

Callaway County Food Code

Including all unincorporated and incorporated towns, cities, and villages

Article 1: Definitions

Food Establishment Permit:

An annual permit granted to an approved food service establishment. Shall mean the same as "permit" except when referring to a "temporary food establishment permit".

Food Code:

The rules and regulations set forth by the Callaway County Health Department and the Missouri Department of Health and Senior Services relating to food service sanitation with all amendments and appendices thereto.

Food Establishment: An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. (Includes food service and retail food establishments)

Temporary or Itinerant Food Establishment: A food service establishment which operates at a fixed location for a temporary period of time, not to exceed fourteen (14) consecutive days or fourteen (14) days per month in connection with a single event or celebration.

Priority Violation:

A violation of a provision of this regulation, which, that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or an environmental health hazard. This violation must be corrected within 72 hours or immediately if deemed an imminent health hazard.

Core Violation:

A violation of a provision of this regulation, which, that, if in noncompliance, is less likely than critical violations to contribute to food contamination, illness, or an environmental health hazard. This violation must be corrected by a mutually accepted time frame between the owner/manager and the regulating authority.

Regulatory Authority:

The Health Administrator for Callaway County or an authorized representative also known as the Health Authority.

Any words or phrases not defined herein shall have their common ordinary meaning. Any words or phrases defined in the Missouri Department of Health and Senior Services regulations relating to food service and retail food service operations, presently known as the 2013 Missouri Food Code and any amendments, revisions, edition, compilation or consolidation thereto shall have the meaning contained therein.

Article 2: Sanitation of Food Establishments

The Callaway County Health Department, hereby adopts the most current rules and regulations of the Missouri Department of Health and Senior Services relating to food service and retail food service sanitation with all amendments and appendices thereto. Copies of the food code shall remain on file in the Callaway County Health Department, the Callaway County Health Department Administrator's office, and the Callaway County Health Department Environmental office and shall be available for public use, inspection and examination upon request.

Article 3: Food Establishment Permit and Compliance Procedures

(A) Requirements for Food Establishment Permit:

No person shall operate a food establishment without a valid annual food permit issued by the Callaway County Health Department. Only a person that complies with the requirements of this ordinance shall be entitled to receive or retain such food permit. Permits are not transferrable. A valid food permit shall be posted in every food establishment.

(B) Requirements for Temporary Food Establishment Permit:

No person shall operate a temporary food establishment that does not have a valid temporary food establishment permit issued to them by The Callaway County Health Department. Only a person that complies with the requirements of this ordinance shall be entitled to receive a temporary food establishment permit. Temporary food establishment permits are not transferrable. Temporary food establishment permits are to be posted at the site. Temporary food establishment permits are valid for no more than 15 consecutive days.

Article 4: Application

Any person desiring to operate a food establishment or temporary food establishment shall make written application for a food establishment or temporary food establishment permit on forms provided by the Callaway County Health Department. Such application shall include the name and address of each applicant, the location and type of the proposed food establishment and the signature of each applicant at a minimum.

Article 5: Prior Health Inspection

(A) Prior to approval of an application for a food establishment permit, the Callaway County health inspector shall inspect the food establishment to determine compliance with the requirements of this article.

(B) Notwithstanding any provision herein to the contrary, the Callaway County health inspector may provide an exemption from routine inspections to any class of food establishments which is determined by the Callaway County health inspector to be subject to adequate inspections from state officials to assure protection of the public in accordance with this chapter. The exemption may be removed by the Callaway County health inspector at any time for any class of food establishments for which the health inspector determines state inspections are no longer sufficient or for any individual food establishment against which a complaint has been lodged or for which the health inspector has a reasonable basis to believe a violation of this article may exist.

Article 6: Fees

- (A) The Callaway County Health Department shall issue a food establishment permit to the applicant if the food establishment inspection reveals that the proposed food establishment complies with the requirements of this ordinance and after the full payment of the appropriate food establishment permit fees. The fee schedule shall be set forth by the Callaway County Commission. The Food Establishment Permit shall be renewable annually. The Food Establishment Permit Fee shall be an annual fee used by the Callaway County Health Department to defray administration costs. Adjustments may be made to the fee by the Callaway County Commission. The food establishment fee is set at \$ 100.00 per calendar year.
- (B) Schools (under DESE jurisdiction) shall be charged \$50 (fifty dollars) per calendar per kitchen. Schools that are not under DESE that offer food to students shall be charged at the normal rate.
- (C) An evaluation of each food establishment shall be conducted on a re-occurring basis that is determined by the priority level designated at the food establishment. The priority of the food establishment shall be evaluated at the time of inspection. An annual inspection and one (1) follow-up inspection shall be covered by the food establishment permit fee.
- (D) Food establishments shall be assessed an administrative service fee of One Hundred Dollars (\$100.00) per inspection for the third and any subsequent re-inspections required to correct violations noted during the inspection process by the health inspector. The administrative fee

shall be paid to the Callaway County Health Department prior to issuance of any food establishment permit.

- (E) Persons operating a temporary food establishment (an event lasting not more than fourteen (14) consecutive days or fourteen (14) days per month) shall pay a temporary food establishment fee of Twenty Five Dollars (\$25.00) per year. The fee shall be paid to the Callaway County Health Department before the issuance of any temporary food establishment permit. This does not include private or members only events.

Article 7: Suspension

The Callaway County health inspector may, without warning, notice or hearing suspend any food establishment permit if the holder of the permit does not comply with the requirements of this article, or if the operation of the food establishment otherwise constitutes a substantial hazard to public health. Suspension is effective upon service of the notice required by article 10. When a business license is suspended, food operations shall immediately cease. Whenever a food establishment permit is suspended, the holder of the permit shall be afforded an opportunity for a hearing within twenty (20) days of receipt of a request for a hearing.

Article 8: Appeal of Suspension

Whenever a food establishment permit is suspended, the holder of the permit, or the person in charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if a written request for a hearing is filed by the holder of the permit within ten (10) days. If no written request for hearing is filed within ten (10) days, the suspension is sustained. The regulatory authority may end the suspension at any time if reasons for the suspension no longer exist.

Article 9: Revocation

The Callaway County health inspector may, after providing opportunity for hearing, revoke a food establishment permit for serious or repeated violation of any of the requirements of the Callaway County Food Code or for the interference with the Callaway County health inspector in the performance of his/her duties.

Article 10: Notice of Revocation

Prior to revocation, the Callaway County health inspector shall notify, in writing, the holder of the food establishment permit, or the person in charge, of the specific reason(s) for which the food establishment permit is to be revoked and that the permit shall be revoked at the end of the ten (10) days following service of such notice unless a written request for hearing is filed with the regulatory authority by the holder of the food establishment permit within such ten (10) day period. If no request for hearing is filed within the ten (10) day period, the revocation of the food establishment permit becomes final.

Article 11: Service of Notice

A notice provided for in this ordinance is properly served when it is delivered to the holder of the food establishment permit, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the Callaway County Health Department.

Article 12: Hearing Procedures

The hearings provided for in this ordinance shall be conducted by the Callaway County health inspector at a time and place designated by him/her. Any oral testimony given at a hearing shall be recorded and the presiding officer shall make provision for sufficient copies of the record. The hearing officer shall make a final finding based upon the complete hearing record and shall sustain, modify, or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the regulatory authority.

Article 13: Application for a Food Establishment Permit (Revocation)

Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new food establishment permit.

Article 14: Frequency of Inspections – Priority of Facility

- (A) An inspection of all food establishments shall be performed at least once per year, with temporary food service establishments being inspected at least once per year. Additional inspections of the food establishment shall be performed as often as necessary for the enforcement of this article. Inspection frequency of the food establishment will be determined by the Callaway County health inspector during regularly scheduled inspections. Inspections are determined by a formula of previous priority violations, complexity of food preparation, number of meals prepared on a daily basis. This formula is provided by the State of Missouri.

Inspection minimums-

Low Priority: Food establishment shall be inspected once every 12 months.

Medium Priority: Food establishment shall be inspected once every 9 months.

High Priority: Food establishment shall be inspected once every 6 months.

- (B) Notwithstanding any provision herein to the contrary, the Callaway County health inspector may provide an exemption from routine inspections to any class of food establishments which is determined by the Callaway County health inspector to be subject to adequate inspections from state officials to assure protection of the public in accordance with this food code. The exemption may be removed by the Callaway County health inspector at any time for any class of food establishment for which the health inspector determines state inspections are no longer sufficient or for any individual food establishment against which a complaint has been lodged or for which the inspector has a reasonable basis to believe a violation of this article may exist.

Article 15: Access to Callaway County Representative

Representatives of the Callaway County Health Department, after proper identification, shall be permitted to enter any food establishment at any reasonable time for the purpose of making inspections to determine compliance with this food code. The representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used. The representative shall also be allowed to examine records of pest management, fire suppression, grease trap inspections, and other documents as required.

Article 16: Inspection Report

Whenever an inspection of a food establishment is made, the findings shall be recorded on the inspection report. The inspection report form shall summarize the requirements of this food code and shall set forth any critical and/or non-critical violations for each requirement. Inspection remarks shall