

LAWRENCE COUNTY HEALTH DEPARTMENT
AN ORDER REGULATING THE OPERATION OF FOOD ESTABLISHMENTS
AND PROVIDING PENALTIES IN THE COUNTY OF LAWRENCE,
STATE OF MISSOURI

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 01: AUTHORITY. This ordinance is enacted pursuant to Section 192.300, RSMo 2005, 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 regulations, 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 in accordance with this Chapter 198 RSMo. The county commission and the county health department may establish reasonable fees to pay for any costs incurred in carrying out such orders, ordinances, rules or regulations; however, the establishment of such fees shall not deny the personal health services to those individuals who are unable to pay such fees or impede the prevention or control of communicable disease.

SECTION 02. APPLICABILITY. These regulations apply to all food service establishments in Lawrence County.

SECTION 03. DEFINITIONS. The following words and phrases shall have the following meanings:

- 3.01 Department: The Lawrence County Health Department.
- 3.02 The Code: The current recommendations of the Missouri Department of Health relating to food service.
- 3.03 Food Service Establishment: Any operation that stores, prepares, packages, vends or otherwise provides food for human consumption.
- 3.04 Regulatory Authority: The Administrator of the Lawrence County Health Department or an authorized representative.
- 3.05 Food Service Priority and Risk Assessment: The Lawrence County Health Department shall establish and review each food service establishment Priority or food handling Risk level with an assessment procedure form. Priority level shall be established as LOW, MEDIUM, or HIGH depending on inspection history, potentially hazardous foods served, number of meals per time period served, and population served as indicated on the FOOD SERVICE PRIORITY AND RISK ASSESSMENT FORM.
- 3.06 Food Transportation: The act of moving any substance from the facility to another serving point, which is or will be processed/served for human consumption. This is not to include agricultural products or live animals in transport to a processing facility or shipping facility.
- 3.07 Stressed Food: Food substances that are being stored or transported in a facility or vehicle that is involved in any type of accident, collision, fire or weather related disturbance which may adulterate the food or cause it to experience temperature stress or in any way cause the food to be of questionable quality for human consumption.

- 3.08 Temporary Food Establishments: A food outlet temporarily located in a location for a period not to exceed fourteen (14) days in conjunction with a single event or celebration.
- 3.09 Mobile Food Establishment: A food establishment operated in various locations. Typically operated from a motorized vehicle or trailer.
- 3.10 Permit: A written authorization issued by the Lawrence County Health Department which authorizes a person or corporation to operate a food establishment.
- 3.11 Food Service Training: Based on risks of food-borne illness inherent to the food operation management/supervisory staff shall demonstrate to the regulatory authority knowledge of food born disease prevention, application of the Hazard Analysis Critical Control Point principles and requirements of the Lawrence County Food Service Ordinance. (For personnel who have not completed an accredited program, completion of a Food Training Workshop by the Lawrence County Health Department will meet requirements.)
- 3.12 All other definitions as listed in the Food Code of the Missouri Department of Health and Food and Drug Administration most recently adopted by the Lawrence County Health Department and the Lawrence County Commissioners.

SECTION 04. PERMIT APPLICATION:

- 4.01 Application Requirements: A person may not operate a food establishment without a valid permit to operate in Lawrence County issued by the department.
- 4.02 An applicant shall submit an application for permit in a timely manner before the date planned for opening a food establishment or the expiration date of the current permit for an existing establishment.
- 4.03 A person desiring to operate a food establishment shall submit to the department a written application for a permit on a form provided by the department.
- 4.04 The application shall include:
- A. The name, address, telephone number and signature of the person applying for the permit and the name, mailing address, type of operation and physical location of the food establishment.
 - B. Information specifying whether the establishment is owned by an association, corporation, individual, partnership or other legal entity.
 - C. A statement signed by the applicant that attests to the accuracy of the information provided in the application.

SECTION 05. ISSUANCE OF PERMITS

- 5.01 NEW, CONVERTED OR REMODELED ESTABLISHMENTS:
The department shall issue a permit to the applicant after:
- 1. A properly completed application is submitted.
 - 2. The required fee is submitted. (\$100.00) Late fees will occur at the rate of \$5.00 each consecutive week over due.
 - 3. The required plans, specifications, and other specific information is submitted to demonstrate conformance with code provisions and are

reviewed and approved.

4. Approval from the appropriate regulatory agencies is received.
(For example City Building Regulations or DNR sewage and
(Water regulations.)
5. A preoperational inspection shows that the establishment is built or
remodeled in accordance with the approved plans and specifications
and that the establishment is in compliance with the code and this
ordinance.

5.02 EXISTING ESTABLISHMENTS, PERMIT RENEWAL AND CHANGE OF OWNERSHIP:

The Department may renew a permit for an existing food establishment or may issue a permit to a new owner of an existing food establishment after a properly completed application is submitted, reviewed, approved, and the fees are paid. An inspection shows that the establishment is in compliance with the food code and this ordinance. Food establishments in operation prior to the effective date of this regulation, but which do not fully comply with all the construction, equipment, and physical requirements of this regulation, shall be deemed acceptable provided they are capable of being maintained in a sanitary condition. This shall not apply to equipment installed or construction begun after the effective date of this regulation.

- 5.03 TEMPORARY FOOD ESTABLISHMENTS: The department shall issue a permit for a temporary food establishment after a properly completed application is submitted, reviewed and approved and the fees are paid. (\$15.00) Fees shall not apply to not-for-profit organizations, schools or non-profit organizations.

- 5.04 PERMITS ARE NOT TRANSFERABLE: A permit may not be transferred from one person to another, from one food establishment to another, or from one type of operation to another.

- 5.05 DENIAL OF APPLICATION FOR PERMIT NOTICE: If an application for a permit to operate is denied, the department shall provide the applicant with a notice that includes:

- A. The specific reasons and Code violations for the permit denial.
- B. The actions, if any, that the applicant must take to qualify for a permit.
- C. Advisement of the applicant's right of appeal and the process and time frames for appeal that are provided for under this ordinance.

- 5.06 PERMIT FEES: Permit fees shall be collected annually for permanent establishments and per event for temporary establishments. The amount of these fees shall not be more than the cost of administering this ordinance. Fees shall not apply to schools or religious organizations or non profit organizations.

SECTION 06. RESPONSIBILITY OF THE PERMIT HOLDER

- 6.01 Upon acceptance of the permit issued by the department, the permit holder , in order to retain the permit, shall:
- A. Post the permit and current inspection report in a location in the facility that is conspicuous to consumers.
 - B. Comply with the provisions of the regulations, rules, and order of the department and shall operate the establishment in accordance to this ordinance including the conditions of any granted variance and approved plans as specified in this ordinance.
 - C. Sign the acknowledgment of receipt of inspection findings.
 - D. Immediately contact the department to report a communicable illness of an employee as specified in the food code.
 - E. Immediately discontinue operations and notify the department if an imminent health hazard may exist. Example: fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross unsanitary occurrence or condition, or other circumstances that may endanger public health.
 - F. The establishment shall also be closed immediately in the event an imminent health hazard is determined during any inspection being performed by a Lawrence County Health Department Environment Public Health Specialist.
 - G. Comply with directives of the department including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the department in regard to the permit holder's food establishment or in response to community emergencies.
 - H. Accept notices issued and served by the department according to this ordinance.
 - I. The permit holder shall be the person in charge or shall designate such a person and shall assure that the person in charge or designated person in charge, is present at the food establishment during all hours of operation.
 - J. The person in charge and all food establishment workers must attend food handlers training annually or have been certified by an accredited programs.
 - K. Allow representatives of the department, bearing proper credentials and identification, access to the food establishment for the purpose of inspection and investigation in accordance with this ordinance.

SECTION 07. RESPONSIBILITIES OF THE DEPARTMENT

- 7.01 At the time a permit is issued, the department shall provide to the permit holder one copy of the ordinance so the permit holder is notified of the compliance requirements and

conditions of retention.

- 7.02 The department shall offer food handler's training classes as needed with a cost of \$10.00 per person.

SECTION 08. INSPECTIONS

- 8.01 All inspections shall be conducted by an Environmental Public Health Specialist or other designated employee of the Lawrence County Health Department. The department shall inspect a food establishment at least semi-annually. Frequency of complaint and compliance inspections will be determined by the department.

- 8.02 A re-inspections following a visit (regularly scheduled visit or complaint visit) will not be charged a fee. If more than one re-inspection is needed the food establishment will be assessed \$25.00 fee for each consecutive visit.

SECTION 09. RESTRICTION OR EXCLUSION FROM FOOD HANDLING

- 9.01 Any food handler who tests positive for a communicable disease shall be restricted or excluded from a food handling procedure until the disease is no longer in the communicable stage. The determination that the communicable stage has lapsed shall be confirmed by the nursing staff of the department in accordance with Missouri Department of Health's, "Policy and Procedure Manual for General Communicable Disease". The department's nursing staff shall consult with Missouri Department of Health, Southwest District consultants at their discretion.

SECTION 10. AUTOMATIC CLOSURE

- 10.01 Any food establishment that has at least six (6) critical items marked on the inspection sheet (if not corrected on the spot) shall automatically and immediately cease operations until such time as the critical items are determined, by re-inspection, to be corrected. Re-inspection will be done within 24 hours of notification that critical items are corrected.

- 10.02 A permit holder shall immediately discontinue operations and notify the Department regulatory authority if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross unsanitary occurrence or condition, or other circumstances that may endanger public health. The establishment shall also be closed immediately in the event an imminent health hazard is determined during any inspection being performed by a Lawrence County Health Department Environment Public Health Specialist.

SECTION 11. PENALTIES

- 11.01 Any person found to be in violation of any provision of this ordinance shall be served by the Department with a written notice, via certified mail, or in person, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, entirely cease all operations.

- 11.02 Any person who shall continue a violation beyond the time limit provided for Section 11.01 shall be guilty of a misdemeanor and may be confined to between 1 day and 1 year in the county jail, or fined up to One Thousand Dollars (\$1,000.00) for each violation or any combination of fine and jail time. Each day in which any such violation does continue shall be deemed a separate offense.
- 11.03 Any person violating any of the provisions of this section shall become liable to the Department for expense, loss or damage incurred by the Department by reason of such violation.

SECTION 12. APPEALS

- 12.01 Any person aggrieved by a decision of the Department may appeal to the Lawrence County Commissioners by filing a written application with the Regularity Authority within thirty (30) days after being notified of the decision which is the subject of the appeal. Appeal hearings to the Lawrence County Commissioners shall be conducted in accordance with the Lawrence County Commissioners adopted rules and procedures.
- 12.02 The Commission shall schedule a hearing on appeal, and shall give the person notice of the date of hearing at least ten (10) days prior to the hearing date and give the person reasonable opportunity to be heard.
- 12.03 Appeal hearings to the Lawrence County Commission shall be conducted in accordance with the Commission's adopted rules and procedures.

Section 13. SEVERABILITY

- 13.01 If any section, clause, or phrase of this ordinance is for any reason, held to be invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.