

AN ORDINANCE AMENDING CHAPTER 46 OF THE BRANSON MUNICIPAL CODE PERTAINING TO FOOD CODE.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, THE FOLLOWING:

- Section 1: It is the intention of the Board of Aldermen, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Branson Municipal Code, and the sections of this ordinance may be renumbered to accomplish such intention.
- Section 2: That Chapter 46 – *Health and Sanitation*, Article II – *Public Health and Sanitation Department* and Article IV - *Health Codes and Regulations* – Sections 46-39 – *Inspection of food handling establishments* and Section 46-102 – *Amendments to food code* of the Branson Municipal Code is hereby amended to read as follows:

Article II. Public Health and Sanitation Department

Sec. 46-39. Inspection of food handling establishments.

There is herewith required of all licensed eating establishments that the operator of such establishment maintains the premises and the processes for the storage, handling, preparation, and serving of foods in a sanitary and healthful manner. The department of health, by the director [~~or his/her appointees~~], shall have the right to inspect all food handling establishments, and if in the opinion of the department of health the premises are not being maintained in a sanitary and healthful manner, then and in that event the department of health shall issue a notice to the proprietor, who shall have [~~14~~] **10** days in which to correct all critical defects which shall be specifically noted by the department of health. If the operator chooses not to correct these defects, then and in that event, upon application by the director, the premises may be considered a public nuisance for action by the city attorney, all in accordance with law.

Article IV. Health Codes and Regulations

Division 2. Food Code

Sec. 46-101. Food code adopted.

A certain document, [~~three copies~~] **one copy** of which [~~are~~] **is** on file in the office of the city clerk, being marked and designated as the Food Code, [~~1999~~] **2009** 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 through 8 and annex 1)~~] with the changes cited in section 46-102, as the food code of the city for regulating the design, construction, management and operation of all food establishments, and providing for plans submission and approval and the issuance of permits and collection of fees **therefore**.

Sec. 46-102. Amendments to food code.

The following provisions of the code adopted in section 46-101 are hereby revised as follows:

[Chapter 1, section 1-201.10(B)(31)(e)(i) is hereby deleted.]

[Chapter 1, section 1-201.10(B)(31)(e)(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 five, breakfast is the only meal offered, the number of guests served does not exceed 15, 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.]~~

Chapter 2, section 2-102.11 Add as follows:

(D) 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 health department.

[Chapter 2-102.11 (page 17). Delete subsections A through O and replace as follows:]

[Person in Charge—Demonstration of Knowledge.]

~~[a. 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 currently certified food service manager on-site during normal business operations.]~~

~~[Such certification shall be from:]~~

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

~~[(2) Other course as approved by the city health department.]~~

~~[b. 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 city health department.]~~

Chapter 3-305.11-D. Add [new section D.] **as follows:**

(D) Breeding mix shall be protected by:

- (1) Sifting after each use to remove all moist material and refrigerated between uses.
- (2) Fresh dry mix shall not be added to moist mix.
- (3) Used dry or wet mix shall not be returned to bulk mix.

[Chapter 3, section 3-501.12(A). Change to read as follows:]

~~[(A) Under refrigeration that maintains the food temperature at five degrees Celsius (41 degrees Fahrenheit) or less, as specified under paragraph 3-501.16(C); or]~~

[Chapter 3, section 3-501.13. Change the following sections to read as follows:]

[(A)] [Under refrigeration that maintains the food temperature at five degrees Celsius (41 degrees Fahrenheit) or less, as specified under paragraph 3-501.16(C); or]

[(B)(3)] [For a period of time that does not allow thawed portions of ready-to-eat food to rise above five degrees Celsius (41 degrees Fahrenheit), as specified under paragraph 3-501.16(C); or]

[(B)(4)] [For a period of time that does not allow thawed portions of a raw animal food requiring cooking as specified under paragraph 3-401.11(A) or (B) to be above five degrees Celsius (41 degrees Fahrenheit), as specified under paragraph 3-501.16(C), for more than four hours including:]

[(B)(4)(b)] [The time it takes under refrigeration to lower the food temperature to five degrees Celsius (41 degrees Fahrenheit), as specified under paragraph 3-501.16(C);]

[Chapter 3, section 3-501.14. Change the following sections to read as follows:]

[(A)(2)] [Within four hours, from 21 degrees Celsius (70 degrees Fahrenheit) to five degrees Celsius (41 degrees Fahrenheit) or less, as specified under paragraph 3-501.16(C).]

[(B)] [Potentially hazardous food shall be cooled within four hours to five degrees Celsius (41 degrees Fahrenheit) or less, as specified under paragraph 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 five degrees Celsius (41 degrees Fahrenheit) during shipment from the supplier as specified in paragraph 3-202.11(B), shall be cooled within four hours to five degrees Celsius (41 degrees Fahrenheit) or less, as specified under paragraph 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 five degrees Celsius (41 degrees Fahrenheit) or less, as specified under paragraph 3-501.16(C).]

[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 inches deep.]

Delete in its entirety Chapter 3, section 3-501.16(C).

Chapter 3, section 3-501.16(C). [Amend subsection (C) to state] **add** as follows:

(C) Buffet lines.

- (1) 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 continuous hours and then discarded.

[Chapter 3, section 3-501.17. Delete the following subsections: (A)(2), (B)(2)(b), (B)(3)(b), (C)(2), (D)(2)(b), (D)(3)(b).]

[Chapter 3, section 3-501.18. Delete the following subsections: (A)(2), (D)(2).]

[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 five degrees Celsius (41 degrees Fahrenheit) as specified under paragraph 3-501.16(C) for more than 30 minutes immediately after the machine is filled, serviced, or restocked;]~~

Chapter 4, section 4-204.112-F. Add [new subsection (F).] **as follows:**

(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.

Delete in its entirety Chapter 5, section 5-402.12 Grease Trap.

Chapter 5, section 5-402.~~[13]~~**12**. [Change to read] **Add** 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 city's current grease trap policy and shall be easily accessible for content removal.

Chapter 8, section 8-401.20. 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.

[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 timeframe, 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.]~~

Chapter 8, section 8-405.11(C) and (D). Add [new sections C and D.] **as follows:**

(C) When a food establishment receives a score of less than 70 but greater than 59 on a routine inspection, then that establishment, at the discretion of the [regulatory agency] **Health Department**, shall have three days to correct all [critical] **priority** and 90 percent of [non-critical] **priority foundation and core** violations.

(D) When a food establishment receives a score of less than 60 on a routine inspection, or with six or more [critical] **priority** violations, it shall have 24 hours to correct all [critical] **priority** and 95 percent of all [non-critical] **priority foundation and core** violations, **or be immediately closed for a time frame determined by the inspector.**

[Annex 1, chapter 8. Delete 8-813.10(B).]

Delete in its entirety Chapter 8, section 8-911.10 (B).

Chapter 8, section 8-911.10 (B). Add as follows:

(B) A person who violates a provision of this code shall be guilty of a misdemeanor, punishable by:

(1) A fine of not more than \$500 dollars, or by imprisonment not exceeding 90 days, or both the fine and imprisonment.

Delete in its entirety Chapter 8, section 8-913.10 (B).

Chapter 8, section 8-913.10 (B). Add as follows:

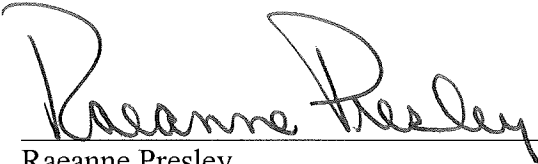
(B) In addition to any criminal fines and sentences imposed as specified in 8-911.10, or to being enjoined as specified in 8-912.10, a person who violates a provision of this code, any rule or regulation adopted in accordance with law related to food establishments within the scope of this code, or to any term, condition, or limitation of a permit issued as specified in 8-303.10 and 8-303.20 is subject to a civil penalty.

NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH IS [~~BRACKETED, STRICKEN~~] HAS BEEN REMOVED.

Section 3: This ordinance shall be in full force and effect January 1, 2015.

Read, this first time on this 14th day of October, 2014.

Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson, Missouri on this 28th day of October, 2014.




Raeanne Presley
Mayor

ATTEST:

APPROVED AS TO FORM:



Lisa K. Westfall
City Clerk

 10-28-14

William T. Duston
City Attorney

AN ORDINANCE AMENDING CHAPTERS 46, SECTION 46-61 OF THE BRANSON MUNICIPAL CODE PERTAINING TO HEALTH FEES.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, THE FOLLOWING:

Section 1: That Chapter 46 – *Health and Sanitation*, Section 46-61 – *Fee Schedule; payment of fees* of the Branson Municipal Code is hereby amended as follows:

Sec. 46-61. - Fee schedule; payment of fees.

The Branson R-IV School District shall be exempt from any fee in this section.

Definitions are found throughout chapter 46 with the exception of theme parks which is defined in appendix A - zoning.

Pre-open inspection fee shall be defined as inspections required during plan review process or at the time of change in ownership. These fees are to be charged in addition to all other fees.

- (1) Health permit fees.
 - a. Massage establishment [~~permit fee\$50.00~~]
 - 1. Pre-open inspection fee\$100.00**
 - 2. Permit fee\$100.00**
 - b. Body art establishment
 - 1. Pre-open inspection fee\$~~50.00~~ **100.00**
 - 2. Permit fee\$~~75.00~~ **100.00**
 - c. [~~Public swimming pool, spa, and theme park annual permit fee.~~]
 Public swimming pool and spa, including theme parks.
 - 1. Public swimming pool (~~[excluding theme park]~~ **per body of water**)
 - a. Pre-open inspection fee [~~.....\$75.00~~]
 - 1. New construction/remodel\$350.00**
 - 2. Existing establishment/new owner\$125.00**
 - b. Permit fees
 - 1. Outdoor pool permit fee\$~~75.00~~ **150.00**
 - 2. Indoor pool permit fee\$~~100.00~~ **200.00**
 - c. Reinspection fee (excluding temporary permits) for each reinspection after routine inspection or complaint with action\$100.00**

2. Spa (~~[excluding theme park]~~ **per body of water**)
 - a. Pre-open inspection fee [~~.....\$75.00~~]
 - 1. New construction/remodel\$75.00**
 - 2. Existing establishment/new owner\$75.00**
 - b. Permit fees
 1. Outdoor spa permit fee\$~~[75.00]~~ **150.00**
 2. Indoor spa permit fee\$~~[100.00]~~ **200.00**
- ~~[3. Theme park (up to 15 separate bodies of water)]~~
 - ~~[a. Pre-open inspection fee\$150.00]~~
 - ~~[b. Permit fee\$400.00]~~
 - c. Reinspection fee (excluding temporary permits) for each reinspection after routine inspection or complaint with action\$100.00**
- d. Food establishment (**per establishment**):
 - ~~[1. Non-theme park]~~
 - a. Pre-open inspection fee
 1. New construction/remodel\$~~[125.00]~~ **350.00**
 2. Existing establishment/new owner\$~~[100.00]~~ **200.00**
 - b. Permit fee
 1. High risk **category 3** permit fee\$~~[300.00]~~ **400.00**
 2. Medium risk **category 2** permit fee\$~~[200.00]~~ **250.00**
 3. Low risk **category 1** permit fee\$~~[75.00]~~ **100.00**
 4. Temporary **food establishment** permit fee\$~~[50.00]~~ **100.00**
 - c. Reinspection fee (excluding temporary permits) for each reinspection after routine inspection or complaint **with action**\$~~[50.00]~~ **100.00**
 - ~~[2. Theme park permit fees:]~~
 - ~~[a. Up to two main kitchens, one commissary, and five mobile units]~~
 - ~~[1. Pre-open inspection fee\$300.00]~~
 - ~~[2. Permit fee\$750.00]~~
 - ~~[b. Up to five main kitchens, two commissaries, and 20 mobile units]~~
 - ~~[1. Pre-open inspection fee\$750.00]~~
 - ~~[2. Permit fee\$1,500.00]~~
 - e. Animal establishment:
 1. Commercial
 - a. Pre-open inspection fee [~~.....\$100.00~~]
 - 1. New construction/remodel\$350.00**
 - 2. Existing establishment/new owner\$200.00**
 - b. Permit fee [~~.....\$50.00~~]
 - 1. Housing "wild animal" permit fee\$300.00**
 - 2. Housing all other animals permit fee\$100.00**

c. Reinspection fee (excluding temporary permits) for each reinspection after routine inspection or complaint with action\$100.00

2. Temporary animal establishment permit fee (maximum four days)\$25.00

(2) Animal impound fees.

a. Impound fee\$40.00

b. Room and board (per day): Per contract agreement or facility charges.

(a) Payment due date. The annual permit fees required by [~~subsection (a) of~~] this section shall be paid on or before May 1 of each year. For **food establishment permit fees, high and medium risk only**, [~~new establishments~~] opened after November 1, [~~the permit fee only~~] shall be prorated. [~~There shall be no prorating for public swimming pool, spa, or theme park permit fees.~~] Impound fees shall be paid to the Taney County Health Department.

NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH IS [~~BRACKETED, STRICKEN~~] HAS BEEN REMOVED.

Section 2: This ordinance shall be in full force and effect on March 1, 2014.

Read, this first time on this ____ day of _____, 2013.

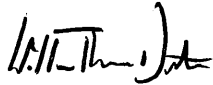
Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson, Missouri on this ____ day of _____, 2014.

Raeanne Presley
Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa K Westfall
City Clerk



William T. Duston
City Attorney

HEALTH FEES AMENDMENTS OVERVIEW

The Health Fees are divided into four categories: Massage establishment; Body art establishment; Public swimming pool and spa, including theme parks; Food establishment.

Pre-open inspection fees were added for consistency to each of the four categories. This fee covers inspections required during the plan review process or at the time of change in ownership. New construction/remodel and Existing establishment/new owner fees were added where needed, to distinguish the difference in the expense to perform these inspections.

Permit fees were added for consistency to each of the four categories. Permit fees are annual fees.

Reinspection fees were added for consistency to each of the four categories. This fee covers reinspections after an initial inspection due to violations found or reinspections from complaints which require action to be taken by the Health Department.

Theme park permit fees were eliminated and permit fees for the various requirements will now be charged "per body of water" or "per establishment" as listed. For example; if there were multiple pools or multiple restaurants on the property, a permit fee would be charged for each pool and each restaurant per the category listed. If a reinspection is required on one of the facilities then the fee would be charged accordingly as if it were a separate restaurant or pool.

Food establishment permit fee, category 1, 2 & 3 were added to the risk levels since this is how these establishments are listed in the FDA Food Code, which the City has adopted.

Animal Establishment permit fees:

Our current code has the following definition:

Wild animal means any living member of the animal kingdom, including those born or raised in captivity, except for the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds.

Using this definition the Animal Establishment permit fees were divided into two categories; those that house animals with the above definition of wild animal and those that house all other animals.

Payment due date was written to remove the prorating of fees. The only permit fees that will be prorated will be those for food establishments that fall into the medium and high risk categories. The FDA Food Code requires the following number of inspections: low – 1; medium – 2; high – 3. Since the medium and high risk establishments require more than one inspection a year, those permit fees are prorated.

Effective date, upon passage, this ordinance will take effect March 1, 2014. This will allow time for the Taney County Health Department to notify businesses of these changes.