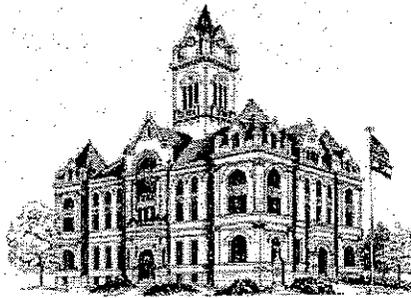


MARC H. ELLINGER
Presiding Commissioner
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JEFF HOELSCHER
Eastern District Commissioner
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KRIS SCHEPERLE
Western District Commissioner
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Cole County Commission

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ORDINANCE

AN ORDINANCE ADOPTING RULES AND REGULATIONS REGARDING THE ADMINISTRATION OF THE COLE COUNTY FOOD SANITATION SAFETY CODE BY THE COLE COUNTY HEALTH DEPARTMENT

WHEREAS, §193.300, RSMo., provides that the Cole County Commission and Cole County Health Department may make and promulgate orders and ordinances or rules and regulations as will tend to enhance public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into Cole County; and

WHEREAS, the Cole County Commission recognizes that food safety and proper food service sanitation are necessary to protect the health and safety of Cole County residents and visitors and that a Cole County Food Sanitation Ordinance is a proper and necessary means to ensure these protections.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSION OF COLE COUNTY, MISSOURI, AS FOLLOWS:

Section One: The Cole County Commission hereby promulgates and adopts rules and regulations regarding the administration of the Cole County Food Sanitation Safety Code by the Cole County Health Department, and these rules and regulations are attached and incorporated by reference herein.

Section Two: These rules and regulations will go into effect on January 1, 2014.

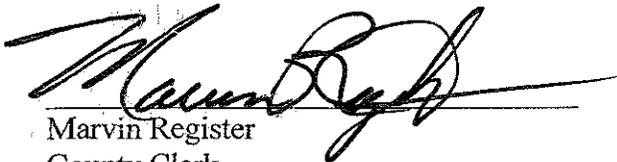
Section Three: A copy of this order shall be published in a newspaper in this County on three successive weeks, within thirty (30) days after the passage of this order.

ADOPTED AND APPROVED THIS 25 DAY OF November, 2013.

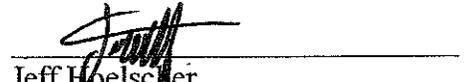
ATTEST:



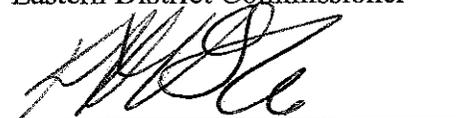
Marc H. Ellinger
Presiding Commissioner



Marvin Register
County Clerk



Jeff Hoelscher
Eastern District Commissioner



Kris Schepeler
Western District Commissioner

COLE COUNTY, MISSOURI FOOD SANITATION ORDINANCE

INTRODUCTION:

This ordinance governs Retail Food Establishments, Food Processors/Distributors, and Temporary Food Establishments as defined in the most recent FDA Food Code as adopted by the State of Missouri regarding construction, renovation and operation within Cole County, Missouri and requires certain permits, and knowledge of food safety and provides penalties for violation thereof.

These rules and regulations are used in conjunction with the FOOD SANITATION ORDINANCE adopted by the Cole County Commission on November 25, 2013. These Rules and Regulations shall be liberally construed and applied to promote its underlying purpose of protecting the public's health. The effective date is January 1, 2014.

SECTION A. AUTHORITY:

This ordinance is enacted pursuant to Chapter 192 Section 192.300 RSMo 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 regulation, respectively, as will tend to enhance 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 or by the Department of Social Services under Chapter 198 RSMo.

SECTION B. APPLICABILITY:

1. The provisions of the U.S. Food and Drug Administration Current Good Manufacturing Practices 21 CFR (Code of Federal Regulations) Part 110 and the Missouri Code of State Regulations promulgated by the Missouri Department of Health and Senior Services concerning the management and personnel, employee restriction, food operations, equipment and facilities, and health and sanitation of food establishments, 19 CSR 20-1.025, including any revisions, modifications and 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, shall apply to the enforcement of this ordinance and are incorporated in this ordinance by reference as though fully set forth herein, subject to the additions, modifications and substitutions specifically set forth in this ordinance.
2. These rules and regulations apply in Cole County to all Retail Food Establishments, Food Processors/Distributors, and Temporary Food Establishments as defined in the most recent FDA Food Code as adopted by the State of Missouri.

SECTION C. DEFINITIONS:

Any words or phrases not defined herein shall have their common ordinary meaning. Any words or phrases defined in the United States Food and Drug Administration's Food Code as adopted by the State of Missouri, and the United States Food and Drug Administration's Current Good Manufacturing Practice 21 CFR (Code of Federal Regulations) Part 110, (commonly known as Current Good Manufacturing

Practice in Manufacturing, Packing, or Holding Human Food) shall have the meaning contained therein as of January 1, 2014.

SECTION D. COMPLIANCE PROCEDURE FOR PERMITS AND CERTIFICATES:

1. The Cole County Health Department is the regulatory authority for the purposes of this ordinance and is hereafter referred to as the regulatory authority and is the issuing authority for the permits issued based on receipt of application and compliance with these rules and regulations. There are four types of permits: Food Establishment, Food Processors/Distributors, Temporary Food Establishment non-profit, and Temporary Food Establishment for-profit. A provisional permit may be issued at the discretion of the Regulatory Authority.
2. Any persons that desire to operate a Food Establishment, Food Processors/Distributors or Temporary Food Establishment shall make written application for a permit on forms provided by the Regulatory Authority. Applications for temporary Food Establishments shall include the dates of the proposed operation and shall be submitted thirty (30) days prior to the start date.
3. No person shall operate a Food Establishment, Food Processors/Distributors or Temporary Food Establishment that does not possess a valid County Food Permit (hereafter, "permit") issued by the Regulatory Authority. Only a person who complies with these Rules and Regulations shall be entitled to receive or retain a permit. Permits are nontransferable from person or place. A valid permit shall be posted in a publicly accessible part of every Food Establishment and Food Processor/Distributor.
 - a. Permits for Food Establishments, and Food Processors/Distributors shall be renewed on an annual basis. A fee of twenty five dollars (\$25.00) shall be paid thirty (30) days prior to the issuance of a permit or the renewal of a permit. The twenty-five dollar (\$25.00) permit fee will include the initial inspection along with the first follow-up inspection conducted. If any additional inspections for compliance are required, the facility is subject to a twenty-five dollar (\$25.00) fee per follow-up inspection thereafter.
 - b. Temporary Food Establishment / Event permits will be based on vendors participating at an event. The event will be responsible for the permit fees pertaining to the number of vendors at the event. For an event with one to ten (1-10) vendors, the event organizer will be charged twenty-five dollars (\$25.00), eleven to twenty (11-20) vendors, the event organizer will be charged fifty dollars (\$50.00), twenty-one to fifty (21-50) vendors, the event organizer will be charged one hundred dollars (\$100.00), and fifty-one (51) or more vendors the event will be charged one hundred twenty-five dollars (\$125.00). Each vendor will not be charged a permit fee. Permits issued will be valid for the duration of the event. Non-profit Temporary Food Establishments /Events will not be charged a fee.
4. Prior to approval of an application for a permit, the Regulatory Authority shall inspect proposed Food Establishment or Temporary Food Establishment to determine compliance with the requirements of these Rules and Regulations.
5. When the Regulatory Authority provides a copy of this Ordinance, Food Code and Good Manufacturing Practice, these provisions shall be maintained at the permitted address so that the permit holder is notified of the compliance requirements and the conditions of retention that are applicable to the permit.
6. The regulatory authority shall perform routine inspections of Food Establishments, Food Processors/Distributors and Temporary Food Establishments. Additional inspections and or re-inspections of the Food Establishment, Food Processors/Distributors, and Temporary Food Establishment shall be performed as often as necessary for the enforcement of this ordinance.

Exceptions:

- a. When the Food Establishment is routinely inspected for health and sanitation conditions by another governmental agency with standards and enforcement provisions. Inspections will be at the discretion of the regulatory authority.
- b. Inspections and permits are not required for Food Processors/Distributors that are inspected for health and sanitation conditions by another governmental agency that has standards and enforcement provisions.
- c. Temporary Food Establishments will be subject to inspection at the discretion of the regulatory authority.

SECTION E. CLOSING ORDER PROCEDURES:

1. The Regulatory Authority may, without warning, notice, or hearing, suspend any Food Establishment, Food Processor/Distributor, and Temporary Food Establishment permit to operate a Food Establishment, Temporary Food Establishment or Food Processor/Distributor if the holder of the permit is not in compliance with the requirements of these Rules and Regulations or if the operation of the Food Establishment, Temporary Food Establishments or Food Processor/Distributor otherwise constitutes a substantial hazard to public health. When a permit is suspended, Food Establishments, Temporary Food Establishments or Food Processor/Distributor operations shall immediately cease operations. In lieu of suspension of permit and/or complete closure of operation, the regulatory authority may, when no additional health hazard exists, restrict and or prevent use of an area of a building and or equipment. The area and or equipment must be re-inspected prior to removal of restriction and or prevented use.
2. Circumstances that may result in suspension or revocation of a permit:
 - a. Seven (7) or more priority violations on the initial inspection.
 - b. Fifteen (15) or more core violations on the initial inspection.
 - c. A combination of twenty-two (22) or more priority and core violation on initial inspection.
 - d. Three (3) or more identical repeat priority violations on two (2) consecutive inspections.
 - e. Ten (10) or more identical repeat core violations on two (2) consecutive inspections.
 - f. An imminent health hazard, meaning there is a significant threat or danger to health that requires immediate correction or cessation of operation to prevent injury.
3. Whenever revocation of a permit is final, the holder of the permit or certificate may make written application for a new permit following correction of violations.

SECTION F. VIOLATIONS AND PENALTIES:

Any person (or responsible officer or employer of that person) who violates a provision of these Rules and Regulations and any person (or responsible officer or employer of that person) who is the holder of a permit or certificate or who otherwise operates a food establishment that does not comply with any of its requirements (including safeguards established in connection with grants or variances or special exceptions) shall be guilty of a misdemeanor punishable as provided in 193.320, 196.235 and 196.265 RSMo, and upon proper complaint shall be prosecuted.

SECTION G. ENFORCEMENT INTERPRETATION:

The Regulatory Authority shall enforce these Rules and Regulations in accordance with interpretations thereof contained in the Missouri Code of State Regulations promulgated by the Missouri Department of Health and Senior Services in 19 CSR 20-1.025, including any revisions, modifications and 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, and the United States Food and Drug Administration's Current Good Manufacturing Practice 21 CFR Part 110, any amendment, revision, edition, compilation or

consolidation thereto.

SECTION H. FOOD ESTABLISHMENTS OUTSIDE JURISDICTION:

Food from food establishments outside the jurisdiction of the Regulatory Authority may be sold within the County of Cole if such food establishments conform to the provisions of the Rules and Regulations or to substantially equivalent provisions. To determine the extent of the compliance with such provisions the Regulatory Authority may accept reports from responsible authorities in other jurisdictions where such food establishments are located. All foods brought into the County of Cole from other areas or jurisdictions shall meet all the requirements of these Rules.

SECTION I. UNCONSTITUTIONALITY CLAUSE OR INVALIDITY CLAUSE:

Should any section, paragraph, sentence, clause, or phrase of these Rules and Regulations be declared unconstitutional or invalid for any reason, the remainder of said Rules and Regulations shall not be affected thereby.