

ORDINANCE # XX-XX-XX OF THE COUNTY COMMISSION OF THE COUNTY OF CAPE GIRARDEAU, MISSOURI, ENACTING AN ORDINANCE KNOWN AS THE CAPE GIRARDEAU COUNTY FOOD CODE; PROVIDING FOR THE REGULATION OF THE CONSTRUCTION, RENOVATION AND OPERATION OF FOOD ESTABLISHMENTS; REQUIRING CERTAIN PERMITS, TRAINING; PROVIDING PENALTIES FOR VIOLATIONS THEREOF; WITH ALL ACCOMPANYING RULES AND REGULATIONS PURSUANT TO SAID ORDINANCE AND FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

SECTION 1: TITLE

The title of this ordinance shall be known and may be cited as “The Cape Girardeau County Food Code.” It shall provide for the inspection and permitting of all food establishments in the County of Cape Girardeau, Missouri, pursuant to Section 192.300 RSMo. (2007).

SECTION 2: AUTHORITY

The provisions of this ordinance are applicable to Cape Girardeau County pursuant to the authority of Section 192.300 RSMo (2007). Nothing in this ordinance is to be construed to supersede the Rules and Regulations of the Missouri Department of Health and Senior Services.

SECTION 3: DEFINITIONS

“Director” means the Director of the Cape Girardeau County Public Health Center.

“Environmental Public Health Specialist” means an authorized agent of the Cape Girardeau County Public Health Center

“Health Center” means the Cape Girardeau County Public Health Center.

“Permit” means Cape Girardeau County Food and Beverage Permit.

SECTION 4: ADOPTION BY REFERENCE

- A. The inspection and closure of food establishments; the issuance, suspension and revocation of permits to operate food establishments; the prohibiting of the sale of adulterated or misbranded food or drink; and the enforcement of this Ordinance shall be included by reference herein and regulated in accordance with the:
 - 1. The current regulations of the Missouri Department of Health and Senior Services relating to food service and retail food operations, including any future modifications.
 - 2. The Cape Girardeau County Food Rules and Regulations hereafter referred to as “CGCFR&R”.
 - 3. The current guidelines put forth by the Missouri Department of Health and Senior Services relating to food service and retail food operations, currently known as *Environmental Health Operational Guidelines*.
- B. Three copies of each regulation shall be maintained on file in the office of the Cape Girardeau County Public Health Center in Cape Girardeau, Missouri. A copy of each regulation shall be maintained at the office of the Cape Girardeau County Commission in Jackson, MO.

SECTION 5: FEES.

Each food establishment as defined in the CGCFR&R, within the County shall be required to annually obtain and post, in public view, a County Food and Beverage Permit; and shall annually pay the required fee.

- A. The fees are reasonable charges for the cost incurred in carrying out the provisions of this Ordinance and are based upon the priority and type of food establishment. The fee shall be collected by the Health Center.
- B. An operating food establishment shall be issued a renewal for the County Food and Beverage Permit if the facility is found to meet minimum sanitary requirements, files an application for renewal, remits the permit fee, and satisfies all outstanding fees.
- C. New owners of food establishments and new food establishments, before engaging in business shall make application for a County Food and Beverage

Permit and remit the appropriate permit fee. The Health Center shall then conduct the necessary inspection prior to issuance of the permit.

- D. Fees are non-refundable.
- E. The schedule of fees are set out in the CGCFR&R of the Cape Girardeau County Public Health Center and are further incorporated by this reference as if fully printed within this Ordinance.

SECTION 6: DENIALS AND APPEALS

Any applicant denied a County Food and Beverage Permit or whose permit is suspended or revoked may upon written request be entitled to a hearing. The request must be submitted to the Director within 10 days of the denial. The hearing shall be conducted by the Health Center at a time and place designated by it. Oral testimony shall be recorded verbatim. The Health Center shall make a decision based upon the complete hearing record and shall sustain, modify or rescind any notice or order at issue in the hearing. A written report of the decision shall be furnished to the holder of the permit by the Health Center via mailing the decision certified US Mail, return receipt requested. The hearing board shall be presided by the Director of the Cape Girardeau County Public Health Center, or designee, and shall consist of the Director of the Cape Girardeau County Public Health Center, a quorum of the Cape Girardeau County Public Health Center Board of Trustees, the owner/manager of a comparable food establishment, a citizen of Cape Girardeau County, and an Environmental Public Health Specialist.

SECTION 7: VIOLATIONS AND PENALTIES.

Any person, or responsible officer or employer, of that person who violates any provision of this Ordinance and any person, or responsible officer or employer, of that person who is the holder of a permit or who otherwise operates a food establishment that does not comply with the requirements of this Ordinance or fails to comply with any of its requirements including violations of conditions and safeguards established in connection with grants of variances or special exceptions shall be guilty of a misdemeanor punishable as provided in Sections 196.235 RSMo (2007) and 196.265, RSMo (2007), and upon proper complaint may be prosecuted. Any person who violates

this Ordinance or fails to comply with any of its requirements shall, upon conviction in a court of competent jurisdiction, be fined or imprisoned as provided by law and shall pay costs and expenses involved in the case, including expenses of prosecution. Each day in which any such violation does continue shall be deemed a separate offense. Nothing herein contained shall prevent the County of Cape Girardeau or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 8: ESTABLISHMENT CLOSURE.

Pursuant to 192.300 RSMo (2007) and upon order of the Director, any establishment that does not possess a valid County Food and Beverage Permit will be subject to closure by the Health Center.

Pursuant to 192.300 RSMo (2007) and upon order of the Director, any establishment in which exists an imminent health hazard, filthy or putrid conditions, or continued non-compliance shall have the permit suspended and the establishment shall close until such time that the condition(s) no longer exists. Closure shall constitute the cessation of all food service operations.

SECTION 9: PROMULGATION OF RULES AND REGULATIONS AND PENALTY FOR VIOLATION THEREOF.

The Board of Trustees of the Cape Girardeau County Public Health Center and the County Commission may promulgate reasonable rules and regulations to implement the provisions of this Ordinance and violations thereof shall be a misdemeanor, as described in Section 6 above.

SECTION 10: CHANGES OR AMENDMENTS.

Any changes or amendments to this document must be approved by the Cape Girardeau County Commission and the Board of Trustees of the Cape Girardeau County Public Health Center.


SECTION 11: SAVINGS CLAUSE.

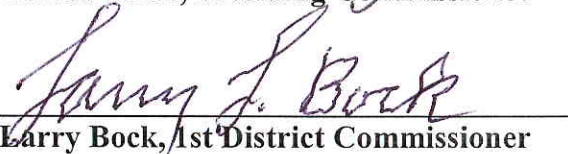
If any part of this Ordinance or any rule or regulation provided for herein is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance or such rule or regulation.


SECTION 12: EFFECTIVE DATE:

BE IT ORDERED AND ORDAINED BY THE COUNTY COMMISSION OF THE COUNTY OF CAPE GIRARDEAU, MISSOURI, THAT THE ORDER DESCRIBED HEREWITH SHALL BECOME EFFECTIVE ON AND AFTER THE 20th DAY OF November 2008.


PASSED AND APPROVED THIS 20th DAY OF November 2008.


Gerald Jones, Presiding Commissioner


Larry Bock, 1st District Commissioner


Jay Purcell, 2nd District Commissioner

ATTEST:


Kara Clark, County Clerk
Cape Girardeau County, Missouri