

**CHRISTIAN COUNTY HEALTH DEPARTMENT  
AN ORDER REGULATING THE  
OPERATION OF FOOD ESTABLISHMENTS  
AND PROVIDING PENALTIES  
IN THE COUNTY OF CHRISTIAN, STATE OF MISSOURI**

An order governing the operation of food establishments within Christian County requiring certain permits for operations and providing penalties thereof.

It is hereby ordered by the Christian County Health Department Board of Trustees and the Christian County Commission as follows:

Authority: Section 192.300, RSMo 1986. The county commissions and the county health center boards of the several counties 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 such county, but an 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. The county commission and the county health center board of trustees may establish reasonable fees to pay for any costs incurred in carrying out such orders, ordinances, rules or regulations, however, the establishment of such fees shall not deny the personal health services to those individuals who are unable to pay such fees or impede the prevention or control of communicable disease.

**Section 1: Definitions**

1.01 As used in this ordinance the following words and phrases have the following meaning:

- A) Code: Is the most recently adopted Food Code by the Christian County Health Department Board of Trustees and is based on the current Missouri Food Code as adopted by state statute, which is based on the U.S. Department of Health and Human Services Public Health Service, Food and Drug Administration Food Code.
- B) Department: The Christian County Health Department
- C) Food Establishment: An operation as defined in the Code as a food establishment and excludes operations defined in the code as “not a food establishment”.

**"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.

**"Seasonal food establishment"** is an establishment that serves, prepares or provides food at the retail level for a time period of not more than 4 months. A seasonal food establishment does not have to be associated with an event. A seasonal food establishment must meet the requirements of the code.

**“Not a Food Establishment”** In addition to the definition found in the code, the following are defined as not meeting the definition of a food establishment.

Churches or other non-profit organizations where the food service is limited to members and their guests and there is no charge to dine. Diners must be informed by a clearly visible placard that the food is prepared in a kitchen that is not subject to regulation and inspection by the department.

Food establishments and food processing facilities that are routinely inspected by the FDA, USDA, Division of Aging, Missouri Department of Health & Senior Services, Missouri Department of Agriculture, or other federal or state regulatory agency having jurisdiction over those types of establishments are not considered “Food Establishments” for regulation under the code unless retail food sales/ service are conducted.

- D) Health Officer: The Administrator of the Christian County Health Department or an authorized representative.
- E) Imminent Health Hazard: Means a significant threat or danger to public health. This is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury.
- F) Permit: A written authorization issued by the Christian County Health Department which authorizes a person to operate a food establishment, temporary food establishment or seasonal food establishment.
- G) Raw Dairy Products: Means any dairy product that is not pasteurized or does not undergo some other type of process that is approved in the current FDA Grade A Pasteurized Milk Ordinance to remove infectious agents.
- H) Remodel: Means construction, conversion, or modifications which involve changing the location, replacement, or installation of major plumbing fixtures and food equipment and/or food contact surfaces of counters and/or the construction or replacement of walls, floors, and ceilings in food preparation areas.
- I) Work Order: A form used in the enforcement process when an establishment has failed two concurrent reinspections, an Imminent Health Hazard exists or the stipulations identified under Section 9, Automatic Closure have been met. This document is a bridge between voluntary compliance and compulsory compliance through legal action.

1.02 All other definitions as listed in the Food Code of the United States Public Health Service Food and Drug Administration most recently adopted by the Missouri Department of Health & Senior Services and the Christian County Health Department Board of Trustees by reference

## Section 2: Adoption

The Christian County Commission and the Christian County Board of Health hereby adopts the State standard as defined in Missouri Laws accompanied by Department of Health and Senior Services Rules governing Food Establishments and 19 CSR 20-1.023 Sanitation of Food Establishments with the following exceptions:

- 2.01 All Retail Food Establishments shall be required to obtain an operating permit from the Department.
- 2.02 Permits may be revoked or suspended by the Department. Reasons for suspension or revocation may include violation of the food order or code, scoring a 60 or less with 6 critical violations on a routine inspection or creating an imminent threat to the public. This may include failure to correct items listed on the work order or during time frame given by the authorized representative, failure to properly obtain an operating permit, not removing employees who have a disease or medical issue that may cause a communicable disease outbreak as defined in the code, or does not have the proper physical facilities or equipment to operate a food establishment.
- 2.03 Any food establishment that has failed to correct repeat critical violations noted on two consecutive follow up inspections, or complaint inspection 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.
- 2.04 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 food establishment will provide 24 hours notice for the Department to schedule the inspection. Once the Department has inspected and verified that corrections have been made, approval may be granted by the department for the establishment to reopen for business. Also, Reference section 9.2 for food handlers training.
- 2.05 Raw dairy products shall not be sold and/or served, nor orders taken for, at food establishments except as outlined in 2.05 (A), (B) and (C).
  - A) Grade A retail raw milk and dairy products may be sold and delivered by person(s) possessing a Grade A retail raw milk permit from the State Milk Board and a food permit from the Department, and the seller is the individual actually producing the food or an immediate family member residing in the producers household and having extensive knowledge of the process and production of the food.
  - B) A placard is prominently visible at the point of sale stating “WARNING: Raw (unpasteurized) milk and raw milk dairy products may contain disease-causing microorganisms. Persons at highest risk of disease from these organisms include

newborns and infants, the elderly, pregnant women, those taking corticosteroids, antibiotics or antacids, and those having chronic illnesses or other conditions that weaken their immunity." A minimum size of 8.5"x 11".

- C) The code shall be applied to the sale and delivery of Grade A Retail raw milk and dairy products. This includes, but is not limited to, physical facilities, temperature controls for transportation and sale, labeling and consumer advisories, food handlers training and all other applicable sections of the code. The consumer advisory will state, "WARNING: Raw (unpasteurized) milk and raw milk dairy products may contain disease-causing microorganisms. Persons at highest risk of disease from these organisms include newborns and infants, the elderly, pregnant women, those taking corticosteroids, antibiotics or antacids, and those having chronic illnesses or other conditions that weaken their immunity." and be affixed to the product container.
- D) Producers of retail raw dairy products may sell and take orders for their product at the physical farm location where the products are produced and may deliver the product to the clients domicile.

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 order.

- 2.06 Abatement orders shall be delivered in person or by certified mail and shall be served to the owner, operator, or person-in-charge.
- 2.07 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 and for offsite food preparation and storage. The physical facility shall meet all of the requirements of the food code.
- 2.08 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 Department.
- 2.09 Operating permits shall be posted in such a manner so that the permit may be viewed by the public.
- 2.10 Facilities that require more than two re-inspections following a routine or complaint inspection may be charged a re-inspection fee.
- 2.11 Facilities that are thirty (30) days past the due date on the submittal of renewing the annual operating permit application and fees may be charged a late fee.

### **Section 3: Permit Applications**

- 3.01 Requirements: A person may not operate a food establishment, temporary food

establishment or seasonal food establishment without a valid permit to operate issued by the department.

3.02 Applications:

- A) An applicant shall submit an application for permit in a timely manner before the date planned for opening a food establishment or the expiration date of the current permit for an existing establishment.
- B) A person desiring to operate a food establishment shall submit to the department a written application for a permit on a form provided by the department.
- C) The application shall include:
  - 1) The name, address, telephone number and signature of the person applying for the permit and the name, mailing address and location of the food establishment.
  - 2) Information specifying whether the establishment is owned by an association, corporation, individual, partnership, or other legal entity.
  - 3) A statement signed by the applicant that attests to the accuracy of the information provided in the application.
  - 4) A statement specifying the type of operation.
  - 5) The foods offered the source of the food and type and location of preparation.

**Section 4: Issuance of Permits**

4.01 New, Converted, or Remodeled Establishments:

The department shall issue a permit to the applicant after:

- A) A properly completed application is submitted.
- B) The required fee is submitted.
- C) The required plans, specifications, and other specific information as requested to demonstrate conformance with code provisions are reviewed and approved.
- D) Approval from the appropriate regulatory agencies. (For example: County Planning and Zoning and City Building Regulations, Missouri Department of Natural Resources)
- E) A preoperational inspection showing that the establishment is built or remodeled in

accordance with the approved plans and specifications and that the establishment is in compliance with the code and this order.

4.02 Existing Establishments, Permit Renewal, and Change of Ownership:

The department may renew a permit for an existing food establishment or may issue a permit to a new owner of an existing food establishment after a properly completed application is submitted, reviewed, and approved, the fees are paid, and an inspection shows that the establishment is in compliance with the code and this order.

4.03 Temporary Food Establishments: The department shall issue a permit for a temporary food establishment after a properly completed application is submitted, reviewed and approved and any required fees are paid.

Seasonal Food Establishments: The department shall issue a permit for a seasonal food establishment after a properly completed application is submitted, reviewed and approved and any required fees are paid. At the discretion of the department a plan review may be required along with a pre-operation inspection.

4.04 Permits Not Transferable:

A permit may not be transferred from one person to another person, from one food establishment to another, or from one type of operation to another.

4.05 Denial of Application for Permit, Notice:

If an application for a permit to operate is denied, the department shall provide the applicant with a notice that includes:

- A) The specific reasons and Code violations for the permit denial.
- B) The actions, if any, that the applicant must take to qualify for a permit.
- C) Advisement of the applicant's right of appeal and the process and time frames for appeal that are provided for under this order.

4.06 A permit issued pursuant to this order shall be valid for a period of one year from the date of issuance.

4.07 Permit Fees:

Inspection fees shall be collected for each permit issued. Training fees shall be collected for each training session, and fees shall be collected for additional training material as necessary. The amount of these fees shall not be more than the cost of administrating this order.

### **Section 5: Responsibilities of the Permit Holder**

- 5.01 Upon acceptance of the permit issued by the department, the permit holder in order to retain the permit shall:
- A) Post the permit in a location in the facility that is conspicuous to consumers.
  - B) Comply with the provisions of the regulations, rules, and orders of the department and shall operate the establishment in accordance to this order including the conditions of any granted variance and approved plans as specified in this order.
  - C) Sign the acknowledgment of receipt of inspection findings.
  - D) Immediately contact the department to report a communicable illness of an applicant or employee as specified in the code.
  - E) Immediately discontinue operations and notify the department if an imminent health hazard may exist.
  - F) Comply with directives of the department including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the department in regard to the permit holder's food establishment or in response to community emergencies.
  - G) Accept notices issued and served by the department according to this order.
  - H) The permit holder shall be the person in charge or shall designate such a person and shall assure that a person in charge is present at the food establishment during all hours of food preparation, service, sales, transportation or other such types of food handling.
  - I) Trained food handlers. The food establishment must have at least one trained food handler per shift of operation. Food handler training may be either through a nationally accredited program as defined in the code, or through compliance with the Department's food handler training curriculum.
  - J) Allow representatives of the Department, bearing proper credentials and identification, access to the food establishment for the purpose of inspection and investigation in accordance with this order

### **Section 6: Responsibilities of the Department**

- 6.01 At the time the initial permit is issued to a food establishment, the department shall provide to the permit holder one copy of the code and the order so the permit holder is notified of the compliance requirements and the conditions of retention.

### **Section 7: Inspections**

- 7.01 All inspections shall be conducted by an Environmental Public Health Specialist or other designated employee of the Christian County Health Department. The department shall inspect a food establishment at least annually. Frequency of complaint and compliance inspections will be determined by the department.

### **Section 8: Restriction or Exclusion From Food Handling**

- 8.01 Any food handler who tests positive for a communicable disease identified in the code as reportable, shall be restricted or excluded from a food handling procedure until the disease is no longer in the communicable stage. The determination that the communicable stage has lapsed shall be confirmed by the nursing staff of the department in accordance with Missouri Department of Health's "Communicable Disease Manual" and the code. The Department's nursing staff may consult with the Missouri Department of Health & Senior Services, at their discretion.

### **Section 9: Automatic Closure**

- 9.01 Any food establishment that scores 60 or less and has at least 6 critical items marked on the inspection sheet shall automatically and immediately cease operations until such time as the critical items are determined, by re-inspection, to be corrected. A Re-inspection will occur on the mutually agreed upon date but no sooner than after the establishment has provided 24 hrs notice.

A permit holder shall immediately discontinue operations and notify the regulatory authority if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent food borne illness outbreak, gross unsanitary occurrence or condition, or other circumstances that may endanger public health. The establishment shall also be closed immediately in the event an imminent health hazard is determined during any inspection being performed by a Christian County Health Department Environmental Public Health Specialist.

- 9.02 The permit holder for a food establishment that is served an automatic closure order shall renew their basic food handlers training or obtain certification from an accredited program as defined in the code.

### **Section 10: Penalties**

- 10.01 Any person found to be violating any provision of this order shall be served by the Department with a written notice, via certified mail, or in person, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.



- 10.02 Any person who continues a violation beyond the time limit provided for in Section 9.1, shall be guilty of an infraction and upon conviction thereof shall be assessed an administrative penalty in an amount not exceeding Two Hundred and No/100 Dollars (\$200.00) per day for each violation. Each day in which any such violation does continue shall be deemed a separate offense.
- 10.03 The Christian County Health Department may issue an “Order to Abate” based on a condition that may transmit, generate, or promote disease. Failure on the part of the person to comply with the Order could result in the enforcement of the Order in the court of jurisdiction by the initiation of an action by the county attorney or county prosecuting attorney.
- 10.04 Any person violating any of the provisions of this section shall become liable to the Department for any expense, loss or damage incurred by the Department by reason of such violation.

### **Section 11: Appeals**

- 11.01 Any person(s) aggrieved by any decision or order(s) issued by the Director of the Department may appeal to the Board of Trustees of the Department by filing a written application with the Health Officer within thirty (30) days after such decision or order is issued which is the subject of the appeal.
- 11.02 Upon the Health Officer’s receipt of such request, the Board of Trustees of the Department shall hear the matter in an open hearing after at least five (5) days written notice of the time, place and nature thereof. The time shall be measured pursuant to the Missouri Rules of Civil Procedure. (A shorter period of time may be granted, if requested by either party and agreed upon.)
- 11.03 The Notice of the hearing shall be served upon the person requesting the review by hand delivering or mailing by certified mail the Notice to the address the person shall designate in the letter of request for an appeal to the Department’s Board of Trustees.
- 11.04 The Board of Trustees of the Department shall conduct an appeal hearing in accordance with the Board of Trustee’s adopted rules and procedures. The Board of Trustees shall make written findings of fact and shall enter its final order of determination in the matter in writing. The Board of Trustees’ Order completes the administrative appeals procedure.

### **Section 12: Jurisdiction**

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

### **Section 13: Effective Date**

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

### **Section 14: Severability**

14.01 If any section, clause, or phrase of this order is, for any reason, held to be invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this order.

**CHRISTIAN COUNTY HEALTH DEPARTMENT**

\_\_\_\_\_  
President of the Board of Trustees

Enacted this Date: \_\_\_\_\_

**CHRISTIAN COUNTY, COMMISSION**

DATED: \_\_\_\_\_

\_\_\_\_\_  
Lou Lapaglia, Presiding Commissioner

DATED: \_\_\_\_\_

\_\_\_\_\_  
Bill Barnett, Western Commissioner

DATED: \_\_\_\_\_

\_\_\_\_\_  
Tom Huff, Eastern Commissioner

COUNTY CLERK:

\_\_\_\_\_  
Kay Brown

APPROVED AS TO FORM:

\_\_\_\_\_  
John W. Housley, County Counselor