
Food Code

Pike County, Missouri

2001-C

Pike County Health Department
5 Church Street
Bowling Green, Missouri 63334

2013 comp. 5-16-15 by 93
inspector 1/12

**ORDINANCE NUMBER 2001-C
PIKE COUNTY, MISSOURI
FOOD SERVICE SANITATION ORDINANCE**

An ordinance adopting the 1997 Edition of the "Food & Drug Administration Model Food Code" regulating the retail sale, commercial and institutional service, and vending of food; defining permit holder, person in charge, employee, food, potentially hazardous food, food establishment, safe material, sanitization, and other terms; and providing standards for employee food safety, knowledge, health, and practices; food sources, preparation, holding temperatures, and protection; equipment design, construction, installation, cleaning, and sanitization; water, and liquid and solid wastes; facilities construction and maintenance, and storage and use of poisonous and toxic materials, requiring a permit to operate a food establishment, and providing for the restriction or exclusion of employees, the examination and condemnation of food, and the enforcement of this code including the setting of penalties.

Section 1. Authority

Authority to adopt this ordinance is provided at Section 192.300 RSMo: "The county commissioners and county health 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 infections, contagious, communicable or 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 2. Adoption of Food Code.

That a certain document, a reference copy of which is on file in the County Clerk's Office located in the Pike County Courthouse in Bowling Green, Missouri being marked and designated as the Food Code, 1997 with 1999 updates Recommendations of the *United States Public Health Service/Food and Drug Administration* as published by the US Department of Health and Human Services, Public Health Service, Food and Drug Administration, is hereby adopted as the Food Service Sanitation Code of Pike County, Missouri, for regulating the design, construction, management and operation of food establishments and providing for plan submission and approval and the issuance of permits and collection of fees therefore. A copy of this document is available upon request after payment of the appropriate copy fee as established by the County Clerk's Office.

A reference copy containing the regulatory sections of the Adopted Code (Chapters 1-8) and this Ordinance

is on file in the County Clerk's Office located in the Pike County Courthouse in Bowling Green, Missouri being marked and designated as *Pike County Food Service Sanitation Regulations*. A copy of this document is available after payment of current cost of publication from the Pike County Health Department, 5 East Church Street, Bowling Green, MO 64434.

Section 3. Applicability

This Ordinance shall apply to any Food Establishment (as defined in Part 1-201.10(30) of the Adopted Code) operating in Pike County, MO. As defined by the Adopted Code, *Food Establishment* means an operation that stores, prepares, packages, serves, vends, or otherwise provides Food for human consumption: (I) Such as a restaurant; satellite or 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; conveyance used to transport people; institution; or Food Bank; and (ii) That relinquishes possession of Food to a Consumer directly, or indirectly through a delivery service such as home delivery or grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers. *Food Establishment* includes: (I) An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location is permitted by the Regulatory Authority; and (ii) 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: (I) An establishment that offers only prepackaged foods that are not Potentially Hazardous; (ii) A produce stand that only offers whole, uncut fresh fruit and vegetables; and (iii) a Food Processing Plant, (iv) 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; (v) An area where Food that is prepared as specified in section (iv) of this definition is sold or offered for human consumption; (vi) 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 6, breakfast is the only meal offered, the number of guests served does not exceed 18, and the consumer is informed by the 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 (vii) A private home that receives catered or home-delivered Food.

Section 4. Definitions.

In addition to the "Definition" Section of the Adopted Code contained in Part 1-201.10(B)(1-90), unless the context otherwise requires, the following terms shall mean:

4.1 "*Adopted Code*," means the Food Code, 1997 with 1999 updates Recommendations of the *United States Public Health Service/Food and Drug Administration* as published by the US Department of Health and Human Services, Food and Drug Administration.

4.2 "*Agent*," any person authorized in a written and signed statement by the property owner to execute the interests of the property owner in matters related to this Ordinance.

4.3 "*Regulatory Authority*," defined in part 1-201.10(B)(67) means the local, state, or federal enforcement body or authorized representative having jurisdiction over the food establishment. For the

purpose of this ordinance, the Pike County Health Department shall be designated as the Regulatory Authority and shall apply this Ordinance and Adopted Code to promote its underlying purpose of safeguarding public health and assuring that food is safe, unadulterated, and honestly presented when offered to the consumer.

Section 5. Permits.

Subsequent to passage of this Ordinance, any construction, modification, or operation of a Food Establishment shall require the owner or the agent of the legal ownership to obtain a "Permit to Operate a Food Establishment," and pay the appropriate fee, if established, to the Pike County Health Department, 5 East Church Street, Bowling Green, MO 63334. Regulatory requirements detailing Permits are contained in Part 8-3 of the Adopted Code.

Section 6. Inspection.

Regulatory requirements detailing Inspections are contained in Part 8-4 and Annex 4 of the Adopted Code.

Section 7. Compliance and Enforcement.

Regulatory requirements detailing Compliance and Enforcement are contained in Part 8-4 and in Annex 1 of the Adopted Code.

Section 8. Violation Notices.

Regulatory requirements detailing Violation Notices, Exclusion Orders, Hold Orders, or Summary Suspension are contained in Part 8-7 in Annex 1 of the Adopted Code.

Section 9. Hearings.

Regulatory requirements detailing Hearings Administration are contained in Part 8-805.10 of Annex 1 of the Adopted Code.

Section 10. Penalties.

Regulatory requirements detailing Penalties are contained in Part 8-811.10 of Annex 1 of the Adopted Code and shall read as follows: A person who violates a provision of this Code shall be guilty of a misdemeanor, punishable by (1) A fine of not more

that \$1,000 (one-thousand dollars), or by imprisonment not exceeding 1 year (one year), or both the fine and imprisonment; or (2) If the person has been convicted once of violating this Code or if there is an intent to defraud or mislead, a fine not exceeding \$2,500 (two-thousand-five hundred dollars) and 2 (two) years imprisonment or both. In addition, Federal law provides under the Criminal fine Enforcement act of 1984 for a fine up to \$100,000 for a misdemeanor by a corporation or individual not resulting in death and, for misdemeanors resulting in death, a fine of up to \$250,000 for individuals and \$500,000 for corporations.

Section 11. Inconsistent Codes Repealed.

The Order entitled "Article I: Food Service Sanitation" that provided for the inspection and licensing of all Food Service Establishments in Pike County and all other codes or portions of codes in conflict herewith are hereby repealed.

Section 12. Conflict With Other Laws.

The provisions of any law or regulation of Pike County, Missouri or of any municipality, the State of Missouri, or Federal Agency establishing standards affording greater protection to the public health and/or safety for the citizens of Pike County shall prevail within the respective jurisdictions over the provisions of the Ordinance adopted hereunder.

Section 13. Severability.

If any portion of this Ordinance and Adopted Code 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 holdings shall not affect the validity of the remaining portion of this Ordinance and Adopted Code.

Section 14. Revisions and Amendments.

The Pike County Commission may convene a hearing and enter into this Ordinance any necessary revisions or amendments for the administration of this Ordinance. Such revisions or amendments shall represent a separate, distinct and independent entity of the Ordinance and may be accomplished by court order or any other method allowed by law. The Pike County Health Department shall be responsible for informing the Pike County Commission of the changes in Food Service Sanitation requirements/regulations and other issues that may necessitate revisions and/or amendments to this Ordinance and Adopted Code.

Section 15. Immunity.

The Pike County Health Department shall not be liable for damages resulting from approval by the Pike County Health Department for the construction, modification, or operation of a Food Establishment; the safe and sanitary day-to-day operation of a Food Establishment in compliance with this Ordinance and the Adopted Code shall be the legal responsibility of the permit holder and/or his agent.

Section 16. Schedule of Fee.

The Pike County Commission may adopt a schedule of fees associated with the administration of the Ordinance and Adopted Code. The schedule of fees shall be recorded as a court order effective the 1st day of January of each year, beginning January 1, 2002, and such fees shall not exceed the sum of \$1000.

Section 17. Effective Date.

This Ordinance shall become effective on the date that this Ordinance is acted upon and ordered by the Pike County Commission.

Clark B. Smith
Presiding Commissioner
Debbie Clark
Eastern Commissioner
Jack V. Stumbaugh
Western Commissioner

10-22-01
Date

ATTEST:

Jim Fack
County Clerk