

CERTIFIED COPY OF ORDER NO: 02-2017 # 1795

STATE OF MISSOURI
COUNTY OF PETTIS

} ss.

Term, 2017

In the Pettis County Commission of said County, on the 21st day of April 2017, the following, among other proceedings, were had, viz:

COMMISSION ORDER 02-2017 #1795

(AMENDED)

Pettis County, Missouri

Food Establishments

An ordinance governing the operation of food establishments within Pettis County requiring certain permits for operations and providing penalties thereof. It is hereby ordered by the Pettis County Health Center Board of Trustees and the Pettis County Commission as follows:

Section 1. Authority.

This ordinance is enacted pursuant to Section 192.300 RSMo., which provides in part as follows: The County Commissions and the County Health Boards of 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 infections, contagious, communicable or dangerous diseases into such county, but orders or ordinances and rules and regulations shall not be in conflict with and rules or regulations authorized and made by the Missouri Department of Health and Senior Services in accordance with this chapter or by the Missouri Department of Social Services under chapter 198 RSMo.

Section 1.1 Adoption.

The Pettis County Commission and the Pettis County Health Center Board of Trustees hereby adopts the State standard as defined in Missouri Laws accompanied by Department of Health and Senior Services governing Food Establishments and 19 CSR 20-1.025 Sanitation of Food Establishments with the following exceptions stated in Section 2 through Section 12 of this ordinance.

Section 2. Definitions.

2.01 Administrative Authority: Shall mean the Pettis County Health Center and its authorized representatives.

2.02 Closing Order: An order that is issued by the department that a food establishment is to cease operation as a food establishment. A closing order is issued when a facility is in violation of the food code, violation of the ordinance, or the facility is currently or may create an imminent health hazard or is consistently causing a health menace.

2.03 Code: Shall refer to the 2013 Missouri Food Code or most current Missouri Food Code.

- 2.04 Department: Shall mean the Pettis County Health Center and its authorized representatives and not the Missouri Department of Health and Senior Services.
- 2.05 Food Safety Training: Food safety training that is approved or conducted by the department.
- 2.06 Food Service Worker Certificate Program: All food service workers are required to have an individual certificate commensurate with their level of responsibilities. The Department shall manage the program.
- 2.07 Plan Review: Means the review of the physical layout of a food establishment that is new, being remodeled, or renovated.
- 2.08 Regulatory Authority: Shall mean the Pettis County Health Center and its authorized representatives.
- 2.09 Remodel/Renovation: Means construction, conversion, or modifications which involve changing the location, replacement, or installation of major plumbing fixtures, food equipment, walls, floors, and ceiling in food preparation, storage, or serving areas.
- 2.10 Work Order: An order that is issued by the department after a food establishment has failed to meet the requirements of the ordinance and the food code. A work order may be issued after a routine inspection and two re-inspection or if upon inspection an imminent health hazard is observed.

Section 3. Administrative.

- 3.01 All Food Establishments shall be required to obtain an operating permit from the administrative authority.
- 3.02 Permits may be revoked or suspended by the administrative authority. Reason for suspension or revocation may include violation of the food ordinance or creating an imminent threat to the public. This may include failure to correct items listed during inspection or during time frame given by the authorized representative, failure to properly obtain operating permit, not removing employees who have a disease or medical issue that may cause a communicable disease outbreak, or does not have the proper physical facility or equipment to operate a food establishment.
- 3.03 Any food establishment that has failed to correct items noted on a routine or complaint inspection and two consecutive follow-up inspections shall be issued a work order. The correction time on a work order shall be no more than thirty (30) days. If the issues noted on the work order are not corrected in the time given then the operating permit will be suspended or revoked.
- 3.04 Any food establishment that has had its permit revoked or suspended will be closed for business until the condition leading to the closure has been corrected. The administrative authority will conduct an inspection assuring the issues have been corrected. Once approval has been given the establishment may reopen for business.
- 3.05 Raw dairy products shall not be sold at food establishments or at farmer's markets. Orders for raw dairy products shall not be taken at food establishments or farmer's markets. The processing of raw dairy products shall be referred to the rules and regulations administered and enforced by the Missouri Department of Agriculture and/or the Missouri Milk Board except as provided in this ordinance.
- 3.06 All meat as defined in this ordinance shall be processed at an approved source.
- 3.07 Closing orders shall be delivered in person or by certified mail and shall be served to the owner, operator, or person-in-charge.
- 3.08 All mobile food units shall be required to meet the requirements of the food code. If the mobile food unit is a pushcart then the owner or operator will need to have a structure to store the unit. The physical facility shall meet all of the requirements of the food code.
- 3.09 All new food establishments or establishments undergoing a remodel or transfer of

ownership shall be required to complete a plan review and have an approved pre-opening inspection before an operating permit is issued by the administrative authority.

- 3.10 Operating permits shall be posted in such a manner so that the permit may be viewed by the public.
- 3.11 Owners, operators, managers, employees and volunteers shall be required to comply with Food Safety Training Program approved by the Department. Food Service Workers Certificates will be monitored as a component of Food Establishment's Training Program.
- 3.12 Food Establishments that require more than two re-inspections following a routine or complaint inspection may be charged a re-inspection fee.
- 3.13 Food Establishments that are thirty (30) days past the due date on the submittal of operating permit fees may be charged a late fee.
- 3.14 Fees for operating permits, re-inspection fees, and late fees may be adjusted no more often than once every year. The Pettis County Health Center Board of Trustees may set different fees based on the fee schedule listed in Section 3.15. The fees collected by the Pettis County Health Center shall be used to implement the Food Inspection Program. Permits fees shall be due by July 15. New establishments shall be prorated on a monthly basis if they are applying for a permit during the year.
- 3.15 Operating Permit Fees, re-inspection fees, and late fees shall be set by using the following schedule:
 - A. High Risk Facilities may be set at a higher rate than medium risk facilities.
 - B. Medium Risk Facilities may be set at a rate that does not exceed high risk facilities.
 - C. Low Risk Facilities may be set at a rate that does not exceed medium risk facilities.
 - D. Temporary food events may be set at a rate that does not exceed medium risk facilities.
 - E. Re-inspection fees may be set at a rate that is equal to the operating permit fee of the facility.
 - F. Late fees may be set at a rate that is equal to the operating permit fee of the facility.

Section 4. Exemptions.

- 4.01 Establishments fitting the description of an assisted care facility (the facility would have to prove that it is being inspected by the Missouri Department of Health and Senior Services), a child care facility, or a bed and breakfast facility with four sleeping rooms or less shall be exempted from this ordinance unless they are serving food to the public.
- 4.02 Food establishments or events that are in operation on the Missouri State Fair Grounds during the Missouri State Fair since the Missouri Department of Health and Senior Services currently conducts the inspections during this event shall be exempted from this ordinance.
- 4.03 Summer Feeding Establishments or sites if they are properly registered with the Missouri Department of Health and Senior Services shall be exempt from this ordinance as long as the Missouri Department of Health and Senior Services issues an inspection contract to the administrative authority.
- 4.04 Food Processors and Warehouses that do not sell food or beverages directly to the public.
- 4.05 The administrative authority does reserve the right to conduct complaint inspections as well as communicable disease investigations of exempted facilities.
- 4.06 Temporary food stands or dinner events operated by religious or charitable organizations shall be exempt from the operating permit and fee requirement. These events may be inspected as deemed necessary by the administrative authority in the course of a communicable disease outbreak investigation.

4.07 School meal programs, senior citizens sites, food pantries, and feeding sites that serve people who meet the poverty status will be required to obtain an operating permit but shall be exempt from the fee. These establishments shall be inspected at least twice a year.

Section 5. Permit Compliance Procedures.

5.01 All food establishments under the scope of this ordinance shall comply with this ordinance and the food code.

5.02 High risk establishments shall be inspected at least once every eight months.

5.03 Medium risk establishments shall be inspected at least once every twelve months.

5.04 Low risk establishments shall be inspected at least once every twelve months.

5.05 Risk shall be determined by using the guidelines and rules of the Missouri Department of Health and Senior Services.

Section 6. Distressed food and disasters.

6.01 Any time there is a fire, interruption of water supply or power supply, a back up 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 administrative authority and if so ordered cease all food operations and comply with all requirements for destruction, disposal, or recondition of food or food equipment as determined by the administrative authority.

6.02 When during the course of an inspection the administrative authority or its authorized representative deems food products(s) to be unsafe, not from an approved source, adulterated, and not honestly presented, then the permit holder must comply with all requirements imposed by the administrative authority for destruction, disposal, or proper reconditioning of the food in question.

Section 7. Penalties.

7.01 Any person who violates any provision of this ordinance shall be guilty of a misdemeanor. Every day, or part thereof, in which a violation occurs or continues shall constitute a separate violation and;

7.02 Any person who continues to operate a food establishment without an operating permit may be assessed an administrative penalty of up to fifty (50) dollars per day with no monetary limit. Administrative penalties that are collected under this provision shall be dispersed according to State Law.

Section 8. Jurisdiction.

The regulations contained in this ordinance shall be applicable to all food establishments located in unincorporated areas of Pettis County, MO. This ordinance shall also apply to food establishments located in incorporated cities or areas of Pettis County not maintaining an organized health department and do not have inspection contract(s) with the Missouri Department of Health and Senior Services.

Section 9. Severability

If any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and that holding shall not affect the validity of the remaining portion of this ordinance.

Section 10. Amendments.

This ordinance may be amended at any time.

Section 11. Effective Date

This ordinance shall become effective on that date that it is acted upon and ordered by the Pettis County Commission.

Section 12. Right of Review of a Denial, Suspension, Revocation, or Work Order before A Review Board.

12.01 The Pettis County Health Center Board of Trustees shall be the Pettis County Health Review Board, also referred to as the Review Board.


12.02 The Pettis County Health Center may deny, suspend, revoke an operating permit or issue a work order as described in this ordinance.

12.03 Any applicant that has had their permit denied, suspended, revoked, or has been issued a work order may request a hearing before the Pettis County Health Center Board of Trustees. The person must request a hearing within ten (10) days of the action as described in section 12.02. A hearing will be scheduled within thirty (30) days of the request. The ruling of the review board shall be final, any further appeal or review of the decision shall be a provided by Chapter 536 RSMo.

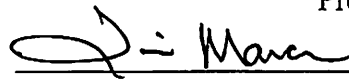
12.04 The denial, suspension, revocation, or work order shall remain in place until the review board can rule on the request.

12.05 In the event that the Pettis County Board of Trustees denies or revokes a permit the impacted individual may appeal in writing within 10 days to the Pettis County Commission who will have the Final Authority.

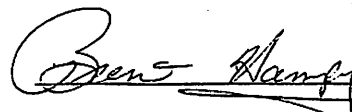
This ordered on this 21st day of April, 2017



David D. Dick
Presiding Commissioner



Jim Marcum
Western Commissioner



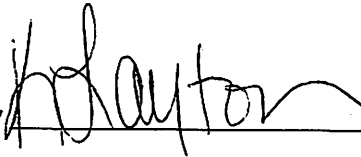
Brent Hampy
Eastern Commissioner

I, Nick La Strada, Clerk of Pettis County Commission, in and for said County, do hereby certify the above and foregoing to be a true copy of the proceedings of our said PETTIS COUNTY COMMISSION, on the day and year above written, as the same appears of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County Commission, at the office in Sedalia, MO, this, the 21st Day of April, 2017.



Clerk of County Commission

By  D. C.