

# **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 REQUIRED FOOD 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 anticipated start date.
3. No person shall operate as a Food Establishment, Food Processor/Distributor, or Temporary Food Establishment without possessing a valid Cole County Food Permit (hereafter referred to as a "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 between persons or locations. A valid permit shall be posted in a publicly accessible location within every Food Establishment and Food Processor/Distributor. Current fees, as approved by the Cole County Commission, shall be posted on the Cole County Health Department website.
  - a. Permits for Food Establishments, and Food Processors/Distributors shall be renewed on an annual basis. A fee shall be paid thirty (30) days prior to the issuance of a permit or the renewal of a permit. The 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 fee per follow-up inspection thereafter.
  - b. Temporary Food Establishment/Event permits shall be based on the number of vendors participating in an event. The event organizer shall be responsible for payment of the permit fee. If a Temporary Food Establishment operates without an event organizer, the permit fee shall be the responsibility of the individual establishment. Nonprofit Temporary Food Establishments and nonprofit events shall not be charged a permit 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:**

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.

- a. 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.
- b. 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. 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.