

LAWRENCE COUNTY HEALTH DEPARTMENT

**AN ORDER REGULATING THE OPERATION OF FOOD ESTABLISHMENTS
AND PROVIDING PENALTIES IN THE COUNTY OF LAWRENCE,
STATE OF MISSOURI**

AN ORDINANCE GOVERNING THE CONSTRUCTION, RENOVATION, AND OPERATION OF FOOD SERVICE ESTABLISHMENTS WITHIN THE COUNTY, REQUIRING CERTAIN PERMITS, TRAINING AND PROVIDING PENALTIES FOR VIOLATION THEREOF:

SECTION 01. **AUTHORITY**: This ordinance is enacted pursuant to Section 192.300, RSMo., which provides, in part as follows;

- “1. The county commission and 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 infections, contagious, communicable or dangerous diseases into such county, but orders, ordinances, rules or regulations shall not:
- (1) Be in conflict with any rules or regulations authorized and made by the department of health and senior services in accordance with this chapter or by the department of social services under Chapter 198;
 - (2) Impose standards or requirements on an agricultural operation and its appurtenances, as such term is defined in section 537.295, that are inconsistent with, in addition to, different from, or more stringent than any provision of this chapter or chapters 260, 40, 643, and 644, or any rule or regulation promulgated under such chapters.
2. The county commissions and the county health center boards of the several counties may establish reasonable fees to pay for any costs incurred in carrying out such orders, ordinances, rules or regulations, however, the establishment of such fees shall not deny the personal health services to those individuals who are unable to pay such fees or impede the prevention or control of communicable disease.”

SECTION 02. **APPLICABILITY**: These regulations apply to all food service establishments in Lawrence County.

SECTION 03. **DEFINITIONS**: The following words and phrases shall have the following meanings:

- 3.01 **Commission**: The Lawrence County Commission, the governing body of Lawrence County.
- 3.02 **The Code**: The current recommendations of the Missouri Department of Health and Senior Services relating to food service.
- 3.03 **Department**: The Lawrence County Health Department.
- 3.04 **Environmental Public Health Specialist**: An individual employed by the Department to perform inspections and investigations and provides enforcement and consultation for a broad range of environmental health and sanitation laws and regulations.
- 3.05 **Food Service Establishment**: Any operation that stores, prepares, packages, vends or otherwise provides food for human consumption.
- 3.06 **Food Service Priority and Risk Assessment**: An assessment form used by the Lawrence County Health Department to determine a priority rating (low, medium, high) or a food

handling risk level for a food service establishment. This is established by inspection history, potentially hazardous foods served, number of meals or patrons served per day, and population served.

- 3.07 Food Service Training: Based on risks of food-borne illness inherent to the food operation management/supervisory staff shall demonstrate to the regulatory authority knowledge of food born disease prevention, application of the Hazard Analysis Critical Control Point principles and requirements of the Lawrence County Food Service Ordinance. (For personnel who have not completed an accredited program, completion of a Food Training Workshop by the Lawrence County Health Department will meet requirements.)
- 3.08 Food Transportation: The act of moving any substance from a facility to another serving point, which is or will be processed or served for human consumption. This does not include agricultural products or live animals in transport to a processing facility or shipping facility.
- 3.09 Mobile Food Establishment: A food establishment that operates in various locations. Typically operated from a motorized vehicle or trailer.
- 3.10 Permit: A written authorization issued by the Lawrence County Health Department which authorizes a person or corporation to operate a Food Service Establishment.
- 3.11 Regulatory Authority: The Lawrence County Health Department administrator or an authorized representative(s).
- 3.12 Stressed Food: Food substances that are being stored or transported in a facility or vehicle that is involved in any type of accident, collision, fire or weather-related disturbance which may adulterate the food or cause it to experience temperature stress or in any way cause the food to be of questionable quality for human consumption.
- 3.13 Temporary Food Establishments: A food outlet temporarily located in a location for a period not to exceed fourteen (14) days in conjunction with a single event or celebration.
- 3.14 All other words and phrases not specifically defined herein, shall have the meanings defined by the Food Code of the Missouri Department of Health and Senior Services and the United States Food and Drug Administration, most recently adopted by the Lawrence County Health Department and the Lawrence County Commissioners.

SECTION 04. PERMIT APPLICATION AND FEES:

- 4.01 Application Requirements: No person shall operate a Food Service Establishment, including Temporary Food Establishments or Mobile Food Establishment without a valid permit to operate in Lawrence County issued by the Regulatory Authority, and posted in view of the public.
- 4.02 Any person desiring to operate a Food Service Establishment shall submit a proper application for permit to the Regulatory Authority. The Regulatory Authority shall prepare an application to be submitted by any Food Service Establishment seeking a permit in Lawrence County.
- 4.03 An application shall be submitted to the Regulatory Authority at least thirty (30) days before the date planned for opening a Food Service Establishment or the expiration date of a permit for an existing Food Service Establishment.

- 4.04 The application shall include:
- A. The name, address, telephone number and signature of the person applying for the permit and the name, mailing address, type of operation and physical location of the Food Service Establishment.
 - B. Information specifying whether the establishment is owned by an association, corporation, individual, partnership or other legal entity.
 - C. A statement signed by the applicant that attests to the accuracy of the information provided in the application.
- 4.05 A permit fee determined by the Regulatory Authority shall be submitted with a completed application. Permit fees shall be collected annually for permanent and Mobile Food Establishments and per event for Temporary Food Establishments. Such permit fees shall be collected by the Department for authorization and issuance of a permit and shall be used only to defray the actual costs of administration, including inspections. A list of permit fees by type of operation are attached as Exhibit A to this Ordinance.

SECTION 05. PERMIT COMPLIANCE:

- 5.01 Each permit shall be renewed on or before January 15th of each year. After January 15th a late fee will be assessed daily until all permit fees, late fees, and reinspection fees are paid in full.
- 5.02 **NEW, CONVERTED OR REMODELED ESTABLISHMENTS:** For Food Service Establishments that are required to submit applications pursuant to this Ordinance, the Regulatory Authority shall issue a permit to the applicant after:
1. A properly completed application is submitted.
 2. The required fee is submitted.
 3. The required plans, specifications, and other specific information is submitted to demonstrate conformance with code provisions and are reviewed and approved.
 4. Approval from the applicable regulatory agencies is received. (For example, City Building Regulations or DNR sewage and (Water regulations.)
 5. A preoperational inspection shows that the establishment is built or remodeled in accordance with the approved plans and specifications and that the establishment is in compliance with the code and this ordinance.
- 5.03 **EXISTING ESTABLISHMENTS, PERMIT RENEWAL AND CHANGE OF OWNERSHIP:** The Department may renew a permit for an existing Food Service Establishment or may issue a permit to a new owner of an existing Food Service Establishment after a properly completed application is submitted, reviewed, approved, and the fees are paid. An inspection shows that the Food Service Establishment is in compliance with the Food Code of the Missouri Department of Health and Senior Services and this Ordinance. Food establishments in operation prior to the effective date of this regulation, but which do not fully comply with all the construction, equipment, and physical requirements of this regulation, shall be deemed acceptable provided they are capable of being maintained in a sanitary condition. This shall not apply to equipment installed or construction begun after the effective date of this regulation.
- 5.04 **LATE FEES:** Failure to renew a permit by January 15th will result in a late fee as indicated on Exhibit A to this Ordinance.
- 5.05 **TEMPORARY FOOD ESTABLISHMENTS:** The Department shall issue a permit for a Temporary Food Establishment after a properly completed application is submitted, reviewed and approved and the permit fee indicated on Exhibit A has been paid. Fees shall be waived for all religious, charitable, educational, not-for-profit, and non-profit organizations.

- 5.06 PERMITS ARE NOT TRANSFERABLE: A permit may not be transferred from one person to another, from one Food Service Establishment to another, or from one type of operation to another.
- 5.07 DENIAL OF APPLICATION FOR PERMIT: If an application for a Permit to operate is denied, the Department shall provide the applicant with a notice that includes:
- A. The specific reasons, including any code violations, for the permit denial;
 - B. The actions, if any, that the applicant must take to qualify for a permit; and
 - C. Information on the applicant's right of appeal and the process and time frames for appeal that are provided for under Section 12 of this Ordinance.

SECTION 06. RESPONSIBILITY OF THE PERMIT HOLDER:

- 6.01 Upon issuance of the Permit by the Department, the permit holder, in order to retain the permit, shall:
- A. Post the permit and current inspection report in a location in the Food Service Establishment that is conspicuous to consumers.
 - B. Comply with all provisions of the regulations, rules, and orders of the Department relating to Food Service Establishments and shall operate the Food Service Establishment in accordance to this Ordinance including the conditions of any granted variance and approved plans as specified in this Ordinance.
 - C. Sign the acknowledgment of receipt of inspection findings.
 - D. Immediately contact the department to report a communicable illness of an employee as specified in the Food Code of the Missouri Department of Health and Senior Services.
 - E. Immediately discontinue operations and notify the Department if an imminent health hazard may exist. Examples include, but are not limited to the following: fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross unsanitary occurrence or condition, or other circumstances that may endanger public health.
 - F. The Food Service Establishment shall also be closed immediately in the event an imminent health hazard is determined during an inspection being performed by an Environmental Public Health Specialist (EPHS) employed by the Department.
 - G. Comply with directives of the Department including time frames for corrective actions specified in inspection reports, notices, orders, warnings and other directives issued by the Department in regard to the permit holder's Food Service Establishment or in response to community emergencies.
 - H. Accept notices issued and served by the Department according to this Ordinance.
 - 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 Services Establishment during all hours of operation.

J. The person in charge and all Food Service Establishment workers must attend food handlers training annually or have been certified by an accredited program.

K. Allow representatives of the Department, bearing proper credentials and identification, access to the Food Service Establishment for the purpose of inspection and investigation in accordance with this Ordinance.

SECTION 07. RESPONSIBILITIES OF THE DEPARTMENT:

7.01 At the time a Permit is issued, the Department shall provide to the permit holder one copy of the Ordinance so the permit holder is notified of the compliance requirements and conditions of retention.

7.02 The Department shall offer food handler's training classes as needed at a price determined by the Regulatory Authority.

SECTION 08. INSPECTIONS:

8.01 All inspections shall be conducted by an Environmental Public Health Specialist or other designated employee of the Department. The Department shall perform routine inspections based on the food service priority assessment form that categorizes food establishments as low, medium, or high priority. Food Service Establishments with a rating of "high" will be inspected every 4 months, "medium" every 6 months and "low" every 12 months. Temporary Food Establishments will receive inspections at time of operation. Frequency of complaint inspections will be determined by the Department.

8.02 Re-inspections following a visit (routine or complaint) will not be charged a fee. If more than one follow-up inspection is needed the Food Service Establishment will be assessed a fee determined by the Regulatory Authority.

SECTION 09. RESTRICTION OR EXCLUSION FROM FOOD HANDLING:

9.01 Any food handler who tests positive for a communicable disease shall be restricted or excluded from food handling until the disease is no longer in the communicable stage. The determination that the communicable stage has lapsed shall be confirmed by the nursing staff of the Department in accordance with the Missouri Department of Health and Senior Services', "Policy and Procedure Manual for General Communicable Disease". The Department's nursing staff shall consult with the Missouri Department of Health and Senior Services, Southwest District consultants at their discretion and pursuant to state laws and regulations.

SECTION 10. AUTOMATIC CLOSURE:

10.01 Any food establishment that has at least six (6) critical items marked on the inspection sheet (if not corrected on the spot) shall automatically and immediately cease operations until such time as the critical items is determined, by re-inspection, to be corrected. Re-inspection will be done within 24 hours of notification that critical items are corrected.

10.02 A permit holder shall immediately discontinue operations and notify the Department regulatory authority if an imminent health hazard may exist because of an emergency

such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross unsanitary occurrence or condition, or other circumstances that may endanger public health. The establishment shall also be closed immediately in the event an imminent health hazard is determined during any inspection being performed by an Environmental Public Health Specialist employed by Lawrence County Health Department.

SECTION 11. PENALTIES:

- 11.01 Any person found to be in violation of any provision of this Ordinance shall be served by the Department with a written notice, via certified mail, or in person, stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, entirely cease all operations.
- 11.02 Violations of this Ordinance that continue for longer than the time limit provided for in Section 11.01 shall be turned over to the office of the Lawrence County Prosecuting Attorney.
- 11.03 Any person who shall continue a violation beyond the time limit provided for Section 11.01 shall be guilty of a misdemeanor and may be confined to between 1 day and 1 year in the county jail, or fined up to one thousand dollars (\$1,000.00) for each violation or any combination of fine and jail time. Each day in which any such violation does continue shall be deemed a separate offense.
- 11.04 Any person violating any of the provisions of this section shall become liable to the department for expense, loss or damage incurred by the department by reason of such violation.

SECTION 12. APPEALS:

- 12.01 Any person aggrieved by a decision of the Department relating to this Ordinance may appeal to the Lawrence County Commissioners by filing a written application with the Commission within thirty (30) days after being notified of the decision which is the subject of the appeal. Appeal hearings to the Lawrence County Commissioners shall be conducted in accordance with the Lawrence County Commissioners adopted rules and procedures.
- 12.02 The Commission shall schedule a hearing on appeal, and shall give the person notice of the date of hearing at least ten (10) days prior to the hearing date and give the person reasonable opportunity to be heard.

Section 13. APPLICABILITY: This Ordinance is applicable throughout Lawrence County except within those jurisdictions that maintain a Health Officer and have adopted a food establishment code/order.

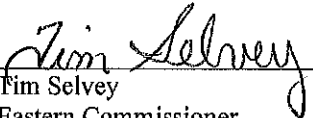
Section 14. SEVERABILITY:

- 14.01 If any section, clause, or phrase of this ordinance 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.


Approved this day November 27, 2024



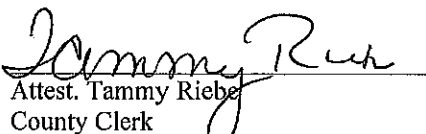
Bob Senninger
Presiding Commissioner



Tim Selvey
Eastern Commissioner



David Botts
Western Commissioner



Attest. Tammy Riebe
County Clerk

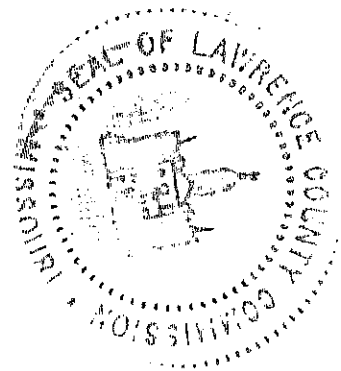


EXHIBIT A

Food Establishments	
Annual Permit (Low Priority) (includes mobile)	\$100
Annual Permit (Medium Priority) (includes mobile)	\$150
Annual Permit (High Priority) (includes mobile)	\$200
Late Fee	\$10/week
Reinspection Fee (after initial reinspection)	\$50/visit
Temporary Food Permit	\$20/48 hours
Food Safety Class	\$10/person
Sanitizer Test Strips (Chlorine & Quaternary Ammonium)	\$6
*Mobile food vendors shall be required to purchase an annual permit unless set up at a temporary food event. Late fees also apply.	
*Fees shall not apply to schools, religious, non-profit, or not-for-profit organizations.	

(Updated 2025)

