

**SULLIVAN COUNTY HEALTH DEPARTMENT  
ORDINANCE NO. 2  
REGULATING THE  
OPERATION OF FOOD ESTABLISHMENTS  
AND RETAIL FOOD STORES  
AND PROVIDING FOR ENFORCEMENT  
IN THE COUNTY OF SULLIVAN, STATE OF MISSOURI**

**PURPOSE:**

To establish up-to-date sanitation standards for food-service establishments and retail food stores designated in section 196.010 and 196.190, RSMO and Missouri regulation 19 CSR 20, using the most current recommendations of the Association of Food and Drug Officials, the Food and Drug Administration and the Missouri Department of Health and Senior Services.

**AUTHORITY:**

This regulation is enacted pursuant to Section 192.300, RSMo, which provides, in part, as follows:

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 any orders, ordinances, rules or regulations shall not be in conflict with any rules or regulations authorized and made by the department of health and senior services. . . [t]he county commission or county health board of any such county has full power and authority to initiate the prosecution of any action under this section.

**Section 1. DEFINITIONS**

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

**1.1. Environmental Public Health Specialist (EPHS).** A Person who has graduated from an accredited four year college with major specialization in one or a combination following: biology, chemistry, bacteriology, food science, soil science, sanitary service, or environmental health (or years of experience in qualifying areas may be substituted for deficiencies in the stated education) and taken courses and training required by the Missouri Department of Health and Senior Services.

**1.2. Code.** Sullivan County Food Service Regulations, attached hereto as Exhibit A, which are based on the current Missouri Department of Health and Senior Services Regulations and the most recent Food Code of the United States Public Health Service - Food and Drug Administration.

**1.3. SCHD.** Sullivan County Health Department.

**1.4. Food Establishment.** An operation that stores, prepares, packages, processes, serves, vends, or otherwise provides food for sale for human consumption, with these exceptions:

- A. A produce stand that offers only whole, uncut, fresh fruit and vegetables.
- B. 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 and if the consumer is informed by a clearly visible placard at the sale location that the food is prepared in a kitchen that is not subject to inspection.
- C. A kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service of baked goods will not be inspected unless there is a validated complaint verified by the SCHD. All the ingredients must be on the product and include the statement "This product has not been inspected by the SCHD". The products cannot be sold in a retail market.

**1.5. County Health Officer.** The Administrator of the SCHD.

**1.6. Mobile Food Vendor.** A vehicle-mounted food service vendor designed to be readily moveable. A mobile food vendor at a fixed location for more than 14 consecutive days or at anything other than a single event is not considered a Temporary Food Vendor.

**1.7. Permit.** A written authorization issued by the Sullivan County Health Department which authorizes the operation of a Food Establishment or vendor.

**1.8. Person.** An association, corporation, individual partnership, other legal entity, government, or governmental subdivision or agency.

**1.9. Potentially Hazardous Foods.** A food that is natural or synthetic and is capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

**1.10. Retail Food Store.** Any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premise consumption. The term includes delicatessens that offer prepared food in bulk quantities only.

**1.11. Seasonal Food Vendor.** A food vendor that operates for a period of less than 30 days per six months.

**1.12. Temporary Food Vendor.** A food vendor that operates for a period of less than 7 consecutive days in conjunction with a single event or celebration. **Milan Old-Timers are Exempt from permits, but must come to the SCHD for an educational packet before serving food.**

**1.13. Other Definitions.** All other definitions as listed in the most current Food Code of the United States Public Health Service - Food and Drug Administration and the most current

recommendations of the Association of Food and Drug Officials are adopted for use in enforcement of this regulation.

## **Section 2. PERMIT APPLICATIONS**

**2.1. Requirements.** A Person may not operate a Food Establishment without a valid Permit to operate issued by SCHD.

### **2.2. Applications.**

- A. An applicant shall submit an application for a Permit at least thirty (30) calendar days before the date planned for opening a new Food Establishment.
- B. A Person desiring to operate a Food Establishment shall submit to SCHD a written application for a Permit on a form provided by SCHD.

## **Section 3. ISSUANCE OF PERMITS**

**3.1. New, Converted, or Remodeled Establishments.** SCHD may issue a Permit to an applicant after applicant has completed and submitted the following:

- A. a properly completed application;
- B. the required fee pursuant to Section 5 of this regulation;
- C. the required plans specifications and information for review and approval;
- D. proof of approval from the appropriate regulatory agencies; and
- E. a preoperational inspection, which must show that the establishment is built and/or remodeled in accordance with the approved plans specifications and that the establishment is in compliance with the Code and this regulation.

SCHD shall issue a Permit to the applicant if its inspection reveals that the proposed Food Establishment complies with the requirements of the Code and this regulation. The Food Establishment shall receive a priority rating of High, Medium, or Low according to the Public Health Food Service Establishment Priority Assessment guidelines as stated by the Department of Health and Senior Services in the Environmental Health Operational Guidelines. Food Establishments shall have at least one employee on duty during all hours of operation that has successfully completed an approved food safety training course.

**3.2. Existing Establishments, Permit Renewal and Change of Ownership.** SCHD 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 the current inspection shows that the establishment is in compliance with the Code and this regulation.

**3.3. Temporary Food Vendor.** SCHD may issue a Permit for a Temporary Food Vendor after a properly completed application is submitted, reviewed and approved and the fees are paid. An on-site inspection may be conducted at the discretion of the EPHS.

**3.4. 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.

**3.5. Denial of Application for Permit – Notice.** If an application for a Permit to operate is denied, SCHD shall provide the applicant with a notice that includes:

- A. The specific reasons and or Code violations supporting the Permit denial;
- B. The actions, if any, that the applicant must take to qualify for a Permit; and
- C. A description of the applicant's right of appeal, the appeal process, and time frames for appeal that are provided for under this regulation.

**3.6 Permit Period.** A Permit issued pursuant to this regulation shall be valid for the period requested in the application.

#### **Section 4. RESPONSIBILITIES OF THE PERMIT HOLDER**

**4.1. Requirements for Retaining Permit.** Upon acceptance of the Permit issued by HCHC, the Permit holder shall:

- A. Post the Permit in a location in the facility that is conspicuous to consumers;
- B. Comply with the provisions of the Code, regulations, rules and orders of SCHD and shall operate the Food Establishment in accordance to the Code and this regulation, including the conditions of any granted variance and approved plans as specified in this regulation;
- C. Comply with applicable state regulations including without limitation, 19 CSR 20-1.025;
- D. Sign the acknowledgment of receipt of inspection findings;
- E. Immediately contact SCHD to report a communicable illness of an applicant or employee with the following diseases:

HEPATITS A

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as specified in the current Food Code for the State of Missouri;

- F. Immediately discontinue operations and notify SCHD if an imminent health hazard may exist;
- G. Comply with directives of SCHD including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by SCHD or the Department of Health and Senior Services in regard to the Permit holder's Food Establishment or in response to community emergencies
- H. Accept notices issued and served by SCHD according to this regulation;
- I. The Permit holder shall be the Person in charge or shall designate such a Person and shall assure that the Person in charge or designated Person in charge is present at the Food Establishment during all hours of operation. The Person in charge or designated Person(s) in charge must attend food handler's training annually and/or have a Food Handler Card (as defined in Section 4.2 of this regulation); and .
- J. Allow representatives of SCHD, bearing proper credentials and identification, access to the Food Establishment for the purpose of inspection and investigation in accordance with this regulation.

**4.2. Basic Food Sanitation Card ("Food Handler Card").** A document provided by the SCHD when a Person provides evidence of satisfactory completion of a Basic Food Safety Sanitation Course offered by the SCHD on its web site and in the classroom and has successfully passed an examination provided by the SCHD on its web site. The Food Handler Card shall be renewed every two (2) years.

- A. *Food Handlers, Food Handler Card Required.* No Person shall prepare, handle, or dispense food for human consumption, or come into contact with food or food preparation utensils, at any Food Establishment, unless that Person has applied for and obtained a Food Handler Card from SCHD within sixty (180) days of commencement of employment or operation of a Food Establishment.
- B. *Food Handler Card, Standards.* The issuance of Food Handler Cards shall be governed by the standards imposed by the SCHD as to fee, required training, and duration that is in effect at the time of application.
- C. *Food Handler Card, Disposition and Display.* Each holder of a Food Handler Card required under this section shall keep said Food Handler Card on his or her person at all times while working in a Food Establishment.
- D. *Food Handler Card, Failure to Produce.* Failure of any Person to produce a valid Food Handler Card upon the demand of the County Health Officer shall be presumptive evidence that such Person is not a permitted food

handler. If the person continues to handle food then the establishment will receive one critical violation.

- E. *Food Establishment Operator Not to Permit Violation.* No holder of a Permit to operate a Food Establishment shall allow any Person to prepare, handle, or dispense food for human consumption, or come into contact with food or food preparation utensils, unless that Person has **applied and/or notified the SCHD they they will be at the next Food Handlers Training** within sixty (60) days of commencement of employment or operation of the establishment, a Food Handler Card from SCHD.
- F. *Food Establishment Operator, Maintenance of Listing Required.* Each Permit holder shall maintain a listing of all Food Establishment employees who possess or who have signed up for Food Handler Cards.

## **Section 5. FEES**

**5.1. Permit Fees.** Permit fees will be collected at the time the Permit is issued and billed on July 1, for renewals. The Permit fee will include the cost of annual inspection. Fees will be billed by and payable to Sullivan County Health Department within 30 days of the date of invoice. Fee schedule is as follows. All Schools are exempt from permit fees, but must pay the 2<sup>nd</sup> follow up fee. Refer to 5.3 for fee schedule.

A.	Food Establishments - per year	\$50.00
B.	Seasonal permit - per six months	\$40.00
C.	Temporary permit - per event	\$20.00

**5.2. Mandatory Food Handler Training Card Fees.** SCHD shall charge a training fee of \$10.00 per Person every 2 years for training employees and charge Persons, plus a charge may be made for the cost of materials and supplies. School employees are exempt from the fee.

- A. *Individual Training.* At the request of the owner/manager, SCHD will provide special on-site training for employees for a fee of \$50.00 plus \$10.00 per Person per year.

**5.3. Additional Inspection Fees.** Following any regular inspection, an additional fee of \$0.00 will be charged on the **First** follow-up inspection. If more than one follow-up inspection is required a \$30.00 fee will be charged for each inspection. In addition, a \$30.00 fee will be charged for each written complaint that is subsequently substantiated and validated by an inspection.

**Section 6.     RESPONSIBILITIES OF SCHD**

**6.1. Copy of Regulation.** At the time a Permit is issued, SCHD shall provide to the Permit holder one copy of the Code and the regulation so the Permit holder is notified of the compliance requirements and the conditions of retention.

**6.2. Training** SCHD shall schedule food handler training classes at such times to make them available to all food service and retail food staff. Training classes will be held at least quarterly during regular office hours. Requests for sessions at other times may be made to the County Health Officer or EPHS.

**Section 7.     INSPECTIONS**

**7.1. Inspections Conducted By.** All inspections shall be conducted by an EPHS or the Administrator of the SCHD.

**7.2. Inspections Conducted When.** The frequency of Food Establishment inspections shall be determined according to public health priority, which is calculated using the Food Establishment Public Health Priority Assessment Worksheet. Food Establishments in the high-risk category should be inspected on a more frequent basis than medium risk facilities, which in turn, should be inspected on a more frequent basis than low risk facilities. The priority schedule is as follows:

<b>High Priority:</b>	Inspection 2 times per year 6-9 months
<b>Medium Priority:</b>	Inspection every twelve 9-12 months
<b>Low Priority:</b>	Inspection every twelve 12-18 months

Additional inspections of Food Establishments shall be performed as often as necessary for the enforcement of this regulation. SCHD shall inspect a food establishment at least annually. Frequency of complaint and compliance inspections will be determined by SCHD.

*There will be no advance notification of inspections. All inspections will be unannounced.*

**Section 8.     RESTRICTION OR EXCLUSION FROM FOOD HANDLING**

**8.1. Restriction or Exclusion.** Any food handler who tests positive for a communicable disease shall be restricted or excluded from a food handling procedure until the disease is no longer in the communicable stage.

- A. *Release from Restriction or Exclusion.* The determination that the communicable stage has lapsed shall be confirmed by the nursing staff of SCHD in accordance with the Missouri Department of Health and Senior Services, "Policy and Procedure Manual for General Communicable Disease." SCHD nursing staff shall consult with Missouri Department of Health

## **Section 9. CLOSURE**

**9.1. Automatic Closure.** Any Food Establishment that has 5 Critical Items indicated on the inspection sheet shall automatically cease operations until such time as the critical items are determined, by re-inspection, to be corrected. A "Critical Item" shall be defined as a provision of state regulations, the Code or this regulation, noncompliance with which "is more likely than other violations to contribute to food contamination, illness, or environmental health hazard." See Chapter 1-201.10(B) (17) of the Food and Drug Administration 1999 Food Code, as adopted pursuant to 19 CSR 20-1.025.

**9.2. Other Closure.** Any Food Establishment that is found to have a condition or situation that is an imminent public health hazard shall be required to cease operations until the condition or situation is corrected.

**9.3. Re-Inspection.** Re-inspection will be done within 5 business days of SCHD's receipt of notification from the Permit holder that Critical Items or imminent public health hazards have been corrected.

**9.4. Re-Training.** The Permit holder and all employees of a food service or retail food establishment that is served an automatic closure order shall renew their basic food handlers training.

## **Section 10. ENFORCEMENT (SULLIVAN COUNTY SHERIFFS OFFICE-PROSECUTING ATTORNEY)**

**10.1. Notice of Violation.** SCHD shall serve any Person found to be violating any provision of this regulation with a written notice, via certified mail, or in person, stating the nature of the violation and indicating a mandated time limit for the satisfactory correction thereof. SCHD shall provide a minimum of 15 days notice, except when immediate or automatic closure is warranted pursuant to Section 9 of this regulation. The offender shall, within the period of time stated in such notice, permanently cease all violation.

**10.2. Continued Violation.** Any Person who shall continue a violation of this regulation beyond the time limit provided in Section 10.1 shall be subject to revocation of his or her Permit or Food Handler Card, as applicable. Upon revocation of any Permit, the holder of the revoked permit shall cease operation of the Food Establishment. Thereafter, SCHD shall require such permit holder to apply for a new permit and to complete all of the requirements of a new application under Section 3.1 of this regulation before resuming operation of a Food Establishment.

**10.3. Violation of Provisions.** Any Person violating any of the provisions of this section shall become liable to SCHD for any expense, loss or damage incurred by SCHD by reason of such violation.

## **Section 11. APPEALS**

**11.1. Appeal Hearings.** Any Person aggrieved by a decision of SCHD may appeal to the Sullivan County Commissioners by filing a written application with the County Health

Officer within thirty (30) days after being notified of the decision. Appeal hearings to the Commissioners shall be conducted in accordance with the Commissioners adopted rules and procedures.

**Section 12. INJUNCTION**

12.1. Sullivan County Prosecuting Attorney shall file a petition in the Circuit Court of Sullivan County, Missouri seeking an order enjoining a Person from operating a Food Establishment within the jurisdiction of Sullivan County without a Permit in violation of this regulation.

**Section 13. MOST STRINGENT PROVISION APPLIES**

13.1. To the extent that the requirements of the Code and this regulation are more stringent than the provisions of applicable state regulations, then the Code and this regulation shall apply.

**Section 14. SEVERABILITY**

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

**Section 15. AMENDMENTS**

15.1. This regulation may be amended at any time pursuant to RSMo 192.300.

It is hereby ordered that all provisions of this regulation regulating food service and retail food establishments; Sullivan County Ordinance Number 2; and any rules and regulations connected therewith, be printed and available for distribution to the public in the office of the County Clerk, and this order shall be published on the Sullivan County Health Department website, not later than 30 days after date of this order.

**Section 16. GRADING**

16.1. The Sullivan County Health Department will place a letter grade for all food establishments on their website ([www.sullivancountyhealth.com](http://www.sullivancountyhealth.com)) following is the grading scale:

- A 1 critical violations
- B 2 critical violations
- C 3 critical violations
- D 4 critical violations
- F 5 critical violations (see section 9 closure)

## Sullivan County Health Department Food Regulations

### Food Source

1. All foods must come from approved sources.
2. No home canned foods.
3. Garden fresh vegetables are acceptable if washed properly.
4. Ground bearing fruits should be sanitized in a well diluted chlorine bath

### Containers/Labels

1. All containers must be labeled on the outside.
2. Cleaners must be labeled and stored separately from food items.
3. Everything should be labeled.
4. Liquids should not be transferred out of original container.
5. All food products should be labeled properly, sealed, and marked with expiration dates if applicable.

### Product Temperatures

- |                         |            |
|-------------------------|------------|
| 1. Cold Foods           | Below 41F  |
| 2. Hot Foods            | Above 135F |
| 3. Rare Roast Beef      | 130F       |
| 4. Pork Products        | 150F       |
| 5. All Left Overs       | 165F       |
| 6. Poultry and Stuffing | 165F       |
| 7. Fish and Shellfish   | 140F       |
| 8. Fresh Egg Products   | 140F       |
| 9. Hamburger Patties    | 155F       |

### Thermometers

1. Thermometers should be present in all cooling units.
2. Probe stem thermometers should be present at the establishment and used appropriately. Check internal food temperatures by inserting the thermometer into the food.
3. Sanitize probe between the probing of different products.

## **Thawing of Foods**

1. Foods should be thawed:
  - a. under cold running water
  - b. microwave defrost cycles
  - c. refrigeration

## **Cooling Procedure**

2. 70 degrees F within 2 hours in ice bath or 45 degrees F within 4 hours

## **Potential Hazardous Foods**

1. All reserved potentially hazardous foods must be reheated on the stove or in the microwave oven to 165 F.
2. No direct reheating of cold foods on the steam table.

## **Cross Contamination**

1. Cross contamination exists when harmful bacteria from one food item is transferred to another food item by means of a non-food surface that is unsanitary. For example: utensils, equipment, or human hands.
2. The greatest area of concern is the cutting boards and meat slicers.

## **Food Protection**

1. Foods stored in walk-in coolers should be covered in individual containers and stored 6 inches or higher off the floor.
2. Food should not be stored under leaky or dripping condensers or on the bottom of refrigeration units where the drains are plugged and standing non potable water is ponding.
3. Do not handle food more times than necessary during preparation.

## **Food Dispensing Utensils**

1. Ice scoops should be stored with handles out of the ice or in a clean covered container on top of the ice machine.
2. Employees should not dip the glass into the ice machine.
3. Food should be handled with food utensils when appropriate to minimize the amount of hand contact of food products.
4. Different utensils should be used when turning hamburgers as opposed to steaks, to avoid cross contamination.

## **Hygienic Practices/Hand washing**

1. Always wash hands after breaks and using the restroom
2. Plastic gloves are not a prevention of food borne illness.
3. Some of the most important areas of sanitation are: hand-washing, clean cloths, hair restraints, no jewelry, no eating, **NO SMOKING DURING OR NEAR FOOD PREPARATION**, clean hands, and a sanitary body.
4. Once accessible hand washing sink must be designated and installed in the food preparation area for hand-washing only by employees. **THE 3 VAT SINK IS NOT FOR HAND-WASHING!**
5. Disease can also be spread by handling money and change.

## **Food Contact**

1. Surfaces of equipment and utensils should be cleaned within in a minimum of 4 hours or as necessary for them to remain in a sanitary condition.
2. Non-food contact surfaces should be cleaned daily.
3. Any damaged surfaced should be repaired with easily cleanable material.

## **Sanitizing of Utensils and Equipment**

1. The 3 vat sink is to wash, rinse, and sanitize dishes, glassware, silverware, and utensils. The last compartment needs a chlorine bleach solution of 200 ppm.
2. Wiping cloth solution should be 200 ppm of chlorine bleach. Solution should be changed periodically during the day.
3. Dishwashers should be maintained and sanitized according to manufacturer's guidelines.

## **Storage**

1. Utensils should air dry, not towel dried. Silverware should be stored with handles up.
2. All food should be stored in a clean covered container.
3. Different kinds of meat that are uncooked should be in separate containers and labeled.
4. Clean utensils should not be stored in dirty drawers or on top of dusty surfaces or on unclean containers.
5. Foods are allowed to be stored in food grade containers or bags.
6. Foods or food equipment should never be covered or stored with a trash bag even if they are new.
7. Shelves that store food or liquor should have an easily cleanable surface. (Wood shelves need to be sealed)
8. Toxic chemicals should be stored separate and below any food items to prevent any possible contamination.

### **Single Use Items**

1. Plastic cups, plates, spoons, ie, are not to be reused.
2. Reuse of bread snacks or pie pans is prohibited.
3. The plastic sleeve should be left around paper cups.
4. Single service articles should be stored in clean designated areas.

### **Safe Water Source**

1. An establishment must have a safe drinking water supply with hot and cold water pressure.
2. Private Wells are subject to testing for bacteria and nitrate contamination.

### **Sewage Disposal**

1. Sewage, grease, and by products will be disposed in a sanitary waste water disposal system.
2. Plumbing that leaks, drains, or clogged, will need to be repaired.
3. A restroom is required for the employees to use with a hand washing sink.

### **Dumpsters or Garbage Containers**

1. Dumpsters and garbage containers should be insect and rodent proof and have tight fitting lids.
2. They should be on concrete or asphalt. If not, the floor needs to be an easily cleaned surface with a drain.
3. There should not be a large accumulation of trash or debris left around the dumpster or garbage container.

### **Pets – Pests – Screens**

1. No dogs except service dogs are allowed in customer areas.
2. Outer openings, screen doors, and entrances should not let daylight in or around them.
3. Screens on windows and screen doors should be kept in good repair.

### **Floors and Walls**

1. Floors should be clean and in good repair throughout the facility.
2. Concrete and wood floors should be sealed.
3. Walls should be clean and in good repair.

## **Lighting**

1. Ample light, properly distributed is necessary for the proper preparation and handling of food.
2. Adequate lighting is essential in all areas for proper cleaning.
3. Inadequate lighting may result in a general lack of cleanliness, accidental mixing of toxic substances with food, or serving unsafe or spoiled food to the consumer.
4. All lights over food items should be shatterproof or shielded.

## **Restrooms**

1. Restrooms should be enclosed with self-closing tight fitting doors, fixtures in good repair, hand cleaner, sanitary towels, or hand drying device, and proper waste receptacles with lids.

## **Ventilation**

1. Stove hoods that meet Fire and Safety requirements should be installed to encompass food equipment (Grills, friars, etc.)
2. Gas stoves should have a built in hood system.
3. Restrooms should have an outside ceiling vent and an electrical switch to operate it. Existing facilities without vents should install filtered deodorizers.

## **Other Operations**

1. Separate living and sleeping quarters are required.
2. Facilities that have a washing machine should also have a dryer.
3. Linens and other articles of clothing should be cleaned as often as necessary to prevent the spread of disease.
4. Premises should be maintained free of litter or unnecessary clutter. Cleaning maintenance equipment should be properly stored in janitorial areas.
5. Only authorized food personnel should be allowed in the kitchen and food preparation areas.