.

Low Priority Establishment. An annual fee of one hundred fifty dollars (\$150) shall be charged of each Low Priority Food Establishment.

Medium Priority Establishment. An annual fee of three hundred fifty dollars (\$350) shall be charged of each Medium Priority Food Establishment.

High Priority Establishment. An annual fee of seven hundred sixty dollars (\$760) shall be charged of each High Priority Food Establishment.

[Food Processor/Warehouse Fee. An annual fee of one hundred and fifty dollars (\$150) shall be charged of each Food Processor/ Warehouse establishment.]

Late Fee. A late fee of fifty dollars (\$50) will be charged for any annual establishment permit issued after the date of expiration.

Late Fee, Temporary Event. A late fee of twenty five dollars (\$25) will be charged for any temporary event application received less than 48 hours before the event.

Lodging Establishment Fee. An annual fee of one hundred fifty dollars (\$150) shall be charged for each Lodging Establishment.

Lodging Establishment Fee Exemption. Shelters set up for disaster situations shall be exempt from permitting fees. Shelters remaining open longer than 48 hours will be inspected using guidelines from Center for Disease Control (CDC). Recommendations will be given at the time of the inspection to run the shelter more effectively.

Mobile Food Unit/Pushcart Permit Fee. An annual fee of two hundred dollars (\$200) shall be charged for each Mobile Food Unit or Pushcart.

Non-Profit Organization Fee. A flat fee of two hundred dollars (\$200) shall be charged for any one-day fundraising event sponsored by a non profit organization(s) that has more than four (4) vendors or food providers participating so long as all profits from the proceeds of the event must benefit a non-profit organization.

Non-Profit Temporary Food Establishment Permit Fee. A fee of twenty five dollars (\$25) will be charged for each Non-Profit Temporary Food Establishment for a permit not to exceed fourteen (14) days. A permit shall be valid for four (4) events in which a Non-Profit Temporary Food Establishment participates and a new permit shall be required for every four additional events.

Plan Review/ Pre-Opening Inspection Fee. A fee of three hundred dollars (\$300) shall be charged for the review of plans and preopening inspection of Food Establishments, excluding Temporary Food Establishments.

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.

Re-inspection Fee. A re-inspection fee of one hundred dollars (\$100) will be charged when a re-inspection is required to correct noncompliance, with the exception of school cafeterias and

Temporary Food Establishments.

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.

School Cafeteria Permit Fee. An annual permit of fifty dollars (\$50) shall be charged of each school cafeteria.

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

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.

Temporary Food Establishment Permit Fee. A fee of fifty dollars (\$50) shall be charged of each Temporary Food Establishment for a permit not to exceed fourteen (14) days. A separate permit is required for each event in which a Temporary Food Establishment participates.

Vending Machine Permit Fee. An annual fee of twenty five dollars (\$25) shall be charged for each Vending Machine containing Potentially Hazardous Food.

..Enacted and Approved

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 No. 4635 introduced on June 30, 2014 was duly passed on July 7, 2014 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 7

Nays 0

Abstaining 0

Absents 0

Excused 1

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

Date

Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance No. 4635.

Date

Michael D. Sanders, County Executive