

# **BARTON COUNTY FOOD SERVICE SANITATION ORDINANCE**

THE FOLLOWING ORDINANCE GOVERNS THE CONSTRUCTION, RENOVATION, AND OPERATION OF FOOD SERVICE ESTABLISHMENTS WITHIN THE COUNTY, PERMIT REQUIREMENTS, AND PENALTIES FOR VIOLATION THEREOF.

SECTION I. AUTHORITY. This ordinance is enacted pursuant to Section 192.300, RSMO, which provides, in part as follows: The county commissions and the county health center boards of the several counties may make and promulgate orders, ordinances, rules or regulation, respectively, as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or 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 and Senior Services in accordance with this chapter or by the Department of Social Services under Chapter 198 RSMO.

SECTION 2. APPLICABILITY. These regulations apply to all food service establishments in Barton County.

SECTION 3. DEFINITIONS. The following words and phrases shall have the following meanings:

- 3.01 Board: The Barton County Health Department Board of Trustees.
- 3.02 The Code: Refers to 19 CSR 20-1.025, the current regulation of the Missouri Department of Health relating to food service.
- 3.03 Food service establishment: An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption as stated in Section 196.190, RSMO.
- 3.04 Regulatory authority: The Administrator of the Barton County Health Department or an authorized representative.
- 3.05 Permit: The document issued by the regulatory authority that authorizes a person to operate a food establishment.

## SECTION 4. PERMIT COMPLIANCE PROCEDURES

- 4.01 No person shall operate a food service establishment who does not have a valid permit issued to him or her by the regulatory authority. Only a person who complies with the requirements of this ordinance and the code shall be entitled to receive or obtain such a permit. Permits are non-transferable. A valid permit shall be posted in every food service establishment.
- 4.02 Any person desiring to operate a food service establishment shall make written application for a permit on forms provided by the regulatory authority. Such application shall include the name and address of each applicant, the location and type of the proposed food service establishment, the signature of each applicant, and pay a renewable annual fee. The permits are valid from January 1 through December 31. The fee for a new establishment permit will be a \$50.00 charge. The renewable annual permit fee for existing establishments will be a \$30.00 charge. All fees may be waived for non-profit institutions and or government institutions as determined by the regulatory authority.
- 4.03 Prior to approval of an application for a permit, the regulatory authority shall inspect the proposed food service establishment to determine compliance with the requirements of this ordinance.
- 4.04 The regulatory authority shall issue a permit to the applicant if its inspection reveals that the proposed food service establishment complies with the requirements of this ordinance.
- 4.05 The regulatory authority may, without warning, notice, or hearing suspend any permit to operate a food service establishment if the holder of the permit does not comply with the requirements of this ordinance, or if the operation of the food service establishment otherwise constitutes a substantial hazard to public health. Suspension is effective upon service of the notice required by section 4.06 of this ordinance. When a permit is suspended, food service operations shall immediately cease. Whenever a permit is suspended, the holder of the permit shall be afforded an opportunity for hearing within 20 days of receipt of a request for hearing.
- 4.06 Whenever a permit is suspended, the holder of the permit or the person in charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if a written request for hearing is filed with the regulatory authority by the holder of the permit within 10 days. If no written request for hearing is filed within 10 days, the suspension is sustained. The regulatory authority may end the suspension at any time if reasons for suspension no longer exist.

- 4.07 The regulatory authority may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of this ordinance or for interference with the regulatory authority in the performance of duty.
- 4.08 Prior to revocation, the regulatory authority shall notify, in writing, the holder of the permit or the person in charge, of the specific reason(s) for which the permit is to be revoked and that the permit shall be revoked at the end of the 10 days following service of such notice unless a written request for hearing is filed with the regulatory authority by the holder of the permit within such 10-day period. If no request for hearing is filed within the 10-day period, the revocation of the permit becomes final.
- 4.09 A notice provided for in this ordinance is properly served when it is delivered to the holder of the permit, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the regulatory authority.
- 4.10 The regulatory authority shall conduct the hearings provided for in this ordinance at a time and place designated by it. Any oral testimony given at a hearing shall be reported verbatim, and the presiding officer shall make provision for sufficient copies of the transcript. The regulatory authority shall make a final finding based upon the complete hearing record and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the regulatory authority.
- 4.11 Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit.
- 4.12 An inspection of a food service establishment shall be performed at least once every 12 months. Additional inspections of the food service establishment shall be performed as often as necessary for the enforcement of this ordinance.
- 4.13 Representatives of the regulatory authority, after proper identification, shall be permitted to enter any food service establishment at any reasonable time for the purpose of making inspections to determine compliance with this ordinance. The representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used.
- 4.14 Whenever an inspection of a food service establishment or commissary is made, the findings shall be recorded on the inspection report.

The inspection report form shall summarize the requirements of this ordinance. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed inspection report form is a public document that shall be made available for public document according to law.

4.15 Correction of violations. The completed inspection report form shall specify a reasonable period of time for the correction of the violations found; and correction of the violations shall be accomplished within the period specified, in accordance with the provisions of the current code.

4.16 Review of plans.

(a) Whenever a food service establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the regulatory authority along with a \$25.00 fee for review and approval before construction, remodeling, or conversion is begun. 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. The regulatory authority shall approve the plans and specifications if they meet the requirements of this ordinance. No food service establishment shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the regulatory authority.

(b) Whenever plans and specifications are required by section 4.16 (a) of this ordinance to be submitted to the regulatory authority, the regulatory authority shall inspect the food service establishment prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of this ordinance.

4.17 Penalties.

(a) Any person (or responsible officer of that person) who violated a provision of this ordinance and any person (or responsible officer of that person) who is the holder of a permit, or who otherwise operates a food service establishment that does not comply with the requirements of this ordinance, shall be guilty of a class A misdemeanor as stated in Section 192.320, RSMO, and on

conviction thereof shall be fined not more than \$1,000 for each violation. Each day in which any such violation does continue shall be deemed a separate offense.

- (b) The regulatory authority may seek to enjoin violations of this ordinance.
- (c) If any article, chapter, section, clause or phrase of this regulation is, for any reason, held to be invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this regulation. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the regulatory authority.