

AN ORDINANCE amending Chapter 62, Health and Sanitation, of the Code of Ordinances of the City of Joplin, Missouri, by repealing Section 62-111, Food service sanitation ordinance adopted., and Section 62-112, Amendments to food service sanitation ordinance., and enacting in lieu thereof, Sections 62-111, "Food service sanitation ordinance adopted.", and 62-112, "Amendments to food service sanitation ordinance.", providing generally for the adoption of the 1999 Food Code as written by the Food and Drug Administration as adopted by the State of Missouri Department of Health as the 1999 Missouri Food Code and providing certain amendments thereto, and amending Section 30-121, License classifications and fees, to establish a Health Permit fee, and amending the annual budget of the City of Joplin for the Fiscal Year 1999-2000 as adopted by Ordinance No. 99-173 on October 18, 1999, to increase estimated revenues by Thirty Three Thousand, Seven Hundred Fifty Dollars (\$33,750.00) and budgeted appropriations by Fifteen Thousand Dollars (\$15,000.00) in the City Health Department Budget.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Section 62-111, "Food service sanitation ordinance adopted.", be repealed and a new Section 62-111, "Food service sanitation ordinance adopted.", be enacted to read as follows:

"Sec. 62-111. Food service sanitation ordinance adopted.

The 1999 edition of the Food and Drug Administration's Food Code, as codified in the 1999 edition of the Missouri Food Code, as published by the United States Public Health

Service/Food and Drug Administration, as published by the U.S. Department of Health and Human Services Public Health Service, and Food and Drug Administration, be and the same is hereby adopted as the Food Code of the City of Joplin, Missouri, for regulating the design, construction, management, and operation of food establishments."

Section 2. That Section 62-112., "Amendments to food service sanitation ordinance.", be repealed and a new Section 62-112, "Amendments to food service sanitation ordinance.", be enacted to read as follows:

"Sec. 62-112. Amendments to food service sanitation ordinance.

The Food Service Sanitation Ordinance provided for in Section 62-111 is hereby amended, changed, and altered as follows:

That Chapter 8 and Annex 1, Compliance and Enforcement, of the U.S. Food and Drug Administration's 1999 Food Code, is hereby adopted and incorporated therein, with the following changes:

(a) Subpart 8-302.13 is amended to include subpart (E) as follows:

(E) Certain FOOD ESTABLISHMENTS may be exempted from permit or fee requirements as determined by the REGULATORY AUTHORITY

(b) Subpart 8- 304.10 (A) is amended to read as follows:

(A) At the time a PERMIT is first issued, the REGULATORY AUTHORITY shall make available for a fee as set forth by the REGULATORY AUTHORITY to the PERMIT HOLDER a copy of this Code so that the PERMIT HOLDER is notified of the compliance requirements and the conditions of retention, as specified under 8-304.11, that are applicable to the PERMIT

(c) Subpart 8-304.11 (H) is amended to read as follows:

(H) Upgrade or replace refrigeration EQUIPMENT as specified under subpart 3-501.16 (c) if the circumstances specified under Subparagraphs (G)(1)-(3) of this section do not occur first.

(d) Subparts 8-401.10 (A) – (D) are amended to read as follows:

- (A) Except as specified in paragraphs (B) and (C) of this section, the REGULATORY AUTHORITY shall inspect a FOOD ESTABLISHMENT at least once every 12 months.
- (B) The REGULATORY AUTHORITY will determine the interval between inspections by:

Assigning an inspection frequency based on a written risk-based facility assessment that is being uniformly applied throughout the jurisdiction.

- (1) Determining if a FOOD ESTABLISHMENT is fully operating under an APPROVED and validated HACCP plan as specified under subparts 8-201.14 and 8-103.12(A) and (B).
- (2) Inspecting as needed when a complaint is received which justifies inspection of the FOOD ESTABLISHMENT.
- (C) The REGULATORY AUTHORITY shall inspect vending location operations, if the operation provides POTENTIALLY HAZARDOUS FOODS, on a frequency determined by the REGULATORY AUTHORITY.
- (D) The REGULATORY AUTHORITY shall inspect religious, fraternal or not-for-profit organizations, which sell or provide food to other than members or guests of members on a frequency determined by the REGULATORY AUTHORITY;

(e) Subparts 8-802.10 (A) – (C) are amended to read as follows:

- (A) If admission to the PREMISES of a FOOD ESTABLISHMENT is denied or other circumstances exist that would justify an inspection order under LAW,

- to make an inspection including taking photographs or videos;
- (B) To examine and sample the FOOD, EQUIPMENT, SURFACES; and
- (C) To examine the records on the PREMISES relating to employee work, or FOOD purchased, received or used by the FOOD ESTABLISHMENT.

(f) Subpart 8-804.10 is amended to read as follows:

The REGULATORY AUTHORITY may summarily suspend a PERMIT to operate a FOOD ESTABLISHMENT if it determines through inspection, or examination of EMPLOYEES, FOOD, records, or other means as specified in this Code, that an IMMINENT HEALTH HAZARD exists, or any violation of 8-801.10 exists.

(g) Subparts 8-809.10 (A) – (C) are amended to read as follows:

- (A) If admission to the PREMISES of a FOOD ESTABLISHMENT is denied or other circumstances exist that would justify an inspection order under LAW, to make an inspection including taking photographs or videos;
- (B) To examine and sample the FOOD, EQUIPMENT, or SURFACES; and
- (C) To examine the records on the PREMISES relating to EMPLOYEE WORK, FOOD purchased, received or used by the FOOD ESTABLISHMENT.

(h) Subpart 8-811.10 (B) (1) and (2) is amended to read as follows:

- (B) (1) A fine of not more than (\$500) dollars, or by imprisonment not exceeding 100 days, or both the fine and imprisonment; or
- (2) If the PERSON has been convicted once of violating this Code or if there is an intent to defraud or mislead, a fine not exceeding (\$500) or imprisonment not exceeding 100 days or both."

Section 3. That Section 30-121, License classifications and fees, be amended to establish a Health Permit fee, to read as follows:

"The City of Joplin shall charge a reasonable fee for service in accordance with this Code, in addition to other licensing or other

fees as imposed upon such food establishments pursuant to the provisions of Chapter 30 of this Code to be known as the Health Permit fee as determined herein:

- (a) The fee will be determined by frequency of inspections based upon a facility assessment as set forth in the Food Code, and will be set as follows:
 - (1) Low priority, \$83.00 per year (generally one inspection per year);
 - (2) Medium priority, \$166.00 per year (generally two inspections per year); or,
 - (3) High priority, \$249.00 per year (generally three inspections per year).
- (b) Other fees will be set as follows:
 - (1) Change of Ownership Inspection, \$33.00;
 - (2) New Construction or Major Remodeling Inspection, \$100.00.
- (c) Exemptions. The fee provisions shall not apply to schools, religious or fraternal organizations, and not-for-profit organizations.
- (d) The above fees are determined based upon a cost of service to the City in providing the Food Inspection services. The fees set forth in this section may be increased from time-to-time not to exceed the percentage increase in the All Urban Consumer Price Index, provided the increase in the fee does not exceed the cost to provide the service.

(e) The director of finance shall determine from time-to-time the percentage of change in fees, by using the All Urban Consumer Price Index to determine the increase, if any, from the present amount of fees set forth in this section. Fees which are authorized to be adjusted from time-to-time may be so increased, provided such increase does not exceed the costs of service. The term, "cost to provide the service", as used in this section, shall mean the reasonable costs to provide the service, and shall include all direct and indirect program costs associated with the delivery of the service, as well as capital costs, as may be determined in the discretion of the director of finance of the city."

Section 4. The effective date of this Ordinance shall be August 1, 2000, and the first License Fee shall be pro-rated at three-fourths ($\frac{3}{4}$) of the full fee amount and shall be billed by the Director of Finance on or about August 15, 2000. Future annual billings are to be in compliance with Chapter 30 of the Code of the City of Joplin.

Section 5. That the Fiscal Year 1999-2000 budgeted appropriations as adopted by Ordinance No. 99-173 be amended by increasing City Health Department revenues by Thirty-Three Thousand, Seven Hundred Fifty Dollars (\$33,750.00) and appropriations by Fifteen Thousand Dollars (\$15,000.00).

Section 6. That the Director of Finance is hereby directed to make all necessary entries on the City records to show the increases in appropriations and revenues.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, THIS 10th

day of July, 2000.

Darieus K. Adams, Mayor

ATTEST:

Barbara L. Hogelin, City Clerk

Council Bill No. 2000-022 (Continued)

APPROVED AS TO FORM:

Chuck Brown, City Attorney