

ORDER OF THE TANEY COUNTY HEALTH DEPARTMENT

WHEREAS, Ordinance Number 2007-1 adopting the 1999 Edition of the "Food Code" regulating the retail sale, commercial, and institutional service, and vending of food; defining terms; providing standards, providing for fees, and the enforcement of this code was read, *passed*, and truly agreed to by the Board of Trustees of the Taney County Health Department, Taney County, Missouri, on the 28th day of February, 2007; and

WHEREAS, said Ordinance provides that the County Health Board shall make and enter an order or record declaring the Ordinance be printed and available for distribution to the public in the office of the County Clerk; and

WHEREAS, Section 192.300 of the Revised Statutes of Missouri provides such order shall be published in the newspaper in the County for three (3) consecutive weeks not later than thirty (30) days after the entry of such order.

NOW, THEREFORE, be it ordered by the Board of Trustees of the Taney County Health Department as follows:

1. Ordinance Number 2007-1 adopting the 1999 Edition of the "Food Code" regulating the retail sale, commercial, and institutional service, and vending of food; defining terms; providing standards, providing for fees, and the enforcement of this code shall be printed and copies of the Ordinance shall be available for distribution to the public *in the offices of* the County Clerk, Taney County, Missouri, and, a copy of this order shall be published in a newspaper in the Taney County, Missouri, for three (3) consecutive weeks, not later than thirty (30) days after the entry of said Ordinance.

IT IS SO ORDERED.

---

Beth Huddleston  
Chairperson

Attest:

---

James E. Berry  
Director

**AN ORDINANCE ADOPTING THE 1999 EDITION OF THE "FOOD CODE" REGULATING THE RETAIL SALE, COMMERCIAL AND INSTITUTIONAL SERVICE, AND VENDING OF FOOD; DEFINING TERMS; PROVIDING STANDARDS, PROVIDING FOR FEES AND THE ENFORCEMENT OF THIS CODE.**

**WHEREAS**, RSMo 192.300 provides that county health center boards 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 a county; and

**WHEREAS**, the *U.S. Department of Health and Human Services Public Health Service Food and Drug Administration 1999 Food Code* serves as the basis for the Missouri Department of Health and Senior Services Food Code, and likewise has been adopted by both the cities of Branson and Hollister; and

**WHEREAS**, the Taney County Health Department Board of Trustees desires to provide uniform standards and consistency in its application of rules and regulations and provide for the health, safety and welfare of county inhabitants;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TANEY COUNTY BEALTH DEPARTMENT, AS FOLLOWS:**

**Section 1: Adoption of Code**

That a certain document, three (3) copies of which are on file in the office of the County Clerk of Taney County Missouri, being marked and designated as the Food Code, 1999 Recommendations of the United States Public Health Service/Food and Drug Administration as published by the U.S. Department of Health and Human Services, Public Health Services, Food and Drug Administration be, and is hereby adopted (Chapters 1-8 and Annex 1) with the below cited additions, modifications, substitutions or deletions, as the Food Code of Taney 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.

**Section 2: Exceptions to the incorporation by reference are as follows:**

A. Chapter 1, Section 1-201.10 (B)(31)(c)(vi). Change to read as follows.

(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 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

B. Chapter 1-201.10, Section 1-201.10(B)(31)(c)(i) is herby deleted.

C. Chapter 2, Section 2-102.11. Delete Subsections A through O and replace as follows:

D. One (1) year from the passage of this Code, each full service food establishment or food manufacturing operation, including but not limited to restaurants, deli operations, bakeries, meat processing plants, ice plants, mobile food operations or temporary food stands, where potentially hazardous foods are prepared and sold, shall have at least one (1) currently certified food service manager on site during normal business operations.

(1) A nationally recognized course in applied food service sanitation.

- (2) Other course as approved by the Taney County Health Department.
- E. One (1) year from the passage of this Code, all food employees who work with unpackaged food, food equipment or utensils, or food contact surfaces shall have taken and passed a short course on applied food service sanitation as approved by the Taney County Health Department.
- (1) In house training curriculum as approved by the Taney County Health Department.
- (2) Other course as approved by the Taney County Health Department.
- F. Chapter 3-305.11-D. Add new section D.
- (D) Breeding mix shall be protected by:
- Sifting after each use to remove all moist material and refrigerated between uses.
  - Fresh dry mix shall not be added to moist mix.
  - Used dry or wet mix shall not be returned to bulk mix.
- G. Chapter 3, Section 3-501.12 (A). Change to read as follows:  
(A) Under refrigeration that maintains the food temperature at 5°C (41°F) or less, as specified under Ch.3-501.16(C); or
- H. Chapter 3, Section 3-501.13. Change the following sections to read as follows:  
(A) Under refrigeration that maintains the food temperature at 5°C (41°F) or less, as specified under Ch.3-501.16(C); or  
(B) (B)(3) For a period of time that does not allow thawed portions of ready-to-eat food to rise above 5°C (41°F) as specified under Ch. 3-501.16(C), or  
(B)(4) For a period of time that does not allow thawed portions of raw animal food requiring cooking as specified under Ch. 3-401.11(A) or (B) to be above 5°C (41°F), as specified under Ch. 3-501.16(C), for more than 4-hours including:  
(B)(4)(b) The time it takes under refrigeration to lower the temperature to 5°C (41°F), as specified under Ch. 3-501.16(C);
- I. Chapter 3, Section 3-501.14. Change the following sections to read as follows:  
(A)(2) Within 4 hours, from 21°C (70°F) to 5°C (41°F) or less, as specified under Ch. 30591.16(C)  
(B) Potentially hazardous food shall be cooled within 4-hours to 5°C (41°F) or less, as specified under Ch. 3-501.16(C) if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.  
(C) Except as specified in paragraph (D) of this section, a potentially hazardous food received in compliance with laws allowing a temperature above 5°C (41°F) during shipment from the supplier as specified in Ch. 3-202.11(B), shall be cooled within 4 hours to 5°C (41°F) or less, as specified under Ch. 3-501.16(C).  
(D) Shell eggs need not comply with paragraph (C) of this section if the eggs are placed immediately upon their receipt in refrigerated equipment that is capable of maintaining food at 5 C (41 F) or less, as specified under Ch. 3-501.16(C)
- J. Chapter 3, Section 3-501.15-A(1) Change A(1) to read as follows:  
(1) Placing the food in shallow pans, no greater than four (4) inches deep.
- K. Chapter 3, Section 3-501.16(C). Amend subsection (C) to state as follows:

(C) At 7°C (45°F) or between 7°C (45°F) and 5°C (41°F) in existing refrigeration EQUIPMENT that is not capable of maintaining the FOOD at 5°C (41°F) or less if:

- (1) The EQUIPMENT is in place and in use in the FOOD ESTABLISHMENT; and
- (2) Within 5 years of the REGULATORY AUTHORITY'S adoption of this Code, the EQUIPMENT is upgraded or replaced to maintain FOOD at a temperature of 5°C (41°F) or less.
- (3) On a buffet line, when product is not in compliance with temperature control parameters product container shall be clearly marked showing time placed on buffet line and product shall be held no longer than three (3) continuous hours and then discarded.

L. Chapter 3, Section 3-501.1,7. Delete the following subsections:

~~(A)(2) 4 calendar days or less from the day the food is prepared, if the food is maintained at 7°C (45°F) or less as specified under Ch. 3.501.16(C).~~

~~(B)(2)(b) 4 calendar days or less from the day of preparation, if the food is maintained at 7°C (45°F) or less as specified under Ch. 3.501.16(C).~~

~~(B)(3)(b) 4 calendar days or less after the food is removed from the freezer, minus the time before freezing, that the food is held refrigerated if the food is maintained at 7°C (45°F) or less as specified under Ch. 3.501.16(C) before and after freezing.~~

~~(C)(2) 4 calendar days or less from the day the original container is opened, if the food is maintained at 7°C (45°F) or less as specified under Ch. 3.501.16(C).~~

~~(D)(2)(b) 4 calendar days or less after opening the original container if the food is maintained at 7°C (45°F) or less as specified under Ch. 3.501.16(C); and~~

~~(D)(3)(b) 4 calendar days, minus the time before freezing, that the food is held refrigerated if the food is maintained at 7°C (45°F) or less as specified under Ch. 3.501.16(C) before and after freezing.~~

M. Chapter 3, Section 3-501.18. Delete the following subsections:

~~(A)(2) 4 calendar days from the date of preparation if the food is maintained at 7°C (45°F) or less as specified under Ch. 3.501.16(C).~~

~~(D)(2) 4 calendar days after the date that the original package is opened in a food establishment if the food is maintained at 7°C (45°F) or less as specified under Ch. 3.501.16(C).~~

~~(F)(2) 7°C (45°F) shall be discarded if not sold within 4 days.~~

N. Chapter 4, Section 4-204.111 (B)(1). Change to read as follows:

(1) In a refrigerated vending machine, the ambient temperature may not exceed 5°C (41°F) as specified under Ch. 3-501.16(C) for more than 30 minutes immediately after the machine is filled, serviced, or restocked;

O. Chapter 4, Section 4204.112-F. Add new section. F.

(F) Provide an approved thermocouple or metal stem food service thermometer or time/temperature indicator (TTI) to check cooking and serving temperature of all foods.

P. Chapter 5, Section 5-402.12. Change to read as follows:

Grease traps shall be used in all grease/oil/fat producing facilities and shall be designed, installed, and operated in compliance with the Taney County Common Sewer District's current grease trap policy and shall be easily accessible for content removal.

Q. Chapter 8, Section 8-40120. Add new subsection (H) as follows:

(H) Other risk factors with the currently used risk assessment form as used by the Health Department across the jurisdiction.

R. Chapter 8, Section 8-405.11 (B). Change to read as follows:

(B) Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the regulatory authority may agree to or specify a longer time frame, for the permit holder to correct critical Code violations or haccp plan deviations. Unless otherwise specified by the regulatory authority, the corrective actions must be completed prior to 14 days from date of the inspection.

S. Chapter 8, Section 8-405.11 (C and D). Add new Sections C and D.

(C) When a food establishment receives a score of less than seventy (70) but greater than fifty-nine (59) on a routine inspection, then that establishment, at the discretion of the regulatory agency, it shall have three (3) days to correct all critical and ninety percent (90%) of non-critical violations.

(D) When a food establishment receives a score of less than sixty (60) on a routine inspection, or with six (6) or more critical violations it shall have twenty-four (24) hours to correct all critical and ninety-five percent (95%) of all non-critical violations.

T. Annex 1, Chapter 8-811.10(B)(1) Change to read as follows:

(B) (1) A fine of not more than \$1,000 dollars, or by imprisonment not exceeding 1 year, or both the fine and imprisonment;

U. Annex 1, Chapter 8. Delete 8-813.10(B)

### **Section 3: Definitions**

A. Regulatory Authority means the Taney County Health Department or its authorized representative, herein sometimes referred to as 'the Department.'

B. Person means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

### **Section 4: Permits and Fees**

A. Each food establishment within Taney County Health Department's jurisdiction shall be required to obtain and post in view of the public, a County Food Establishment permit in order to operate such food establishment. Each permit shall be renewed on or before May 1<sup>st</sup> of each year. After May 1<sup>st</sup> a late fee will be assessed daily until all permit fees, late fees, and reinspection fees are paid in full. If all fees are not paid by June 1<sup>st</sup>, then a closing order will be issued by the Director.

B. Unless otherwise indicated, food establishment permit fees are based upon the food establishment inspection frequency priority assessment at the time of billing in March of each year. Such permit fees shall be collected by the Health Department for authorization and issuance of a Food Establishment permit and shall be used only to defray the actual costs of administration, including inspections.

C. Based on Taney County Health Department Fee Ordinance No.1996-01 dated January 24, 1996, the current costs per unit less Core Functions State Grant reimbursement @ 34%, are as follows:

TYPE	COST/ESTAB	COST/ESTAB LESS 34%	PERMIT COST
High Risk	658.67	434.72	150.00
Medium Risk	424.75	280.34	100.00
Low Risk	201.89	133.25	50.00
Temporary Event	362.58	239.30	50.00

**Section 5: Applicability and Exemptions**

- A. This ordinance is applicable throughout Taney County except within those jurisdictions that maintain a Health Officer, have an adopted food code equal to this code, and actively enforce same.
- B. Non-for-profit organizations (501C3) corporations, and municipal or governmental organizations are exempt from the fee schedule.

**Section 6: Severability**

All sections of this Food Code shall be severable. In the event that any section of this Code is found by a court of competent jurisdiction to be unconstitutional or unlawful, the remaining sections of this Code are valid unless the court finds the valid sections of this Code are so essentially and inseparably connected with and so dependent upon the void section that it cannot be presumed that the Taney County Health Department could have enacted the valid sections without the void ones; or unless the court finds that the valid sections standing alone are incompetent and incapable of being executed in accordance with legislative intent.

**Section 7: Effective Date**

This ordinance shall be in full force and effect upon and after its passage, approval and publication in a newspaper of general circulation for (3) three successive weeks not later than thirty days after passage.

**Section 8: Duties of County Clerk**

After the promulgation and adoption of this ordinance, the county health board shall make and enter an order, or record declaring the ordinance be printed and available for distribution to the public in the office of the county clerk.

**Section 9: Duties of County Prosecutor- Penalties**

A PERSON who violates a provision of this Code shall be guilty of a misdemeanor.

Read, passed and truly agreed to by the Board of Trustees Taney County Health Department, Taney County, Missouri this 28th day of February, 2007.

---

Beth Huddleston Chairperson  
 ATTEST:

---

James E. Berry  
 Director