



# Warren County Health Department

Office of Public Health

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## Warren County Food Ordinance 96-02 Amended

**AN ORDINANCE GOVERNING THE CONSTRUCTION, RENOVATION, AND OPERATION OF FOOD SERVICE ESTABLISHMENTS WITHIN THE COUNTY, REQUIRING CERTAIN PERMITS AND PROVIDING PENALTIES FOR VIOLATION THEREOF.**

### **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 board of the 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 infectious, contagious, communicable and 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 in accordance with this chapter or by the department of social services under chapter 198RSMo.

Section 192.300 RSMo authorizes the county health board to establish and collect fees to pay for any costs incurred in carrying out such orders, ordinances, rules, or regulations. All money collected under the Warren County Food Ordinance shall be deposited and used for the Warren County Health Department.

### **SECTION 2: APPLICABILITY**

These regulations apply to all food service establishments in Warren County.

### **SECTION 3: REGULATIONS**

The inspection of food establishments and operations and the enforcement of this ordinance shall be regulated with 19 CSR 20-1.25 Sanitation of Food Establishments, including any revisions, modifications, 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. This ordinance will automatically update to the most recent version of the State of Missouri's Food Code as changes are made to the Food Code. A copy shall be maintained on file in the office of the County Clerk, and shall be adopted by reference in whole. A copy of this ordinance may be found at the WCHD website, <http://www.warrencountyhealth.com>



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## SECTION 4: DEFINITIONS

**4.1 Code** refers to the Missouri Food Code, 19 CSR 20-1.025 Sanitation of Food Establishments, hereby adopted by reference until a more recent Food Code goes into effect. The Missouri Food Code may be found online at <http://health.mo.gov/safety/foodsafety/foodcode.php>

**4.2 Food Establishment** means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for public human consumption.

**4.3 Regulatory Authority** is the Warren County Health Department, Warren County Commission, and authorized representatives.

**4.4 Required Plans** means plans that must be submitted as part of the permit approval process for new construction and remodeled facilities regulated under this ordinance. Plans must include information on the intended menu, floor plan, equipment and mechanical plans, construction materials, interior finish schedule, and other information that may be required by the regulatory authority for proper review to ensure compliance with the Code.

**4.5 Approved Program** means a food safety training program conducted by the Warren County Health Department, a nationally recognized program, or that of another health department, which may be accepted upon review by the authority.

**4.6 Distressed Food** means food substances that are being stored in a facility or transported in a vehicle that is involved in any type of accident, collision, fire, flood, weather related or other type of disturbance which may adulterate the food substances, cause food to experience temperature stress, or in any way cause the food substances to be of questionable quality for human consumption.

**4.7 Public Health Priority Assessment Worksheet** is a worksheet used to determine a priority rating (low, medium, high) for establishments, given past history of violations, types of food served, preparation requirements of foods served, number of meals served, and population served.

**4.8 Temporary Food Establishment** means a food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration.

## SECTION 5: PERMIT APPLICATION

**5.1** A person may not operate a food establishment in Warren County without a valid permit issued by the regulatory authority.

**5.2** Only a person who complies with the requirements of this ordinance and the Code shall be entitled to obtain such a permit. A valid permit shall be posted in every food establishment and visible to the public.



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**5.3** Permits shall be renewed annually and shall be valid from January 1 to December 31. Permit applications and fees must be submitted and approved before a permit is issued, Failure to renew a permit by January 1 will result in a \$50.00 late fee. Permit fees will be prorated on a quarterly basis for those establishments beginning business during the calendar year. No refunds will be issued.

**5.4** Applicants must submit a completed application for a permit to the Warren County Health Department. Application forms are available at the Warren County Health Department.

**5.5** New food establishments must submit application, fees, required plans and specifications for approval no later than 30 days prior to opening for business. A pre-opening inspection will be conducted by the regulatory authority, to determine if the establishment is in compliance with the Code and this ordinance. If an existing establishment closes for remodeling/rebuilding purposes, a pre-opening inspection will be required. If a change of ownership or a change of location of an existing establishment occurs, renewal of the establishment's permit shall be required with any necessary plans. The permit shall be obtained by the owner of the establishment or by an officer of the legal ownership. Permits are not transferable. A permit shall be valid from the date of issuance until December 31. Failure to obtain a permit before opening shall result in the levy of an additional \$50.00 late fee.

**5.6** A permit may be revoked or a permit application denied if the permit holder or applicant has failed to comply with any part of this rule until such time that the regulatory authority determines that they are in compliance. When a permit is revoked, the holder of the permit may apply for a new permit upon correction of all violations. While under revocation or denial, a food establishment may not be open to the public.

## **SECTION 6: PERMIT COMPLIANCE**

### **6.1 Establishment Inspections**

- (A)** Representatives of the regulatory authority, after identification, shall be permitted to enter any food service establishment, have access to the entire facility, and take digital photos at any reasonable time for the purpose of making inspections to determine compliance with this ordinance. The representatives shall be permitted to examine the invoices of the establishment to obtain information pertaining to food and supplies purchased, received, or used.
  
- (B)** The regulatory authority shall perform an inspection of a food establishment at least once annually or more often as determined by the Public Health Priority Assessment (low, medium, high and availability of regulatory authority personnel. Additional inspections may be performed as necessary for the enforcement of this ordinance. Priority assessment shall be reviewed for each establishment annually.



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- (C) Temporary food establishments shall have inspections conducted at the discretion of the regulatory authority. Factors that would influence the decision of the regulatory authority to inspect temporary food establishments are but not limited to the following: availability of regulatory authority personnel during operation of the temporary food establishment, date of the most recent inspection, past inspection history, types of food prepared and served to the public by the establishment.
- (D) All food establishment inspections (observations, details, forms, etc.) may be published by Warren County Health Department. Food establishment inspections are public record and may be obtained from the regulatory authority, within three business days, upon written request.
- (E) Food establishments shall have at least one employee on duty during all hours of operation that has successfully completed an approved program in food safety training.

### **6.2 Distressed Foods and Disasters**

Any time there is a incident involving transported foods, fire, interruption of water supply or power supply, a backup 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 regulatory authority and if so ordered cease all food operations and comply with all requirements for destruction, disposal, or reconditioning of food or food equipment as determined by the regulatory authority. The regulatory authority, for monitoring time of the distressed foods, shall bill transportation firms or food establishments as outlined in Section 7 of this ordinance.



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## SECTION 7: FEES/ANNUAL OPERATING PERMIT

### *RETAIL FOOD STORE: GROCERY, CONVENIENCE, OTHER RETAIL*

<u>Gross retail sales, previous year</u>	<u>Fee</u>
\$0-\$500,000	\$100.00
\$500,001-\$1,000,000	\$125.00
\$1,000,001-\$6,000,000	\$225.00
\$6,000,001-\$12,000,000	\$275.00
\$12,000,001 and above	\$325.00

### *FOOD SERVICE: RESTAURANTS, CATERERS, TAVERNS*

<u>Gross retail sales of previous year</u>	<u>Fee</u>
\$0-\$100,000	\$ 75.00
\$100,001-\$350,000	\$100.00
\$350,001-\$900,000	\$125.00
\$900,001-\$1,500,000	\$175.00
\$1,500,001 and above	\$225.00
Re-inspection Fee	\$50.00 each visit after Initial routine inspection
Late Permit Fee	\$50.00 per month late
Temporary/Mobile Establishment Fee	\$50.00 per year
Food Related Emergencies (Truck wrecks, Fires, Flood, Vandalism, Pipes bursting etc.)	\$50.00 per hour
Failure to contact Warren County Health Department for food related emergencies.	\$100.00
Failure to contact Warren County Health Department and apply for permit to, open/operate a new, temporary or mobile food establishment, extensive remodeling, or change of ownership.	\$100.00



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## **SECTION 8: GREIVANCE PROCESS**

Upon notice of denial or revocation of permit or closure, the permit holder may file a written request to the regulatory authority with three (3) business days of the notice to request a hearing with the regulatory authority to be held within ten (10) business days of receipt of request.

## **SECTION 9: SAVING CLAUSE**

If any part of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this order.

## **SECTION 10: AMENDMENTS**

This ordinance may be amended at any time pursuant to RSMo 192.300.

## **BE IT ORDAINED AS FOLLOWS:**

**SECTION 1:** The Warren County Health Department hereby promulgates and adopts the Warren County Food Ordinance.

*Adrian Engelage*

**Presiding Commissioner**

*Hubert R. Querner*

**Southern District Commissioner**

**Northern District Commissioner**

**Attest:**

*Barbara Daly*

*10/30/14*

**County Clerk**

**Date**