

Dade County Health Department
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Greenfield, MO 65661
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Dade County Food Ordinance

AN ORDINANCE GOVERNING THE CONSTRUCTION, RENOVATION, AND OPERATION OF FOOD SERVICE ESTABLISHMENTS WITHIN THE COUNTY, REQUIRING CERTAIN PERMITS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

SECTION 1. AUTHORITY

This ordinance is enacted pursuant to Section 192.300 RSMo (1995), 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 and dangerous diseases into such county, but any orders, ordinances, rules or regulations shall not be in conflict with any rules or regulations authorized and made by the department of health in accordance with this chapter or by the department of social services under chapter 198 RSMo.

Section 192.300 RSMo authorizes the county health board to establish and collect fees to pay for any costs incurred in carrying out such orders, ordinances, rules, or regulations. All money collected under the Dade County Food Ordinance shall be deposited in the Dade County Health Department account to be used for environmental health services in Dade County.

SECTION 2. APPLICABILITY

These regulations apply to all food service establishments and temporary food vendors, as defined in the current Missouri Food Code.

SECTION 3. REGULATIONS

The inspection of food establishments and operations and the enforcement of this ordinance shall be in accordance with 19 CSR 20-1.025 Missouri Food Code, including any revisions, modifications, amendments to the rule, any re-adoption of the rule, and the adoption of any successor rule or rules, which may be enacted after the adoption of this ordinance. A copy shall be maintained on file in the office of the Dade County Health Department, and shall be adopted by reference in whole.

SECTION 4. DEFINITIONS

4.1 Code refers to 19 CSR 20-1.025, the Missouri Food Code.

4.2 Food Establishment means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for public human consumption.

4.3 Regulatory Authority is the Dade County Health Department administrator or authorized representative(s).

4.4 Distressed Food means food substances that are being stored or transported in a facility or vehicle that is involved in any type of accident, collision, fire, flood, weather-related or other type of disturbance which may adulterate the food substances, cause food to experience temperature stress, or in any way cause the food substances to be of questionable quality for human consumption.

4.5 Public Health Priority Assessment is a worksheet used to determine a priority rating (low, medium, high) for establishments, given past history of violations, types of food served, preparation requirements of foods served, number of meals served, and population served.

SECTION 5. PERMIT APPLICATION

5.1 A person may not own or operate a food establishment in Dade County without a valid permit issued by the regulatory authority.

5.2 Only an establishment that complies with the requirements of this ordinance and the code shall be entitled to retain such a permit. A valid permit shall be posted in every food establishment.

5.3 Permits shall be renewed annually and shall be valid from July 1 to June 30. Permit applications and fees must be submitted and approved before a permit is issued. Failure to renew a permit by July 1 will result in the levy of an additional \$100.00 late payment fee.

5.4 Applicants must submit a completed application for a permit to the Dade County Health Department. Application forms are available at the Dade County Health Department.

5.5 New establishments must submit application, fees, and meet specifications for approval no later than 14 business days prior to opening for business. A pre-opening inspection will be conducted by the regulatory authority, to determine if the establishment is in compliance with the code and this ordinance. If an existing establishment closes for remodeling purposes, a pre-opening inspection and fee will be required. If a change of ownership or a change of location of an existing establishment occurs, renewal of the establishment's permit may be required along with any necessary plans. The Dade County Health Department shall determine if ownership or menu changes warrant a new permit. The permit shall be obtained by the owner of the establishment or by an officer of the legal ownership. Permits are **not** transferable. A permit shall be valid from the date of issuance until June 30 of the next year. Failure to obtain a permit before opening shall result in the levy of an additional \$100.00 payment fee.

5.6 Religious, charitable, educational, and non-profit organizations offering meal events at their facilities shall be allowed to waive fees. Individual events, open to the public, beyond their church congregation, are subject to permits. These establishments are expected to follow the rules and laws contained in the current Missouri Food Code and may be inspected as determined by the regulatory authority. These entities must submit documentation of tax-exempt status.

5.7 A permit may be revoked or a permit application denied if the permit holder or applicant has failed to comply with any part of this rule until such time that the regulatory authority determines that they are in compliance. When a permit is revoked, the holder of the permit may apply for a new permit upon correction of all violations. While under revocation or denial, a food establishment may not be open to the public.

SECTION 6. PERMIT COMPLIANCE

6.1 Establishment inspections

(A) Representatives of the regulatory authority shall be permitted to enter any food service establishment, have access to the entire premises, and take photos at any reasonable time for the purpose of making inspections to determine compliance with this ordinance. The regulatory authority shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used.

(B) The regulatory authority shall perform an inspection of a food establishment at least once annually or more often as determined by the Public Health Priority Assessment. Additional inspections may be performed as necessary for the enforcement of this ordinance. Public health priority assessment shall be reviewed for each establishment annually.

(C) Temporary food establishments shall have inspections conducted at the discretion of the regulatory authority. Factors that would influence the decision of the regulatory authority.

(D) The number of priority and core items of non-compliance resulting from food establishment inspections will be published on the Dade County Health Department website. Restaurant inspections are public record and may be obtained from the regulatory authority, within five business days, upon written request.

6.2 Correction of violation

The completed inspection form shall specify a reasonable period of time for correction of the violations found, and a correct by date shall be set for each violation in accordance with the following provisions:

(A) If an imminent health hazard is determined by the regulatory authority to exist, the establishment shall immediately cease all food operations until authorized by the regulatory authority to resume.

(B) All priority violations shall be corrected within 72 hours following the inspection by the regulatory authority.

(C) All core violations shall be corrected by time specified by the regulatory authority. If core items yet exist during next routine inspection, these core items will be noted in the priority category.

(D) In the case of a temporary food establishment, all violations shall be corrected within 24 hours. If violations are not corrected within 24 hours, the establishment shall cease operations until authorized to resume by the regulatory authority.

(E) If, upon re-inspection, any violations are found to be uncorrected after the correct by date provided by the regulatory authority, an additional follow up inspection shall be scheduled and a \$100 fee shall be levied upon the establishment for this second follow up. Failure to correct the specified violations upon a second follow up shall result in revocation of the food establishment's operating permit.

6.3 Prevention of food-borne disease transmission

(A) The regulatory authority shall act when it has reasonable cause to believe that food borne disease transmission has occurred, by closing a food establishment in order to investigate a food-borne outbreak associated with the establishment until the regulatory authority determines that no further danger of disease transmission exists.

(B) The regulatory authority shall act when it has reasonable cause to believe that a food handler(s) has possibly transmitted a disease, may be infected with a communicable disease transmissible through food, or may be a carrier of infectious agents which are transmissible through food.

- 1) Making appropriate investigations, including securing a confidential medical history.
- 2) Requiring appropriate medical examinations, including collection of specimens for laboratory analysis of a suspected food handler(s).
- 3) By requiring the owner/manager to exclude or restrict an employee from working until cleared by a physician.

6.4 Distressed Foods and Disasters

Any time there is an incident involving transported foods, fire, interruption of water supply or power supply, a backup of sewage into the establishment, or any other event which may compromise the safety of the food or the sanitation of a food establishment, the owner or manager must immediately notify the regulatory authority and if so ordered cease all food operations and comply with all requirements for destruction, disposal, or reconditioning of food or food equipment as determined by the regulatory authority.

6.5 Additional Provisions

(A) When, during the course of an inspection, the regulatory authority deems any food product(s) to be unsafe, the permit holder must comply with all requirements imposed by the regulatory authority for destruction, disposal, or reconditioning of the food in question.

(B) The regulatory authority may, without warning or hearing, close any food establishment or revoke any permit to operate a food establishment for serious or repeated violations, for interference with the regulatory authority in the performance of duty, or if the operation of the food establishment otherwise constitutes an imminent hazard to public health. Revocation of the permit is effective upon service of the notice.

Listed below are examples of, but not limited to, violations that may result in revocation of a permit:

- a) One (1) or more identical repeat priority items on two (2) consecutive inspections
- b) Three (3) or more priority items on two (2) consecutive inspections

- c) Ten (10) or more core items on two (2) consecutive inspections
- d) Failure to notify the regulatory authority when an imminent health hazard exists or has occurred.

SECTION 7. VIOLATIONS/PENALTIES

Any person who violates any provision of this ordinance is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$1000 or by imprisonment for not more than 60 days, or by both fine and imprisonment. For each day during any portion of which any violation of the provisions of this article is found to exist and is continued, such person or persons is guilty of separate offenses for each day and shall be punished therefore as provided.

SECTION 8. FEES

Permit Fee Charge Schedule. Determined by Public Health Priority Assessment.

High Priority-----	\$175
Medium Priority-----	\$125
Low Priority-----	\$75
 Plan Review and Pre-Opening Inspection for New and Remodeled Establishments-----	 \$100

SECTION 9. GREIVANCE PROCESS

Upon notice of denial or revocation of permit or closure, the permit holder may file a written request to the regulatory authority within Five (5) days of the notice to request a hearing with the regulatory authority to be held within 10 days receipt of the request.

SECTION 10. SAVING CLAUSE

If any part of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this order

SECTION 11. AMENDMENTS

This ordinance may be amended at anytime pursuant to RSMo 192.300.

BE IT ORDAINED AS FOLLOWS:

SECTION 1: The Dade County Health Department Board of Trustees hereby promulgates and adopts the Dade County Food Ordinance as recommended and requested by the Dade County Health Department.

SECTION 2: The Dade County Health Department is hereby ordered to have the Ordinance printed and available in his/her office for distribution to the public.

SECTION 3: Notification of this Ordinance shall be published in some newspaper in this county in three successive weeks, with the first publication occurring not later than thirty (30) days after the adoption of this Ordinance. The ordinance shall be available at the Dade County Health Department website and printed copies available at the office.

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER THE DATE OF ITS PASSAGE AND APPROVAL.

PASSED THIS 25 DAY OF April 2014

Ulee Lollar
Health Board of Trustees Chairman

Deanna McLenore
Board of Trustees

Vicki Decker
Board of Trustees

ATTESTED TO:

Omela Allen
Dade County Health Department Administrator