

Callaway County Food Ordinance 2025

Enacted Jan 01, 2025

Callaway County, Missouri Codes of Public Health Chapter 2

REGULATIONS GOVERNING THE CONSTRUCTION, RENOVATION, AND OPERATION OF FOOD SERVICE ESTABLISHMENTS WITHIN THE COUNTY OF CALLAWAY, MISSOURI REQUIRING CERTAIN PERMITS, TRAINING, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

SECTION 2.01 AUTHORITY

This ordinance is enacted pursuant to Section 192.300 RSMo, and as may hereafter be amended, 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 the public health and prevent the entrance of infectious, contagious, and 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 198 RSMo.

Section 192.300 RSMo authorizes the county commission to establish and collect fees to pay for any costs incurred in carrying out such orders, ordinances, rules, or regulations.

SECTION 2.02 APPLICABILITY

These regulations apply to all food service establishments including, but not limited to, restaurants, processors, warehouses, distribution centers, grocers, food banks, childcare facilities, schools, catering businesses, and mobile food providers in Callaway County.

SECTION 2.03 REGULATIONS

The inspection of food establishments and operations and the enforcement of these regulations shall be regulated with 19 CSR 20-1.025 Sanitation of Food Establishments, including any revisions, modifications, amendments to the rule, and re-adoption of the rule, and the adoption of any successor rule or rules, which may be enacted after the adoption of the regulations. A copy shall be maintained on file in the office of the County Clerk and shall be adopted by reference in whole.

SECTION 2.04 DEFINITIONS

Any words or phrases not defined herein shall have their common ordinary meaning. Any words or phrases defined in the Missouri Food Code, as adopted by the State of Missouri, shall have the meaning contained therein as of the adoption date of the Missouri Food Code.

Approved Program means a food safety training program conducted by the Callaway County Health Department, an accredited program, or that of another health department. Callaway County Health Department will provide training on a regular basis, or as needed.

Code refers to the Missouri Food Code, 19 CSR 20-1.025 Sanitation of Food Establishments, hereby adopted by reference.

<https://health.mo.gov/safety/foodsafety/pdf/missourifoodcode.pdf>

Commissary refers to a food establishment that acts as a base of operations for, but not limited to, a mobile food establishment, food vending establishment, temporary food establishment, seasonal food establishment, or catering establishment. The commissary provides facilities for adequate storage of food, food containers or food supplies; equipment for adequate washing and sanitizing of food equipment and utensils; a servicing area for the sanitary disposal of liquid waste; for handling and disposal of garbage, grease and rubbish originating from the mobile food establishment; an adequate servicing area for washing and storage of the mobile food establishment; facilities for filling the potable water holding tank in a sanitary manner; and electrical outlets for establishments that require electrical service.

Core Violation:

- “Core item” means a provision that, if in noncompliance, may lead to conditions favorable for food contamination, illness, or environmental health hazards. A core item includes violations related to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.
- “Core item” means a provision in this Code that is not designated as a priority item.

Distressed Food means food substances that are being stored or transported in a facility or 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.

Food Establishment means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption:

- Such as a restaurant; satellite or central preparation facility; catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending (location) operation, if the operation provides potentially hazardous foods; conveyance used to transport people; institution; or food bank; and
- That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders, or restaurant takeout orders, or delivery service that is provided by common carriers.

"Food establishment" includes:

- An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority satellite catered feeding location, a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority; and
- An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food.

"Food establishment" does not include:

- An establishment that offers only prepackaged foods that are not potentially hazardous;
- A produce stand that only offers whole, uncut fresh fruits and vegetables;
- A food processing plant;
- A kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function such as a religious or charitable organization's bake sale if allowed by law and if the Consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority;
- An area where food that is prepared as specified in Subparagraph (c)(iv) of this definition is sold or offered for human consumption;

- A kitchen in a private home, such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 4, breakfast is the only meal offered, the number of guests served does not exceed 12, and the Consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the regulatory authority; or
- A private home that receives catered or home-delivered food.
- Where local codes allow, individual stands in which only foods meeting the following conditions are sold, sampled or served: (AA) Non-potentially hazardous processed foods, except low acid canned and acidified foods as specified in 21 CFR 113 and 114 respectively, including, but not limited to breads, cookies, fruit pies, jams, jellies, preserves, fruit butters, honey, sorghum, cracked nuts, packaged spices and spice mixes, dry cookie, cake, bread, and soup mixes; (BB) The seller is the individual actually producing the food or an immediate family member residing in the producer's household with extensive knowledge about the food; (CC) The seller only sells, samples or serves the food directly to the end consumer; (DD) All processed packaged foods bear a label stating the name and address of the manufacturer/processor preparing the food, common name of the food, name of all the ingredients in the food and a statement that the product is prepared in a kitchen that is not subject to inspection by the Department of Health and Senior Services. It is recommended that honey manufacturers/processors include this additional statement to its label, "Honey is not recommended for infants less than twelve (12) months of age."; and (EE) The consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to inspection by the Department of Health and Senior Services if the foods specified in Subparagraph 1-201.10(B) (31)(c)(viii)(AA) are sold, sampled or served in unpackaged, individual portions. The Department of Health and Senior Services shall have the final authority in determining whether a food is non-potentially hazardous and may enjoin individuals who violate the provisions of this section from selling, sampling or serving these foods.

Hair Restraints Except as provided in below, food employees shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from

contacting exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

This does not apply to food employees such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff if they present a minimal risk of contaminating exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

Mobile Food Unit refers to any food service establishment (that operates for a period between 15 and 365 calendar days, in one calendar year) designated to be readily movable from which food is composed, compounded, processed or prepared, and from which food is vended, sold or given away. Examples include but are not limited to: food trucks, food trailers, food stands, food cart, food sold under a cover or canopy by any means that is easily movable, any street vendor selling any non-pre-packaged potentially hazardous foods, and others.

Permanent Food Establishment is a business that sells or gives away food to the public at a fixed location for more than 14 days in a calendar year. These are operations that store, prepare, package, serve, vend food directly to the consumer, or otherwise provide food for human consumption. Examples of these types of facilities are, but not limited to, restaurants, satellite or catered feeding locations, grocery stores, catering operations that provide food directly to the consumer, or a conveyance used to transport people, institutions or food banks.

Priority Violation:

- “Priority item” means a provision that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or an environmental health hazard. A priority item’s application supports, facilitates or enables the elimination, prevention or reduction of hazards associated with foodborne illness or injury to an acceptable level.
- “Priority item” includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, handwashing;
- “Priority item” includes an item that requires the incorporation of specific actions, equipment or procedures to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling; and
- “Priority item” is an item that is denoted in the most current edition of the Missouri Food Code with a superscript P-P.

Public Health Priority Assessment 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. See Environmental Health Operational Guidelines Appendix, page 27. <https://health.mo.gov/atoz/ehog/pdf/ehog-appendix-2021.pdf>. Any food establishment under the jurisdiction of this regulatory authority can have their priority rating modified, as deemed necessary, by the Callaway County Health Department or one of its authorized representatives.

Instances that may cause the priority rating to change can include, but are not limited to:

- One (1) or more identical repeat critical items on two (2) consecutive inspections.
- Three (3) or more critical items on two (2) consecutive inspections.
- Ten (10) or more non-critical items on two (2) consecutive inspections.
- Failure to notify the regulatory authority when an imminent health hazard exists or has occurred.

Recurring Food Vendor is defined as any establishment that is storing, preparing, packaging, serving, or vending food directly to the consumer, or otherwise providing food for human consumption at events occurring in non-consecutive calendar days that happens at regular intervals, is repeating, and is therefore predictable.

Regulatory Authority is the Callaway County Health Department and authorized representative(s).

Required Plans means plans that must be submitted as part of the permit approval process for new construction and remodeled facilities regulated under these regulations. Refer to section 5.5 for a list of when plans are required, and what plans may be required to ensure compliance with the code.

Temporary Food Service Establishment is a food service establishment that operates for a period of no more than fourteen (14) consecutive days in conjunction with one (1) single event or celebration. Fairs, festivals, or recognized and community sponsored events, serving food and open to the public, are all examples of temporary events.

SECTION 2.04 PERMIT APPLICATION

- A. A person shall not own or operate a food establishment in Callaway County without a valid operating permit issued by the regulatory authority. Food permits are non-transferrable. In the event of change of owner/ operator a new food permit shall be applied for and obtained prior to operation of the food establishment.
- B. Only a person who complies with the requirements of these regulations and the code shall be entitled to retain such a permit. A valid permit shall be posted in every food establishment, easily visible by the public.
- C. Permits shall be renewed annually. Permit applications and fees must be submitted and approved before a permit is issued.
- D. Applicants must submit a completed application for a permit to the Callaway County Health Department. Application forms are available at the Callaway County Health Department.
- E. New establishments must submit application, fees, required plans and specifications for approval no later than 30 business days prior to opening for business. A pre-opening inspection will be conducted by the regulatory authority within 5 days of opening to determine if the establishment is in compliance with the most current edition of the Missouri Food Code and this ordinance. If an existing establishment closes for remodeling 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, along with any necessary plans, and submittal of permitting fees. 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 31st of that year. Failure to obtain a permit before opening shall result in the levy of an additional \$100.00 payment fee.

When plans are required: A permit applicant shall submit to the regulatory authority properly prepared plans and specifications for review and approval before:

- The construction of a new food establishment.
- The conversion of an existing structure for the use as a food establishment.
- The remodeling of a food establishment or change of type of food establishment or food operation if the regulatory authority determines that plans and specifications are necessary.

Contents of the Plans and Specifications: The plans and specification for a food establishment as required by the regulatory authority, to demonstrate conformance with the most current edition of the Missouri Food code provisions shall include:

- Intended Menu.
 - Anticipated volume of food to be stored, prepared, and sold or served.
 - Proposed layout, mechanical schematics, construction material, and finish schedules.
 - Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications.
 - Other information that may be required by the regulatory authority for the proper review of the proposed construction, conversion or modification, and procedures for operating a food establishment to ensure compliance with the code.
- F. Upon completion of a successful pre-opening inspection, new establishments may be granted a food permit to allow business owners to obtain further licensure from other regulatory agencies. Following the opening of a new establishment the regulatory authority will conduct a random opening inspection to ensure compliance with this ordinance and the current edition of the Missouri Food Code.
- G. All permit renewals will be issued in the 4th quarter of the year prior to the permit renewal year. Renewal applications will be sent out either through postal service or other electronic means. All food permit application packages shall be returned to the regulatory authority no later than the last day of the calendar year. Any permit application not received, along with permit fee payment, by January 31st will be considered delinquent and at such time may be subject to late application penalties at the discretion of the regulatory authority.
- H. 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 denial, a food establishment may not be open to the public.
- I. Any permanent food establishment that also has mobile food vending capabilities will be required to dual permit. These establishments will be required to permit the permanent establishment according their priority listed in Exhibit A along with a Mobile/ Recurring food permit or a One Time/ Event Food Permit (whichever is applicable).

- J. Any mobile, recurring, or one time food vendor shall apply for the appropriate permit no later than 72 hours prior to their first event or service in Callaway County. Failure to apply for a food permit in advance will result in denial of approval for a food permit. Once a mobile food vendor has been approved for an annual permit they are permitted for the entire calendar year with the exception of vendors that choose to operate under a one time/ event food permit. One time food permits are subject to this provision for every food event.
- K. Any entity that is hosting mobile/ recurring food vendors for any event, celebration, festivity, or for any other reason shall make it known to the Callaway County Health Department no later than 72 hours prior to the food vendors arrival. The hosting entity shall also be responsible for verifying that all food vendors have active and valid Callaway County Food Permits for the current calendar year prior to allowing them to vend food on their premises. It is the responsibility of the hosting entity to report any non-permitted food vendors to the Callaway County Health Department.
- L. Any mobile/ recurring food vendor found to be operating in Callaway County without a valid food permit will be required to vacate the county until such time that they are compliant with Callaway County Ordinance. It is not the responsibility of the Callaway County Health Department to issue food permits on site at the time of the food event. Food permitting shall occur prior to any food event in the county and proper advance notification shall be made to the regulatory authority. Failure to adhere to this process will result in removal of the food vendor until such time as compliance is obtained which can take up to 72 hours. Social media posts do not constitute adequate notification. Notification via proper channels, like email or phone call shall be made to the Health Department.

SECTION 2.05 PERMIT COMPLIANCE

2.05.01 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 records 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 priority) and availability of regulatory authority personnel. Additional inspections may be performed as necessary for the enforcement of regulations.

- 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, date of the most recent inspection, and past inspection history.
- D. Restaurant inspections (observations, details, forms, etc.) may be published by the Callaway County Health Department as deemed appropriate. Restaurant inspections are public record and may be obtained from the regulatory authority, within three business days, upon written request.

2.05.02 Correction of violation

The completed inspection form shall specify a reasonable period of time for correction of the violations found and a correct by date shall be set for each violation in accordance with the following provisions:

- A. If an imminent health hazard is determined by the regulatory authority to exist, the establishment shall immediately cease all food operations until authorized by the regulatory authority to resume.
- B. All Critical violations shall be corrected as soon as possible, but in any event, within 72 hours following inspection. The permit holder should contact the regulatory authority within 3 days after the inspection to report correction status.
- C. All non-critical violations shall be corrected within a reasonable time frame given at time of inspection by the regulatory authority, or next routine inspection. The regulatory authority, or its authorized agent, can grant modifications to timelines given, as deemed necessary, for special circumstances.
- D. In the case of temporary food establishment, all violations shall be corrected on site at time of inspection. If a violation is of a nature that is physically unable to be corrected on site at time of inspection, then alternative methods, locations, or solutions may be agreed upon by the Certified Food Protection Manager/ Person in Charge and the regulatory authority. If an acceptable solution cannot be agreed upon, the regulatory

agent will have the authority to impose limitations upon the temporary food establishment.

- E. If, upon re-inspection, any violations are found to be uncorrected after the correct by date, previously agreed upon, an additional follow up inspection shall be scheduled and a \$100.00 fee shall be levied upon the establishment for this second follow up. Failure to correct the specified violations upon a second follow up shall result in revocation of the food establishment's operation permit.

2.05.03 Prevention of food-borne disease transmission

- A. The regulatory authority shall act when it has reasonable cause to believe that food borne disease transmission has occurred, by closing a food establishment in order to investigate a food-borne outbreak associated with the establishment until, in the opinion of the regulatory authority, no further danger of disease transmission exists.
- B. The regulatory authority shall act when it has reasonable cause to believe that a food handler or handlers have possibly transmitted a disease, may be infected with a communicable disease transmissible through food, may be a carrier of infections agents which are transmissible through food, or are affected with a boil, infected wound, or acute respiratory infection by:
 - 1. Making appropriate investigation, including securing a confidential medical history.
 - 2. Requiring appropriate medical examination, including collection of specimens for laboratory analysis of a suspected food handler or handlers.
 - 3. By requiring the owner/manager to exclude or restrict an employee from working until cleared by a physician.

2.05.04 Distressed Foods and Disaster

Any time there is an 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 recondition of food, or food equipment as determined by the regulatory authority.

Pursuant to section 192.300 RSMo the regulatory authority may establish and collect fees to pay for any costs incurred in carrying out its duties and responsibilities while conduction Distressed Foods and Disaster Response not to exceed \$100 per man hour.

2.05.05 Additional Provisions

When, during the course of an inspection, the regulatory authority deems any food product(s) to be unsafe, the permit holder must comply with all requirements imposed by the regulatory authority for destruction, disposal, or reconditioning of the food in question.

SECTION 2.06 WHOLE, CUT, RAW FRUITS AND VEGETABLES AND NUTS

Whole, uncut, raw fruits and vegetables and nuts in the shell, that require peeling or hulling, before consumption may be sold to individuals, and food establishments.

Whole, uncut, raw fruits and vegetables and nuts in the shell, that require peeling or hulling, before consumption do not have to be packaged.

Raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready to eat form.

A license is not required for farmers market vendors who sell:

- Whole Uncut Produce (Fruits and Vegetables)
- Nuts in the shell
- Jams, Jellies, Apple Butter and Honey (As long as they're properly labeled).
 - No Sugar Added and Sugar Free Jams and Jellies with a pH below 4.0 are exempt from this, and require the manufacturer to attend a Better Process Control School and have the product evaluated by a process authority in accordance with federal law. Sugar free and no sugar added jelly that has a pH between 4.0 and 4.6 must be made in an inspected or regulated facility.
- Baked goods (as long as they do not include potentially hazardous products, are properly labeled and are sold by the person or farm that baked them)
- Whole Eggs (must have a Missouri Department of Agriculture Egg Permit and hold eggs at 45 degrees F or less)
- Cheese (Cheese must have been produced by the vendor, must be properly labeled, and must meet the refrigeration requirements for the type of cheese being sold.) Vendor must possess a valid permit issued by the Missouri State Milk Board.

SECTION 2.08 CLOSING ORDER PROCEDURES

- A. The Regulatory Authority may, without warning, notice, or hearing, suspend any Food Establishment, Food Processor/Distributor, Temporary, Mobile, Seasonal Food Establishment, Recurring Food Event, or caterers permit to operate a Food Establishment, Food Processor/Distributor, Temporary, Mobile, Seasonal Food Establishment, Recurring Food Event or caterer 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, Food Processor/Distributor, Temporary, Mobile, Seasonal Food Establishment, Recurring Food Event, or caterer otherwise constitutes a substantial hazard to public health. When a permit is suspended, Food Establishment, Food Processor/Distributor, Temporary, Mobile, Seasonal Food Establishment, Recurring Food event or catering 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.
- B. Circumstances that may result in suspension or revocation of a permit:
- i. Seven (7) or more priority violations on the initial inspection.
 - ii. Fifteen (15) or more core violations on the initial inspection.
 - iii. A combination of twenty-two (22) or more priority and core violations on initial inspection.
 - iv. Three (3) or more identical repeat priority violations on two (2) consecutive inspections.
 - v. Ten (10) or more identical repeat core violations on two (2) consecutive inspections.
 - vi. An imminent health hazard, meaning there is a significant threat or danger to health that required immediate correction or cessation of operation to prevent injury.
- C. At such a time that a food establishment meets the requirements for closure the regulatory authority will give the business owner the option to voluntarily close until such time that they are in compliance with the Missouri Food Code AND the regulatory authorities corrective measures.
- i. Upon becoming compliant with the food code and the corrective measures instituted by the regulatory authority, and upon successful re-inspection, and prior to re-opening, the food establishment will be required to re-permit

as a new/ re-opening food establishment to include re-submittal of food permitting fees.

- D. If a food establishment does not voluntarily close upon recommendation of the regulatory authority, and if the regulatory authority deems it prudent to close the establishment, the food establishment will be subject to the following conditions:
- i. Involuntary closure of the food establishment for reasons of public health concerns.
 - ii. Public notification of involuntary closure via local print news.
 - iii. Closure for a period not less than one week, but not to be unnecessarily extended beyond a reasonable time.
 - iv. Upon becoming compliant with the food code and the corrective measures instituted by the regulatory authority, and completion of a successful re-inspection, and prior to re-opening for business, the food establishment will be required to re-permit as a new/ reopening food establishment to include:
 - a. Re-Submittal of food permitting fees.
 - b. Submittal of a mandatory closure penalty of \$150 per week of closure.
- E. If at any time, for any reason, a permitted food establishment closes for business the owner/ operator of the establishment will make written notification to the regulatory authority stating date of closure, conditions leading to closure, and any plans for reopening.
- F. If a food establishment is voluntarily temporarily closed, not by the recommendation of the regulatory authority, for a period greater than four consecutive (4) weeks for any reason, the owner/ operator of that food establishment will make written notification to the regulatory authority stating date of closure, conditions leading to closure and plans for re-opening.
- G. If either condition (E) or (F) of this section is met and a food establishment is re-opening for business they will do so as a new/ re-opening food establishment to include re-permitting fees and pre-opening inspections.
- H. Any food establishment who meets the conditions outlined in (C), (D), (E), or (F) of this section shall not re-open for business without express written consent from the regulatory authority. Written consent may be given in the form of a satisfactory food establishment inspection report.

SECTION 2.09 INSPECTION FREQUENCY

Inspection frequency is determined by the risk priority level which is assigned to food establishments by utilizing the Public Health Priority Assessment to assign a risk level of High, Medium, or Low depending on different metrics. The frequency at which inspections will be conducted is:

High Priority Food Establishments – Three times in one calendar year for routine inspections not to exceed once every 120 days. Follow up inspections, complaint inspections, emergency response, and special circumstance inspections do not count toward this provision.

Medium Priority Food Establishments – Twice in one calendar year. Follow up inspections, complaint inspections, emergency response, and special circumstance inspections do not count toward this provision.

Low Priority Food Establishments – Twice in one calendar year. Follow up inspections, complaint inspections, emergency response, and special circumstance inspections do not count toward this provision.

SECTION 2.10 VIOLATIONS/PENALTIES

Any person (or responsible office or employer of that person) who violated a provision of these Rules and Regulations and any person (or responsible office 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 196.655 RSMo, and upon proper complaint shall be prosecuted.

SECTION 2.11 FOOD SAFETY CERTIFICATION

All staff of permanent, mobile and recurring food establishments shall have documentation of approved food safety certification from an approved program at all times of operations. Certification requirements shall be in effect 60 days following hire. Certification must be current/ renewed every two years. Non-compliance of appropriate staff training and documentation of said training will result in a \$100.00 fee levied upon the establishment on the first occasion, and revocation of permit upon the second occasion, at regulatory authorities' discretion.

If, during the course of a routine inspection, complaint follow up, or at any other time the regulatory authority, or its duly appointed representative, should lose confidence of a certified food handler in their ability to safely handle food through lack of a

demonstration of knowledge or observed behaviors during the inspection the regulatory authority has the right to revoke Callaway County Food Handlers certification immediately and indefinitely at the discretion of the administrator of the Callaway County Health Department. If the certification is from a source other than Callaway County Health Department the regulatory authority shall have the authority to request further training and proof of training be presented to the regulatory authority. In the event of revocation of Callaway County Food Handler certification, recertification through the Callaway County Health Department shall take place prior to the individual returning to food handling in a food establishment.

Management and supervisory staff of temporary food events are recommended to have a certified food manager present at all times during the event, or all staff, volunteers, etc. have a food handlers' card.

SECTION 2.12 FEES

See Appendix A.

SECTION 2.13 GREIVANCE PROCESS

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

SECTION 2.14 SAVING CLAUSE

If any part of these regulations 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 2.15 AMENDMENTS

Regulations may be amended at any time pursuant to RSMo 192.300.

BE IT ORDAINED AS FOLLOWS:

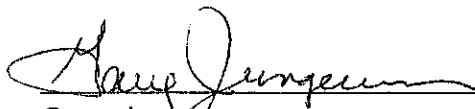
SECTION 1: The County Commission hereby promulgates and adopts the Callaway County Food Regulations as recommended and requested by the Callaway County Health Department.

SECTION 2: The County Clerk is hereby ordered to have the regulations printed and available in his/her office for distribution to the public.

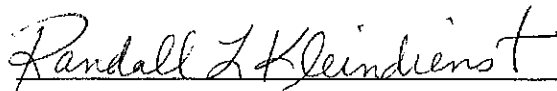
SECTION 3: A copy of the regulations shall be published in some newspaper in this county, with the first publication occurring not later than 30 days after the adoption of these regulations.

REGULATIONS SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER THE DATE OF ITS PASSAGE AND APPROVAL.

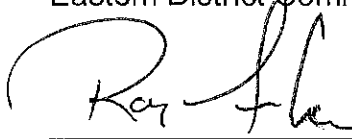
PASSED THIS 2nd DAY OF December 2024.



Gary Jungermann
Presiding Commissioner

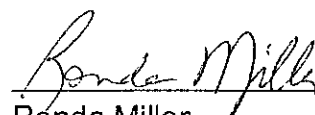


Randy Kleindienst
Eastern District Commissioner

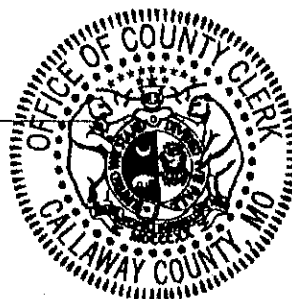


Roger Fisher
Western District Commissioner

ATTESTED TO:



Ronda Miller
County Clerk



Appendix A

Pursuant to RSMo 192.200 the fees associated with permitting a food establishment are as follows:

Permanent Food Establishment

High Priority: \$150 per calendar year

Med Priority: \$125 per calendar year

Low Priority: \$100 per calendar year

Mobile/ Recurring Food Vendor

\$75 per calendar year

Temporary/ One Time Food Event

\$30 per event

Distressed Food Inspections

\$100 per man hour

Failure to acquire a food permit before opening

\$100 penalty

For re-inspections conducted beyond the first re-inspection

\$100 penalty

Mandatory Closure Penalty

\$150 per week of closure

Non compliance of staff training documentation

\$100 penalty