

PULASKI COUNTY HEALTH CENTER
Consumer Food Safety Regulation
No. 22-09

PURPOSE:

To establish permit compliance procedures for food establishments in Pulaski County including fees for costs incurred in the performance of the duties described in these regulations. These duties include, but are not limited to, education, inspection, permit processing, review of plans, emergency response incidents, and violation enforcement.

**Section 1. REGULATIONS NOT TO SUPERCEDE DEPARTMENT OF HEALTH
REGULATION AND RULES**

The Pulaski County Health Center is mandated by Sections 192.280 and 192.290 of the Revised Statutes of Missouri to enforce rules and regulations of the Missouri Department of Health promulgated in furtherance of Chapter 192. The Missouri Department of Health has adopted, by reference thereto, the 2013 Food Code of the Federal Drug Administration as 19 CSR 20-1.026 subject to stated deletions and exceptions.

The Pulaski County Health Center will enforce any code adopted by the Missouri Department of Health and legally in effect as State Regulation. This enforcement of whatever regulation that is legally in force is statutorily mandated in section 192.280 and 192.290 of the Revised Statues of Missouri.

These regulations are not intended to supersede statutes or regulations but to establish Pulaski County regulations for the establishment of fees, inspection, permit processing, review of plans, emergency response incidents, violation enforcement, and related activities for food establishments. The limiting of these regulations to food establishments does not establish any intent to not enforce the Missouri Food Code by the Pulaski County Health Center.

**Section 2. INCORPORATION BY REFERENCE OF MISSOURI FOOD CODE AND
STATEMENT OF AUTHORITY TO ADOPT REGULATION**

The Pulaski County Health Center incorporates by specific reference thereto the Missouri Health Code, 19CSR 20-1.025, which is set forth unto these regulations. This regulation is enacted pursuant to Section 192.300 of the Revised Statutes of Missouri. The incorporation of the Missouri Health code into these regulations includes all deletions, exceptions, and if adopted, local option regulations set forth in 19 CSR 20-1.025 and additions not in conflict with Department of Health Regulations and Rules.

Section 3. APPLICABILITY

These regulations apply to all food service providers in Pulaski County meeting the "Food Establishment" definition.

Section 4: DEFINITIONS

The following words and phrases shall have the following meanings:

1. **Board:** The Pulaski County Health Center Board of Trustees.
2. **Code:** The current "Missouri Food Code" adopted and used by the Missouri Department of Health and Senior Services.
3. **Environmental Public Health Specialist (EPHS):** A professional who conducts scheduled and surprise inspections of food establishments to ensure they comply with local and state health regulations.
4. **Food Establishment:** means an operation that stores, prepares, packs or packages, serves, or otherwise provides food for human consumption, and more particularly as the term "food establishment" is defined in Section 1.201.10(B) of the Code.
5. **Mobile Food Establishment (MFE):** A food service business that sells food from a movable vehicle (like a truck), a portable structure with wheels (like a trailer with wheels), or a pushcart that is not restricted to operating exclusively in conjunction with events or celebrations.
6. **PCHC:** Pulaski County Health Center
7. **Permit:** A written authorization issued by the PCHC which authorizes a person to operate a food establishment or food vendor.
8. **Pushcart:** A non-self-propelled vehicle food establishment limited to serving non-potentially hazardous foods or servicing area-wrapped foods maintained at proper temperatures or precooked foods that require limited assembly, such as frankfurters.
9. **Regulatory Authority:** The Health Director of the Pulaski County Health Center or an authorized representative.
10. **Service Area:** An operating base location to which a mobile food establishment or transportation vehicle returns regularly for such things as preparing or boarding food, refilling water tanks and ice bins, vehicle, and equipment cleaning, and discharging liquid or solid waste. The Regulatory Authority will determine how often a mobile unit will return to the servicing area based on the unit's storage capacity for food, supplies, water, and wastewater.
11. **Temporary Food Event:** A temporary setup in which food is prepared for a particular event that is open to the public such as a booth selling meals at a fair/festival (lasting less than 14 days).

Section 5: PERMIT COMPLIANCE PROCEDURES

1. Each food establishment within Pulaski County Health Center's jurisdiction shall be required to obtain and post in view of the public, a County Food Establishment permit to operate such food establishment. Each permit shall be renewed before January 1st of each year and annually thereafter. No person shall operate a food establishment that does not have a valid permit issued to him or her by the Regulatory Authority.
2. Any person desiring to operate a food establishment shall make written application for a permit on forms provided by the Regulatory Authority. A permit may not be transferred from one

person to another or from one type of operation to another. Such application shall include the name and address of each applicant, the location and type of the proposed food establishment, the signature of each applicant, and payment of a renewable annual fee. The permits are valid from January 1st through December 31st and must be renewed each year.

3. Prior to approval of an application for a permit, the Regulatory Authority shall inspect the proposed food establishment to determine compliance with the requirements of this regulation.
4. The Regulatory Authority shall issue a permit to the applicant if its inspection reveals that the proposed food establishment complies with the requirements of this Regulation. The food establishment shall receive a priority rating of high, medium, or low according to the Food Establishment Public Health Priority Assessment guidelines as stated by the Missouri Department of Health and Senior Services in the Environmental Health Operational Guidelines.
5. Food Establishments with a priority rating of medium or high shall have at least one manager and/or person in charge on duty during all hours of operation that has successfully completed an ANSI certified food manager's course. The certification must be obtained by the individual no later than sixty (60) days from the start of employment as a manager and/or person in charge. A food manager's certification shall be awarded to an individual only after successful completion of an ANSI certified program. A food establishment with a low priority rating shall have at least one person on duty during all hours of operation that has successfully completed an ANSI certified food handlers' course. Failure to comply with this section (5.5) shall constitute a violation.
6. An inspection of a food establishment shall be performed based on the priority status of the establishment. The priority schedule is as follows:
 - a) High PriorityInspection every four (4) months
 - b) Medium Priority.....Inspection every six (6) months
 - c) Low Priority.Inspection every twelve (12) months
 - d) Additional inspections of a food establishment shall be performed as often as necessary for the enforcement of this regulation. Seasonal establishments that operate nine (9) months or less each year shall be inspected once per season of operation.
7. The EPHS, after proper identification shall be permitted to enter any food establishment at any reasonable time for the purpose of conducting inspections to determine compliance with this regulation. The representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used.
8. Whenever an inspection of a food establishment is conducted, the findings shall be recorded on the inspection report. At the conclusion of the inspection, a copy of the completed inspection report form shall be furnished to the person in charge of the establishment. The inspection report shall be maintained at the food establishment and shall be available to the public and to patrons for review upon request. The completed inspection report form is a public document that shall be made available as a public document according to Missouri Sunshine Law.
9. Food from food establishments outside the jurisdiction of the PCHC authority may be sold within the County of Pulaski if such food service establishment conforms to the provisions of this regulation or equivalent provisions. To determine the extent of compliance with such provisions, the Regulatory Authority may accept a report from responsible authorities in other jurisdictions where such food service establishments are located.

10. Temporary food vendors shall be required to obtain a temporary food permit. The event coordinator/organizer will be responsible for submitting a temporary food event application fifteen (15) days prior to the event. The temporary food vendors shall complete temporary food safety training prior to the event.

Section 6. FEES

- a) The Pulaski County Health Center Board of Trustees will establish reasonable fees to pay for any costs incurred in the performance of the duties described in these regulations. All money generated from the permitting, re-inspection, plan review, training and/or enforcement action shall be deposited into the Pulaski County Health Center's general fund to be used for supporting the activities described in these regulations for which those fees were generated as set forth in Section 192.300 Revised Statutes of Missouri.
2. Not-for-profit organizations that fall under the Internal Revenue Code Section 501c, corporations; city and/or county municipalities and faith-based organizations are exempt from the fee schedule; however, they are required to comply with the rules and regulations of this regulation.

Section 7: SUSPENSION/REVOCAION/CLOSURE

1. The Regulatory Authority without warning, notice, or hearing may suspend any permit to operate a food establishment if the holder of the permit does not comply with the requirements of this regulation, and if the operation of the food establishment constitutes an imminent and substantial hazard to public health. Suspension is effective upon service of the notice required by section (7.2) of this regulation and food service operations shall immediately cease.
2. Whenever a permit is suspended, the holder of the permit or the person in charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if a written request for hearing is filed with the Regulatory Authority by the holder of the permit within ten (10) days of receiving the suspension notice. The Regulatory Authority may end the suspension at any time if the reasons for suspension no longer exist.
3. The board may, after providing opportunity for hearing, suspend or revoke a permit for serious or repeated violations of any of the requirements of this regulation or for interference with the EPHS in the performance of duty.

Examples of violations of this regulation that shall result in suspension or revocation of a permit:

- a) Conditions considered to be an imminent health hazard exist and the operator has not voluntarily discontinued operations.
- b) Three (3) or more priority violations on two (2) consecutive follow-up inspections.
- c) Five (5) or more core violations on two (2) consecutive follow-up inspections.
- d) A score of one hundred twenty-one or more.
4. A notice provided for in this regulation is properly served when it is delivered to the holder of the permit, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be placed in the facilities file.
5. The hearing provided for in this regulation shall be conducted by the Board at a time and

place designated by it. The Board shall make a final finding based upon the evidence presented and complete hearing record and shall sustain, modify, or rescind any notice or order considered at the hearing. A written decision shall be provided to the holder of the permit by the Regulatory Authority. Hearings shall be conducted pursuant to Chapter 536 RSMo and any appeal to the courts shall be based on the record of Chapter 536 RSMo.

6. Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit upon correction of priority and/or core violations.

Section 8: CORRECTION OF VIOLATIONS

1. The completed inspection report form shall specify a reasonable period for the correction of the violations found; and correction of the violations shall be accomplished within the period specified, in accordance with the provisions of the current code.
 - a) If an imminent health hazard exists, such as no water, a lack of refrigeration, no hot water or sewage backup into the establishment, the establishment shall immediately cease food service operations. Operation shall not be resumed until authorized by the Regulatory Authority.
 - b) All priority violations described in the current Missouri Department of Health & Senior Services (MoDHSS) Food Code shall be corrected as soon as possible, but in any event, within seventy-two (72) hours following the inspection or next business day if it occurs on a weekend or holiday. A follow-up inspection shall be conducted to confirm correction; there will be no charge for this follow-up inspection. However, if the establishment continues to have priority violations and a second follow-up inspection is required, the establishment will be charged an additional inspection fee for each subsequent inspection, and the fee will double accordingly. The priority violations shall be corrected in the time frame given by the Regulatory Authority prior to their arrival.
 - c) All core violations as described in the current (MoDHSS) Food Code shall be corrected as soon as possible, but in any event, within 30 days following the inspection. A follow-up inspection may be conducted to confirm correction within thirty (30) days, but in any event, by the next routine inspection, there will be no charge for this follow-up inspection. However, if the establishment continues to have core violations and a second follow-up inspection is required, the establishment will be charged an additional inspection fee for each subsequent inspection, and the fee will double accordingly.
 - d) The inspection report shall state that failure to comply with time given for corrections may result in suspension of food service operations. An opportunity for a hearing concerning the inspection findings or the time limitations or both will be provided if a written request is filed with the Regulatory Authority within ten (10) days following cessation of operations. If a request for a hearing is received, a hearing shall be held within ten (10) days of receipt of the request.
 - e) A "notice of closure" sign may be conspicuously placed upon that part of the food establishment to which the public has access. It shall be unlawful for any person to remove a "notice of closure" sign unless authorized to do so by the Health Authority.
 - f) Whenever a food establishment is required under provision of these Rules and Regulations to cease operations, it shall not resume operations until it is shown on re-inspection that conditions responsible for the order to cease operations no longer exist.

- g) Violations in a temporary food establishment shall be corrected within a specified period not to exceed twenty-four hours. Failure to comply with the notice of violations shall result in the immediate suspension of the permit, or if at a non-permitted function immediate closure.
- 2. Food establishments eligible for the food rating system shall be determined by the Regulatory Authority. Upon completion of a routine inspection or re-inspection, the Regulatory Authority shall determine the appropriate placard to post at the food establishment, shall notify the operator of the facility of the intended posting of the placard, and shall provide the operator with an opportunity to respond at that point. After the opportunity to respond, the Regulatory Authority shall post the appropriate placard at each food establishment within the food rating system. The placard should be posted to be clearly visible to the public and to patrons entering the food establishment. "Clearly visible to the public and to patrons" shall mean:
 - a) Posted in the front window, front door, or wall of the food establishment; or
 - b) Posted in a location approved by the regulatory authority to ensure proper notice to the public and to patrons.
- 3. The food rating system will consist of four levels:
 - a) Excellent: The Excellent placard is issued when the score is one to thirty.
 - b) Good: The Good placard is issued when the score is thirty-one to sixty.
 - c) Okay: The Okay placard is issued when the score is sixty-one to ninety.
 - d) Needs to Improve: The Needs to Improve placard is issued when the score is ninety-one to one hundred twenty.
 - e) Closure: A closure is issued when the score is hundred twenty-one or more, an imminent health hazard exists, or the establishment required multiple return inspections to correct food safety practices.
- 4. The placard shall not be altered, defaced, marred, camouflaged, hidden, or removed. It shall be unlawful to operate a food establishment unless the placard is posted in accordance with this regulation. Failure to comply with this section may result in a suspension or revocation of the food establishment permit.
- 5. A food establishment operator or owner may challenge the posting of a placard by filing a written notice to request a hearing before the Board. An opportunity for a hearing on the posting of a placard or inspection findings will be provided if a written request is filed with the Regulatory Authority within ten (10) days following the inspection. If a request for hearing is received, a hearing shall be held within ten (10) days of receipt of the request.
- 6. A placard shall remain valid from the time of issuance until a new placard is issued at time of routine inspection or change of ownership.

Section 9: REVIEW OF PLANS

- 1. Whenever a food establishment is constructed, converted, or exclusively remodeled and whenever an existing structure is converted to use as a food establishment the building requirements of the Missouri Food Code shall apply. The construction design of the food service area shall be submitted to the Regulatory Authority for review and approval before

construction, remodeling or conversion begins. The following items will be required: the proposed layout, arrangement, mechanical plans and the construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The Regulatory Authority shall approve the plans and specifications provided they follow the requirements of these Rules and Regulations.

2. The Regulatory Authority shall conduct a pre-opening inspection of the establishment prior to the start of operations to determine compliance with the approved plans and requirements of this regulation.

Section 10: ADDITIONAL REQUIREMENTS FOR MOBILE FOOD ESTABLISHMENTS (MFEs)

1. MFEs may be required to operate in conjunction with a permitted servicing area. Restaurants, grocery stores, and convenient stores are examples of servicing areas. The servicing area shall comply with the Missouri Food Code along with any local regulations. The MFE is required to have a signed servicing agreement between the operator and the servicing area if they are different businesses. The operator must always have free access to the service area without conflict with another food vendor using the same service area. A MFE may have the ability to operate without a servicing area, however the decision will be made by the Regulatory Authority during the plan review and pre-operational inspection.
2. MFEs operating in conjunction with a permitted servicing area must return to the servicing area regularly for such things as preparing and boarding food, refilling water tanks and ice bins, vehicle, and equipment cleaning, and discharging liquid or solid wastes. The Regulatory Authority will determine how often a MFE will return to the servicing area based on the MFE's storage capacity for food, supplies, water, and wastewater. MFE's that are connected to a local municipality may not have to return to their servicing area if they have an approved method by the Regulatory Authority to transport food and supplies from the service area to the MFE.
3. MFEs operating at one physical address for more than 14 days will be required to connect to the local municipality's wastewater, electric and water supply using a food grade hose with backflow prevention.
4. MFEs operating during winter months must take the necessary measures to protect the plumbing system from temperature changes to prevent the system from freezing and causing damage to the system.
5. The MFE while in operation shall be located to provide approved conveniently accessible toilets.
6. The MFE shall provide only single-service articles for use by the consumer.
7. The Regulator Authority may impose additional requirements to protect against health hazards related to the conduct of a food establishment as a MFE, may prohibit the sale of some or all potentially hazardous food from MFEs and may waive, or modify requirements of this rule for MFEs. When the Regulatory Authority does waive or modify requirements of these rules and regulations, the MFE shall comply with these requirements.
8. The MFE, except for ones that provide only pre-packaged foods, shall have a potable water system under pressure. The system should be of sufficient capacity to provide enough hot and cold water for food preparation, utensil cleaning and sanitizing, and hand washing. Plumbing shall be installed according to chapter 5 of the Food Code. In addition, the water inlet shall be

provided with a transition connection of a size or type that will prevent its use for any other service. The water must come from an approved source. If water is supplied from a private source, the water must be tested annually. The water tank shall be made of food or drinkable water grade material. The water tank must be filled using a food grade hose and not used for anything else. The water connection is required to have backflow prevention, to prevent contamination of the potable water system. It also needs to have an approved protective cover for the inlet, outlet, and hose. The hose shall be stored in a container with a tight-fitting lid while not in use to prevent contamination.

9. The MFEs liquid waste must be disposed of into an approved sanitary sewer; it cannot be dumped on the ground or into a storm drain. Receipts verifying proper disposal may be required. All connections on the vehicle for servicing the MFE's waste disposal facilities shall be of a different size or type than those used for supplying potable water to the unit. The waste connection shall be located lower than the water inlet connection to prevent contamination of the potable water system.
10. The MFE's grease must be disposed of properly and shall not be dumped onto the ground surface or into a sanitary sewer system. MFEs that produce grease shall install a grease trap. The final disposal facilities for garbage, grease, and other waste materials must be identified, and approved by the Regulatory Authority.
11. MFE's openings to the outside shall be effectively protected against the entrance of dust, debris, insects, and rodents. MFEs shall have tight-fitting, solid, or screened doors, and counter-service openings shall be kept closed except when in use.
12. Any violation of any provision herein shall authorize the Director to revoke any mobile food units permit immediately. The Director shall be authorized to enact hearing procedures for any appeal of such revocation.

Section 11: PROCEDURE WHEN INFECTION IS PRESENTED

1. When the EPHS has reasonable cause to suspect possible disease transmission by an employee of a food service establishment, it may secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take appropriate action. The regulatory Authority may require any or all the following measures:
 - a) The immediate exclusion of the employee from employment in any food service establishment as defined by the Missouri Food Code.
 - b) The immediate closing of the food establishment concerned until, in the opinion of the Regulatory Authority, no further danger of disease outbreak exists.
 - c) Restriction of the employees' services to some areas of the establishment where there would be no danger of transmitting disease.
 - d) Adequate medical and laboratory examination of the employee and of other employee's body discharges.
2. The Regulatory Authority may require vaccination of food employees for certain food borne diseases for which vaccine is available, such as Hepatitis A, if one or more of the following conditions are met:

- a) The disease is endemic in Pulaski County.
 - b) The food establishment has been implicated in an outbreak of the disease within the past twelve months.
 - c) The food establishment has a history of nonconformance with the Regulatory Authority's rules and regulations regarding food handling and hygiene.
3. The Pulaski County Health Center may offer to administer the vaccine to food employees at a reduced cost.
 4. A food employee may decline to be vaccinated pursuant to this section. However, if a food employee declines to be vaccinated, he/she shall be restricted from working with exposed food, clean equipment, utensils, linen, and unwrapped single-service and single-use articles.

Section 12: ADOPTION OF LOCAL EXCEPTION TO THE MISSOURI FOOD CODE

The Pulaski County Health Center Board of Trustees specifically adopts the local exception to the Missouri Food Code as set forth in 19 CSR 20-1.025.5 and that provision is incorporated into these regulations by specific reference thereto.

Section 13: PENALTY:

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than one thousand (\$1000.00) dollars or by imprisonment (not exceeding three (3) months or by both such fine and imprisonment. Each day that a violation continues is a separate offense.

Section 14: SEVERABILITY

If any article, chapter, 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. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Regulatory Authority.

Section 15: ENFORCEMENT INTERPRETATION:

This regulation shall be enforced by the Regulatory Authority in accordance with the interpretations thereof contained in the current edition of the United States Department of Health and Human Services, Public Health Services, Food and Drug Administration Food Code as adopted by the Missouri Department of Health and Senior Services, and the Department of Health and Senior Services Environmental Health Operational Guidelines (EHOG) Manual.

All provisions of this regulation regulating food service and retail food establishments; Regulation No 22-09; 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 regulation shall be published in the newspaper for three consecutive weeks, not later than thirty (30) days after date of said Regulation.

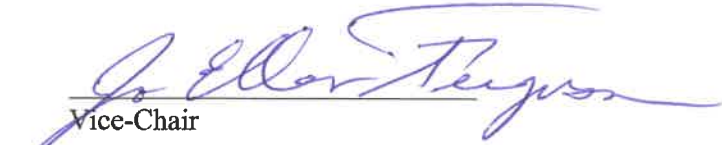
regulation shall be published in the newspaper for three consecutive weeks, not later than thirty (30) days after date of said Regulation.

Adopted on

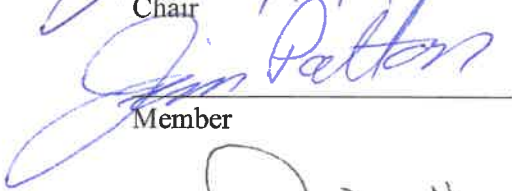
by: The Pulaski County Board of Trustees



Chair



Vice-Chair



Member

Member

Attest:



Secretary/Treasurer

Consumer Food Safety Regulation Fees:

Payable to the Pulaski County Health Center

Category	Fees
High Priority	\$400
Medium Priority	\$300
Low Priority	\$200
Mobile Ice Cream Truck	\$100
School Cafeteria	\$65
Temporary Food Vendors	\$50.00/event or \$150/year
Complaint inspections-justified	\$250
Plan Review	\$150
Re-inspection	\$250
Operating food Est. without a permit	\$500
Re-opening inspection after closure	\$200
Removal of Placard	\$100
Replacement Placard/holder	\$25
Emergency Response Incidents	\$100/hr.
Permit Renewal Late Fee	\$5/day after December 31 st

Permits are valid from January 1st through December 31st and must be renewed each year. The permit is not transferable from one person to another or from one type of operation to another. If permits are not renewed by December 31st, a late fee of \$5.00 per day will be applied to the permit fee up to the end of January. If payment is not received by the end of January, the establishment will be issued a close order on February 1st.

Each permit includes routine inspection, one priority re-inspection and one core re-inspection. If a second priority/core re-inspection is required a fee of \$250.00 will apply for each subsequent re-inspection and the fee will double accordingly. Any food establishment that is issued a close order will pay an inspection fee of \$200.00 to reopen the establishment.

Public Health: Better Health. Better Missouri.

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

Services provided on a nondiscriminatory basis



Effective January 1, 2026

Samples will be accepted Monday - Thursday from 8:00 a.m. to 3:00 p.m.

Fees are as follows:

Sample Type	Fees
Unofficial Sample	\$30
Official Sample	\$30
PCHC Official Sample	\$75
Mileage	.70/mile round trip

Unofficial sample collection: Homeowner or non-certified collector takes sample.

Official sample collection: Certified individual collects and records their number on sample form.

Official sample collection by PCHC: Environmental collects sample at a given address with an added mileage charge.

All travel for PCHC sample collection will need to be scheduled in advance. Sample Kit includes instructions on how to collect the sample properly; it also includes the form to fill out with mandatory data for the report. Read all the instructions and fill out the form thoroughly.