

**AN ORDINANCE ADOPTING THE 2009 EDITION OF THE FOOD AND DRUG ADMINISTRATION (FDA) FOOD CODE REGULATING THE RETAIL SALE, COMMERCIAL AND INSTITUTIONAL SERVICE, AND VENDING OF FOOD; DEFINING TERMS; PROVIDING STANDARDS, PROVIDING FOR FEES AND THE ENFORCEMENT OF THIS CODE.**

**WHEREAS**, RSMo 192.300 provides that county health center boards may make and promulgate orders, ordinances, rules or regulations, respectively as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into a county; and

**WHEREAS**, the *U.S. Department of Health and Human Services Public Health Service Food and Drug Administration 2009 Food Code* serves as the basis for the Missouri Department of Health and Senior Services Food Code, and likewise has been adopted by both the cities of Branson and Hollister; and

**WHEREAS**, the Taney County Health Department Board of Trustees desires to provide uniform standards and consistency in its application of rules and regulations and provide for the health, safety and welfare of county inhabitants;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TANEY COUNTY HEALTH DEPARTMENT, AS FOLLOWS:**

**Section 1: Adoption of Code**

That a certain document, three (3) copies of which are on file in the office of the County Clerk of Taney County Missouri, being marked and designated as the Food Code, 2009 Recommendations of the United States Public Health Service/Food and Drug Administration as published by the U.S. Department of Health and Human Services, Public Health Services, Food and Drug Administration be, and is hereby adopted (Chapters 1-8 and Annex 1) with the below cited additions, modifications, substitutions or deletions, as the Food Code of Taney County, Missouri; for regulating the design, construction, management and operation of food establishments, and providing for plan submission and approval and the issuance of permits and collection of fees.

**Section 2: Exceptions to the incorporation by reference are as follows:**

Chapter 2-2 Section 102-11 (add subsection (D) to read as follows)

(D) All food employees who work with unpackaged food, food equipment or utensils, or food contact surfaces shall have taken and passed a short course on applied food service sanitation as approved by the city health department.

Chapter 5, section 5-402.13. Change to read as follows:

Grease traps shall be used in all grease/oil/fat producing facilities and shall be designed, installed, and operated in compliance with the city's current grease trap policy and shall be easily accessible for content removal.

Chapter 8, section 8-401.20. Add new subsection (H) as follows:

(H) Other risk factors with the currently used risk assessment form as used by the health department across the jurisdiction.

Chapter 8, section 8-405.11(C) and (D). Add new sections C and D to read as follows:

(C) When a food establishment receives a score of less than 70 but greater than 59 on a routine inspection, then the establishment, at the discretion of the regulatory agency, shall have three days to correct all priority and 90 percent of priority foundation and core violations.

(D) When a food establishment receives a score of less than 60 on a routine inspection, or with six or more priority violations, it shall have 24 hours to correct all priority and 95 percent of all priority foundation and core violations, or be immediately closed for a time frame determined by inspector.

### Section 3: Definitions

- A. Regulatory Authority means the Taney County Health Department or its authorized representative, herein sometimes referred to as 'the Department.'
- B. Person means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.
- C. Facility Classifications
  - a. High Risk, Category 3: Facility where food items are prepared from raw ingredients that require several steps in preparation, items that have to be held at proper hot or cold temperatures before, during and/ or after preparation. These facilities are inspected three times per year.
  - b. Medium Risk, Category 2: Facility where the menu is restricted to limited items with limited step food preparation. These facilities are inspected two times per year.
  - c. Low Risk, Category 1: Facility which handles all prepackaged food items that require no food preparation. These facilities are inspected one time per year.
- D. Temporary food establishment: A temporary event (up to 14 days) which includes one or more food vendors who exhibits, displays, gives away, offers for sale or sells any food or beverages to the public.
- E. Reinspection: an inspection that is conducted as a follow-up to a failed routine inspection or to address a corrective action as identified by the regulatory authority.
- F. Complaint inspection: an inspection that is conducted in response to a complaint made to the health department and is confirmed by the regulatory authority.

### Section 4: Permits and Fees

- A. Each food establishment within Taney County Health Department's jurisdiction shall be required to obtain and post in view of the public, a County Food Establishment permit in order to operate such food establishment. Each permit shall be renewed on or before May 1<sup>st</sup> of each year. After May 1<sup>st</sup> a late fee will be assessed daily until all permit fees, late fees, and reinspection fees are paid in full. If all fees are not paid by June 1<sup>st</sup>, then a closing order will be issued by the Director. The annual permit fees required by this section shall be paid on or before May 1 of each year. For food establishment permit fees, high and medium risk only, opened after November 1<sup>st</sup>, shall be prorated.
- B. Unless otherwise indicated, food establishment permit fees are based upon the food establishment inspection frequency priority assessment at the time of billing in March of each year. Such permit fees shall be collected by the Health Department for authorization and issuance of a Food Establishment permit and shall be used only to defray the actual costs of administration, including inspections.
- C. Based on Taney County Health Department Fee Ordinance No.1996-01 dated January 24, 1996, the current fees and costs per unit are as follows:
  - a. Permit fees
    - i. High risk **category 3** permit fee ...\$400.00
    - ii. Medium risk **category 2** permit fee ..... \$250.00
    - iii. Low risk **category 1** permit fee ..... \$100.00
    - iv. Temporary **Food Establishment** permit fee...\$100.00
    - v. Reinspection fee (excluding temporary permits) for each reinspection after routine inspection...\$100.00
    - vi. Complaint inspection fee **with action** .....\$100.00
  - b. Cost associated with inspections:



TYPE	COST/FACILITY
High Risk	658.67
Medium Risk	424.75
Low Risk	201.89
Temporary Event	362.58
Reinspection Fee	201.89
Mobile Vending	201.89

#### **Section 5: Applicability and Exemptions**

- A. This ordinance is applicable throughout Taney County except within those jurisdictions that maintain a Health Officer, have an adopted food code equal to this code, and actively enforce same.
- B. Non-for-profit organizations (501C3) corporations, and municipal or governmental organizations are exempt from the fee schedule.

#### **Section 6: Severability**

All sections of this Food Code shall be severable. In the event that any section of this Code is found by a court of competent jurisdiction to be unconstitutional or unlawful, the remaining sections of this Code are valid unless the court finds the valid sections of this Code are so essentially and inseparably connected with and so dependent upon the void section that it cannot be presumed that the Taney County Health Department could have enacted the valid sections without the void ones; or unless the court finds that the valid sections standing alone are incompetent and incapable of being executed in accordance with legislative intent.

#### **Section 7: Effective Date**

This ordinance shall be in full force and effect upon and after its passage, approval and publication in a newspaper of general circulation for (3) three successive weeks not later than thirty days after passage.


#### **Section 8: Duties of County Clerk**

After the promulgation and adoption of this ordinance, the county health board shall make and enter an order, or record declaring the ordinance be printed and available for distribution to the public in the office of the county clerk.

#### **Section 9: Duties of County Prosecutor- Penalties**

A PERSON who violates a provision of this Code shall be guilty of a misdemeanor.

Read, passed and truly agreed to by the Board of Trustees Taney County Health Department, Taney County, Missouri this 24<sup>th</sup> day of November, 2014.

  
Buddy Roberts  
Chairperson

Attest:

  
Della Russell

Secretary/Treasurer-Taney County Health Department