

ORDINANCE #68597
Board Bill No. 294

An Ordinance relating to food preparation and handling; adopting Chapters 1 to 7 of the National Food Code, 2009 Edition, with stated changes, pertaining to: Purpose and Definitions; Management and Personnel; Food; Equipment, Utensils and Linens; Water, Plumbing and Waste; Physical Facilities; and Poisonous or Toxic Materials, as Part One of St. Louis Food Code; adopting additional provisions pertaining to: Mobile Food Service; Temporary Food Service; and Compliance and Enforcement as Part Two (Chapters 8, 9 and 10) of the St. Louis Food Code; repealing Ordinance 63699 (codified as Sections 11.42.001 to 11.42.202, and 11.42.204 to 11.42.208, and 11.42.302 to 11.42.934, Revised Code, City of St. Louis, 1994; Ordinance 60531 (codified as Sections 11.42.276, Revised Code) and Ordinance 64975 (presently codified as Section 11.42.203, Revised Code) ; with legislative findings, penalty, severability, effective date and emergency provisions.

Whereas, the principal current St. Louis ordinance governing food preparation and handling was adopted in 1996; and

Whereas, the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, publishes and supplements from time to time a "National Food Code", which local governments may utilize in their regulation of food preparation and handling; and

Whereas, the National Food Code, 2009 Edition embody and reflect current scientific knowledge of practices and facilities conducive to safe food preparation and handling; and

Whereas, the National Food Code is widely used, throughout the country and in the St. Louis metropolitan area, as the basis of many ordinances regulating food preparation and handling; and

Whereas, the Board of Aldermen believes that it is in the best interest of the City, its residents and its visitors, to adopt portions of the most recent National Food Code as the basic ordinance concerning food preparation and handling;

BE IT ORDAINED BY the City of St. Louis, As Follows:

Section One. Ordinance 63699 (codified as Sections 11.42.001 to 11.42.202, and 11.42.204 to 11.42.208, and 11.42.302 to 11.42.934, Revised Code, City of St. Louis, 1994), Ordinance 60531 (codified as Sections 11.42.276, Revised Code), and Ordinance 64975 (presently codified as Section 11.42.203, Revised Code) are hereby repealed, effective ninety (90) days after the effective date of this ordinance.

Section Two. Chapters 1 through 7, inclusive, of the National Food Code, 2009, as published by the U. S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, attached hereto as Exhibit A and incorporated herein by this reference, with the changes and deletions made by Section Three of this Ordinance, are hereby adopted as Part One (Chapters 1 through 7) of the St. Louis Food Code, effective ninety (90) days after the effective date of this ordinance.

Section Three. Chapters 1 through 7 of The National Food Code, 2009, are hereby amended and changed, for purposes of this ordinance, in the following respects:

1. Chapter 1.

(a) Delete **1-101.10**; insert in lieu thereof:

1-101.10 Food Code. This ordinance shall be referred to as the St. Louis Food Code.

(b) Delete the following definitions in **1-201.10(B)**; insert in lieu thereof:

Core Item.

(1) "**Core item**" means a provision in this Code that is not designated as a priority item or a priority foundation item.

(2) "**Core item**" includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

(3) "**Core item**" is also known as non-CRITICAL ITEM.

“Food Establishment.

- (1) **Food establishment”** means an operation that:
 - (a) stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides FOOD for human consumption such as a restaurant; satellite or catered feeding location; catering operation if the operation provides FOOD directly to a CONSUMER or to a conveyance used to transport people; market; grocery store; convenience store; vending location; conveyance used to transport people; institution; or FOOD bank; and
 - (b) relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

and
 - (c) Serves POTENTIALLY HAZARDOUS FOODS.

Priority Item.

- (1) **“Priority item”** means a provision in this Code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard.
- (2) **“Priority item”** includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, handwashing; and
- (3) **“Priority item”** is an item that is denoted in this Code with a superscript P - ^P.
- (4) **“Priority item”** is also known as CRITICAL ITEM.

Priority Foundation Item.

- (1) **“Priority foundation item”** means a provision in this Code whose application supports, facilitates or enables one or more priority items.
- (2) **“Priority foundation item”** includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling; and
- (3) **“Priority foundation item”** is an item that is denoted in this Code with a superscript Pf - ^{Pf}.
- (4) **“Priority foundation item”** is also known as CRITICAL ITEM.

“Regulatory Authority” means the COMMISSIONER or his/her designated representative, including but not limited to employees of the Bureau of Environmental Health Services Food and Beverage Control Program of the City of St. Louis Department of Health, whose specific purpose is to assure the safety of FOOD ingested or imbibed in public places.

- (c) Add the following definitions in **1-201.10(B)**:

“Commissioner” means the Commissioner of Health for the City of St. Louis.

“Critical Item” means a provision of this Code, that, if in noncompliance, is more likely than other violations to contribute to FOOD contamination, illness, or environmental health HAZARD.

“Grocery store” means a food establishment in which any place or section of the place offers food and food products to the consumer which are intended for off-premise consumption. The term includes delicatessens that offer prepared food in bulk quantities only, markets and convenience stores that sell potentially hazardous foods that are prepackaged. The term does not include establishments which handle only prepackaged, non-potentially hazardous foods; roadside markets and open air markets that offer only whole, uncut fresh fruits and vegetables for sale; restaurant type establishments; or food and beverage vending machines.

“Ice” for use as a FOOD or as a cooling medium means ice from an APPROVED source.

“Mobile Food Establishment” means a FOOD ESTABLISHMENT which travels from a fixed servicing area to one or more locations to serve FOOD or drink, and includes:

- (1) Pushcarts, which are FOOD ESTABLISHMENTS that are non-motorized wheeled carts propelled solely by human power;
- (2) Full-prep mobile FOOD ESTABLISHMENTS, which are vehicles which serve unpackaged FOOD prepared on or off the vehicle; and
- (3) Packaged food mobile FOOD ESTABLISHMENTS, which are vehicles which serve only pre-packaged, ready-to-eat FOOD or drink and/or whole, uncut fruit and/or vegetables from an APPROVED source.

“Order of Cessation” means a written notice to cease FOOD service operation issued by the COMMISSIONER forthwith or in conjunction with the suspension of a FOOD ESTABLISHMENT PERMIT or GROCERY STORE PERMIT.

“Reconstituted” means dehydrated FOOD products recombined with water or other liquids.

“Seasonal Food Establishment” means a FOOD ESTABLISHMENT that operates for fifteen (15) to one hundred twenty (120) days within any permit year; a SEASONAL FOOD ESTABLISHMENT must comply with all requirements applicable to a FOOD ESTABLISHMENT, except as expressly provided herein.

“Unwholesome” means the condition of any FOOD which is diseased, decayed, tainted, putrid, infected, poisoned, ADULTERATED, contaminated, unclean or otherwise impure or unfit for human consumption.

“Volunteer” means a person who performs work without pay in a FOOD ESTABLISHMENT or GROCERY STORE for thirty consecutive days or less in a twelve month period.

“Wholesome” means in sound condition, clean, free from adulteration and otherwise suitable for use as human FOOD.

(c) Delete the definition of “Servicing area” in ¶1-201.10(B) and insert in lieu thereof the following:

“Servicing area” means a FOOD ESTABLISHMENT or GROCERY STORE that serves as an operating base location to which a MOBILE FOOD ESTABLISHMENT or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ICE bins, and boarding FOOD.

2. Chapter 2.

(a) Add the following at the end of ¶2-201.11 A(1) :

(f) Any symptom required by the COMMISSIONER where deemed necessary to protect the public health.

(b) Add the following at the end of ¶2-201.11 A(2):

(f) A diagnosis required by the COMMISSIONER when deemed necessary to protect the public health.

(c) Delete ¶2-102.11 (B) and add in lieu thereof:

(B) Being a certified FOOD protection manager who has shown proficiency of required information through passing a test

that is part of an ACCREDITED PROGRAM; and

(d) Add as ¶2-201.14 the following:

Hepatitis A Immunization

(A) Every holder of a PERMIT for a FOOD ESTABLISHMENT, operating for more than ten days, shall verify a certificate of immunization from a health care provider for the Hepatitis A virus from every EMPLOYEE assigned to the preparation, display or service of FOOD for such FOOD ESTABLISHMENT within thirty (30) days after the commencement of such EMPLOYEE'S employment with the PERMIT HOLDER, unless:

- (1) such EMPLOYEE objects to vaccination because of a religious belief; or
- (2) such EMPLOYEE provides a statement from a health care provider that such EMPLOYEE :
 - (a) is immune from the Hepatitis A virus; or
 - (b) is pregnant; or
 - (c) is allergic to the Hepatitis A vaccine; or
- (3) the PERMIT HOLDER certifies to the REGULATORY AUTHORITY that such EMPLOYEE is a VOLUNTEER.

(B) The PERMIT HOLDER shall maintain a copy of the certificate of immunization for the Hepatitis A virus, or other documents as provided for in ¶ (A), for each designated EMPLOYEE throughout the period of such EMPLOYEE'S employment and for a period of six months (6) following the termination of such employment and shall make such copies available for inspection by inspectors for the REGULATORY AUTHORITY or the State of Missouri upon request.

A certificate of immunization as required by ¶ (A) shall be sufficient for purposes of this Section if it certifies that the EMPLOYEE has received the initial vaccination for the Hepatitis A virus within the previous six (6) months, so long as such EMPLOYEE provides the PERMIT HOLDER with a certification of the required booster shot within one year of the date of the original vaccination.

(C) Failure on the part of the PERMIT HOLDER to

- (1) verify a certificate of immunization for the Hepatitis A virus from every EMPLOYEE assigned to the preparation, display or service of FOOD for such FOOD ESTABLISHMENT; or
- (2) maintain a copy of the certificate of immunization for the Hepatitis A virus, or other documents as provided for in this Section, for each designated EMPLOYEE throughout the period of such EMPLOYEE'S employment and for a period of six (6) months following the termination of such employment; or
- (3) make copies of such certificates of immunization, or other documents as provided for in ¶ (A), available for inspection by inspectors for the REGULATORY AUTHORITY or the State of Missouri, shall constitute a violation of this ordinance and a hazard to public health. The COMMISSIONER is authorized to suspend or revoke the FOOD ESTABLISHMENT PERMIT of any PERSON found in violation of the provisions of this section as provided by LAW.

(e) Add as 2-301.13 the following:

Special Handwash Procedures. Special handwash procedures may be required by the COMMISSIONER when deemed necessary to protect the public health.

(f) Add as 2-101.11(A) the following:

(A) The PERMIT HOLDER shall be the PERSON IN CHARGE or shall designate a PERSON IN CHARGE and shall

ensure that a PERSON IN CHARGE IS present at the FOOD ESTABLISHMENT or GROCERY STORE during all hours of operation.

(g) Add as **2-103.11 (A)** the following:

(A) FOOD ESTABLISHMENT or GROCERY STORE operations are not conducted in a private home or in a room used as living or sleeping quarters as specified under 6-202.111;

3. Chapter 3.

(a) Add the following:

3-307.12:

Emergency Occurrences. In the event of a fire, flood, power outage, natural or manmade disaster, or similar event that might result in the contamination of food, or that might prevent POTENTIALLY HAZARDOUS FOOD from being held at required temperatures, the PERSON IN CHARGE shall immediately contact the REGULATORY AUTHORITY.

Upon receiving notice of such an occurrence, the REGULATORY AUTHORITY shall take whatever action it deems necessary to protect the public health.

(b) Add the following:

3-701.132 Examination and Condemnation of Food

(A) FOOD may be examined or samples may be taken for analysis to a laboratory designated by the COMMISSIONER as often as may be necessary to determine freedom from adulteration or misbranding.

(B) The REGULATORY AUTHORITY may, upon written notice to the owner or PERSON IN CHARGE, issue an order placing a hold on any FOOD which the REGULATORY AUTHORITY has probable cause to believe or has determined to be unwholesome or otherwise adulterated or misbranded. Under such a hold order, FOOD shall be permitted to be suitably stored but may not be sold or given away. If this FOOD is not stored under the requirements of this chapter, immediate condemnation and destruction of the FOOD shall be ordered by the COMMISSIONER.

(C) It is a violation of this ordinance for any PERSON to disobey or in any manner interfere with an order of the REGULATORY AUTHORITY placing a hold on FOOD. It is a violation of this ordinance for any PERSON to remove or alter a hold order, notice, or tag placed on FOOD by the REGULATORY AUTHORITY, or to re-label or re-pack, or reprocess or alter or dispose of any FOOD or the containers thereof upon which an order to hold has been issued by the REGULATORY AUTHORITY, except with the written consent of the REGULATORY AUTHORITY.

(D) Any PERSON aggrieved by an order to hold FOOD may have a hearing before the COMMISSIONER if written request is made within ten (10) days from the service of the notice of the order. After a hearing, the COMMISSIONER may vacate the hold order. The COMMISSIONER may, by written order after a hearing, or after ten (10) days if no hearing is requested, direct the PERMIT HOLDER or PERSON IN CHARGE of the FOOD which was placed on hold to denature or destroy such FOOD or to bring it into compliance with the provisions of this chapter.

(E) If the COMMISSIONER has cause to believe that any FOOD item is a risk to the public health based on failure to meet the requirements of this chapter, a condemnation of such FOOD item may be issued resulting in immediate disposal of such FOOD item.

(c) Add as **3-201.11 (B)** the following:

(B) FOOD prepared in a private home may not be used or offered for human consumption in a FOOD ESTABLISHMENT or GROCERY STORE.

(D) Add as **3-602.11 (A)** the following:

(A) FOOD PACKAGED in a FOOD ESTABLISHMENT or GROCERY STORE, shall be labeled specified in LAW, including 21 CFR 101- Food labeling, and 9 CFR 317 Labeling, marking devices, and containers.

4. Chapter 5.

(a) Delete **§5.104.12** and insert in lieu thereof the following:

5.104.12; Alternative Water Supply

Water meeting the requirements specified under Subparts **5-101, §5-102, and §5-103**, shall be made available for a mobile facility, for a temporary food establishment without a permanent water supply and for a food establishment or GROCERY STORE with a temporary interruption of no more than 24 hours of its water supply through:

- (1) A supply of containers of chemically BOTTLED DRINKING WATER;
- (2) One or more closed portable water containers;
- (3) An enclosed vehicle water tank;
- (4) An on-premises water storage tank; or
- (5) Piping, tubing, or hoses connected to an adjacent APPROVED source.

(b) Delete **5-204.11** and insert in lieu thereof the following:

5-204.11 Handwashing Sinks

A HANDWASHING SINK shall be located:

- (1) To allow convenient use by EMPLOYEES in FOOD preparation, FOOD dispensing, and WAREWASHING areas; no EMPLOYEE in such areas shall be required to travel more than twenty (20) feet from any work station, or to pass through a door or other obstruction to reach a HANDWASHING SINK; and
- (2) In, or immediately adjacent to, toilet rooms.

(c) Delete **5-202.12** and insert in lieu thereof the following:

5-202.12 Handwashing Sink, Installation.

- (A) A HANDWASHING SINK shall be equipped to provide water at a temperature of at least 38°C (100°F) through a mixing valve or combination faucet.
- (B) A steam mixing valve may not be used at a HANDWASHING SINK.
- (C) A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Self-closing, slow-closing, or metering faucets are prohibited in FOOD preparation, FOOD service or UTENSIL washing areas.
- (D) An automatic handwashing facility shall be installed in accordance with manufacturer's instructions.

(d) Add as **5-101.13** the following:

BOTTLED DRINKING WATER used or sold in a FOOD ESTABLISHMENT or GROCERY STORE shall be obtained from APPROVED sources in accordance with 21 CFR- Processing and Bottling of BOTTLED DRINKING WATER.

(e) Add as **5-501.10** the following:

If located within the FOOD ESTABLISHMENT or GROCERY STORE, a storage area for REFUSE, recyclables, and returnables shall meet the requirements specified under 6-101.11, 6-201.11 – 6-201.18, 6-202.15, and 6-202.16.

(f) Add as **5-501.15 (A)** the following:

(A) Receptacles and waste handling units for REFUSE, recyclables, and returnables used with materials containing FOOD residue and used outside the FOOD ESTABLISHMENT or GROCERY STORE shall be designed and constructed to have tight-fitting lids, doors, or covers.

5. Chapter 6

(a) Delete **6-301.12** and insert in lieu thereof the following:

6-301.12 Hand Drying Provision.

Each HANDWASHING SINK or group of adjacent HANDWASHING SINKS shall be provided with:

- (1) Individual, disposable towels;
- (2) A continuous towel system that supplies the user with a clean towel; or
- (3) A heated-air hand drying device; or
- (4) A hand drying device that employs an air-knife system that delivers high velocity, pressurized air at ambient temperatures provided, items (2), (3), and (4) do not apply to handwashing sinks in FOOD preparation, FOOD service or UTENSIL washing areas.

(b) Add as **6-201.13 (A)** the following:

(A) In FOOD ESTABLISHMENTS or GROCERY STORES in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed to no larger than 1mm.

(c) Add as **6-202.16** the following

Perimeter walls and roofs of a FOOD ESTABLISHMENT or GROCERY STORE shall effectively protect the establishment from the weather and the entry of insects, rodents, and other animals.

(d) Delete **6-501.115** and insert in lieu thereof the following:

6-501.115 Prohibiting Animals

(A) Except as specified in ¶¶ (B) and (C) of this section, live animals may not be allowed on the PREMISES of a FOOD ESTABLISHMENT or GROCERY STORE.

(B) Live animals may be allowed in the following situations if the contamination of FOOD, clean EQUIPMENT, UTENSILS, and LINENS, and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES cannot result:

- (1) Edible FISH or decorative FISH in aquariums, shellfish or crustacea on ICE or under refrigeration, and shellfish and crustacea in display tank systems;
- (2) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas;
- (3) In areas that are not used for FOOD preparation and that are usually open for customers, such as dining and sales areas, SERVICE ANIMALS that are controlled by the disabled EMPLOYEE or PERSON, if a health or safety HAZARD will not result from the presence or activities of the SERVICE ANIMAL;

(4) Pets in the common dining areas of institutional care facilities such as nursing homes, assisted living facilities, group homes, or residential care facilities at times other than during meals if:

(a) Effective partitioning and self-closing doors separate the common dining areas from FOOD storage or FOOD preparation areas,

(b) Condiments, EQUIPMENT, and UTENSILS are stored in enclosed cabinets or removed from the common dining areas when pets are present, and

(c) Dining areas including tables, countertops, and similar surfaces are effectively cleaned before the next meal service;

(5) In areas that are not used for FOOD preparation, storage, display, or dining, in which there are caged animals or animals that are similarly confined, such as in a variety store that sells pets or a tourist park that displays animals; and

(6) Dogs in outdoor patio establishments that meet all requirements of Ordinance 67611.

(C) Live or dead fish bait may be stored if contamination of FOOD, clean EQUIPMENT, UTENSILS, and LINENS, and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES can not result.

(D) VARIANCES may be granted by the COMMISSIONER as provided by Section 10-101.13.

Section Four. The following provisions are hereby adopted as Part Two of the St. Louis Food Code, effective ninety (90) days after the effective date of this ordinance:

1. Chapter 8 MOBILE FOOD SERVICE

8-101.11 Mobile Food Service-General

MOBILE FOOD ESTABLISHMENTS shall comply with the requirements of this chapter, except as otherwise provided in this section and in **§8-101.12**.

(A) The REGULATORY AUTHORITY may impose additional requirements to protect against health HAZARDS related to the conduct of the FOOD ESTABLISHMENT as a mobile operation and may prohibit the sale of some or all POTENTIALLY HAZARDOUS FOOD.

(B) The REGULATORY AUTHORITY may grant a VARIANCE as provided by **§10-101.13** of requirements of this chapter relating to physical facilities, except those requirements of **§§8-101.16, 8-101.17, 8-101.18, and 8-101.19**.

8-101.12 Mobile Food Service-Restricted Operation

MOBILE FOOD ESTABLISHMENTS serving only ready to eat FOOD, packaged in individual servings, transported and stored under conditions meeting the requirements of this chapter, or beverages that are not potentially hazardous and are dispensed from covered urns or other protected EQUIPMENT, need not comply with requirements of this chapter pertaining to water and SEWAGE systems nor with those requirements pertaining to the cleaning and sanitization of EQUIPMENT and UTENSILS if the required EQUIPMENT for cleaning and sanitization exists at the commissary. Hot tamales or frankfurters may also be prepared and served from these MOBILE FOOD ESTABLISHMENTS.

8-101.13 Mobile Food Service-Motorized Wheeled Vehicle Requirements

(A) Every motor vehicle used by a MOBILE FOOD ESTABLISHMENT in the conduct of its business shall comply with the following requirements:

(1) The vehicle shall be enclosed with top and sides.

(2) The interior floor, walls and ceiling of each vehicle shall be of smooth, not readily corrodible,

impervious material capable of withstanding repeated washing and scrubbing and shall be finished in a light color. Each vehicle shall be well-painted, in good repair, in good sanitary condition, and shall not be used for any other purpose except as provided in this section.

- (3) The FOOD service sections of the vehicle shall be insect and rodent proof.
- (4) The FOOD ESTABLISHMENT reference number shall appear on both sides of the vehicle in letters at least two inches in height.
- (5) All FOOD service EQUIPMENT utilized in the mobile FOOD operation shall be of easily cleanable construction and shall be maintained in good repair and shall be clean.
- (6) When required, a ventilation system shall be provided and operated in compliance with §§4-202.18, 4-204.11 and 4-301.14.

B) MOBILE FOOD ESTABLISHMENTS which are Pushcarts shall comply with the following requirements:

- (1) Constructed of stainless steel or other corrosion resistant nonabsorbent material and shall be easily cleanable and durable under normal conditions.
- (2) All EQUIPMENT utilized in the FOOD service operation shall be National Sanitation Foundation (NSF) approved or equivalent.
- (3) Such additional features related to the safe dispensing of FOOD, beverage and flavorings, as may be required by the REGULATORY AUTHORITY.
- (4) The FOOD ESTABLISHMENT reference number shall appear on both sides of the cart in letters at least two inches in height.

8-101.14 Mobile Food Service-Refrigeration and Heating Equipment*

(A) Adequate mechanical refrigeration or its equivalent as approved by the REGULATORY AUTHORITY shall be provided and all POTENTIALLY HAZARDOUS FOOD and other perishable products, including meat sandwiches, ice cream, ice milk, frozen dessert mix and frozen desserts, shall be stored in the vehicle at a temperature not in excess of 41° F (5° C).

(B) Each hot FOOD facility storing POTENTIALLY HAZARDOUS FOOD shall be equipped with a thermometer to indicate the internal temperature of the facility. The internal temperature of POTENTIALLY HAZARDOUS FOOD shall be 135° F (57° C) or above.

8-101.15 Mobile Food Service-Single Service and Single Use Articles*

Only SINGLE-SERVICE and SINGLE-USE ARTICLES shall be used. All SINGLE-SERVICE and SINGLE-USE ARTICLES shall be stored in a clean place, properly handled, used only once and protected from contamination by customers, dust, dirt or insects.

8-101.16 Mobile Food Service-Water-System*

(A) A MOBILE FOOD ESTABLISHMENT requiring a water system shall have a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for FOOD preparation, UTENSIL cleaning and sanitizing, and hand washing, in accordance with the requirement of this ordinance.

(B) The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be kept capped unless being filled.

(C) The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of this ordinance.

8-101.17 Mobile Food Service-Waste Retention*

(A) If liquid waste results from operation of a MOBILE FOOD ESTABLISHMENT, the waste shall be stored in a permanently installed retention tank the capacity of which is at least fifteen (15) percent larger than the water supply tank. Liquid waste shall not be discharged from the retention tank when the MOBILE FOOD ESTABLISHMENT is in motion.

(B) All connections on the vehicle for servicing MOBILE FOOD ESTABLISHMENT waste disposal facilities shall be of a different size or type than those used for supplying potable water to the MOBILE FOOD ESTABLISHMENT. The waste connection shall be located lower than the water inlet connection to prevent contamination of the potable water system.

8-101.18 Mobile Food Service-Commissary, Base of Operations*

(A) MOBILE FOOD ESTABLISHMENTS shall operate from a commissary or other fixed FOOD ESTABLISHMENT and shall report at least daily to such location for all supplies and for all cleaning and servicing operations.

(B) The commissary or other fixed FOOD ESTABLISHMENT used as a base of operation for MOBILE FOOD ESTABLISHMENTS shall be constructed and operated in compliance with the requirements of this chapter.

8-101.19 Mobile Food Service-Servicing

(A) A servicing area with overhead protection separated from the commissary operations shall be provided for supplying and maintaining MOBILE FOOD ESTABLISHMENTS. This servicing area shall be constructed and operated in compliance with the requirements of this chapter.

(B) This servicing area will not be required where only packaged FOOD is placed on the MOBILE FOOD ESTABLISHMENT or where MOBILE FOOD ESTABLISHMENTS do not contain waste retention tanks.

8-101.20 Mobile Food Service-Servicing Operations*

(A) Potable water servicing EQUIPMENT shall be installed according to LAW and shall be stored and handled in a way that protects the water and EQUIPMENT from contamination.

(B) The MOBILE FOOD ESTABLISHMENT'S liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary SEWAGE disposal system in accordance with §5-104.12.

(C) MOBILE FOOD ESTABLISHMENTS shall report daily to a fixed FOOD ESTABLISHMENT for all FOOD, supplies, all interior and exterior cleaning, servicing operations, and waste disposal. MOBILE FOOD ESTABLISHMENTS shall not store POTENTIALLY HAZARDOUS FOOD on the vehicle during non-operating hours. MOBILE FOOD ESTABLISHMENTS shall have menus reviewed and approved by the REGULATORY AUTHORITY and shall be powered and constructed in accordance with a design reviewed and approved by the REGULATORY AUTHORITY prior to issuance of a FOOD PERMIT.

2. Chapter 9 TEMPORARY FOOD SERVICE

9-101.11 General Information A TEMPORARY FOOD ESTABLISHMENT shall comply with the requirements of this ordinance. The REGULATORY AUTHORITY may impose additional requirements to protect against health HAZARDS related to the conduct of the TEMPORARY FOOD ESTABLISHMENT, may prohibit the sale of some or all POTENTIALLY HAZARDOUS FOOD, and may grant a VARIANCE as provided by Section 10-101.13 of requirements of this chapter.

9-101.12 Restricted Operations

(A) This section applies whenever a TEMPORARY FOOD ESTABLISHMENT is permitted, under §9-101-11, to operate without complying with all the requirements of this chapter concerning temporary FOOD service.

(B) Only those POTENTIALLY HAZARDOUS FOODS requiring limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, shall be prepared or served. The preparation or service of other POTENTIALLY HAZARDOUS FOOD, including pastries filled with cream or synthetic cream, custards, and similar products, and salads or

sandwiches containing MEAT, POULTRY, EGGS, or FISH, is prohibited. This prohibition does not apply to any POTENTIALLY HAZARDOUS FOOD that has been prepared and packaged under conditions meeting the requirements of this ordinance, is obtained in individual servings, is stored at a temperature of 41°F (5°C) or below, or at a temperature of 135°F (57°C) or above, in facilities meeting the requirements of this chapter, and is served directly in the unopened container in which it was packaged.

9-101.13 Ice

ICE that is consumed or that contacts FOOD in TEMPORARY FOOD ESTABLISHMENTS shall be made under conditions meeting the requirements of this ordinance. The ICE shall be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bags filled and sealed at the point of manufacture. The ICE shall be held in these bags until it is dispensed in a way that protects it from contamination.

9-101.14 Equipment

(A) EQUIPMENT shall be located and installed in a way that prevents FOOD contamination and that also facilitates cleaning the TEMPORARY FOOD ESTABLISHMENT .

(B) FOOD-CONTACT SURFACES or EQUIPMENT shall be protected from contamination by CONSUMERS and other contaminating agents. Effective shields for such EQUIPMENT shall be provided, as necessary, to prevent contamination.

9-101.15 Single Service, Single-Use Articles

All TEMPORARY FOOD ESTABLISHMENTS without effective facilities for cleaning and sanitizing TABLEWARE shall provide only SINGLE-SERVICE and SINGLE-USE ARTICLES for use by the CONSUMER.

9-101.16 Water*

Enough potable water shall be available in the TEMPORARY FOOD ESTABLISHMENT for FOOD preparation, for cleaning and sanitizing UTENSILS and EQUIPMENT, and for hand washing. A heating facility capable of producing enough hot water for these purposes shall be provided on the premises.

9-101.17 Wet Storage

Storage of packaged FOOD in contact with water or undrained ice is prohibited. Wrapped sandwiches shall not be stored in direct contact with ice.

9-101.18 Waste*

All SEWAGE, including liquid waste, shall be disposed of according to LAW.

9-101.19 Hand Washing*

A convenient hand washing facility shall be available for EMPLOYEE hand washing. This facility shall consist, at least, of warm running water, soap, and individual paper towels. If approved by the REGULATORY AUTHORITY , when FOOD exposure is limited and handwashing facilities are not conveniently available, such as in some MOBILE FOOD ESTABLISHMENTS or TEMPORARY FOOD ESTABLISHMENTS or at some vending machine locations, EMPLOYEES may use chemically treated towelettes for hand washing.

9-101.20 Floors and Ceilings

(A) Floors shall be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair. Dirt or gravel, when graded to drain, may be used as sub-flooring when covered with clean, removable platforms or duckboards.

(B) Booths must have overhead covers, such as tents, canopies, or ceilings made of wood, canvas, or other material, to protect FOOD from overhead contamination. Physical barriers such as counters or tables must be used to separate the FOOD service area from the customers.

3. Chapter 10 COMPLIANCE AND ENFORCEMENT

A. CODE APPLICABILITY

10-101.11 Underlying Purpose; Administration; Additional Requirements

(A) The COMMISSIONER and the REGULATORY AUTHORITY shall apply and administer this ordinance to promote its underlying purpose of safeguarding public health and ensuring that FOOD is safe, unadulterated, and honestly presented when offered to the CONSUMER.

(B) The Board of Aldermen finds and declares that :

- i) this ordinance is a police regulation necessary to protect the public health, safety, welfare and peace;
- ii) the effective administration of this ordinance will entail the exercise from time to time of administrative discretion;
- iii) it is not possible to provide in legislation comprehensive rules for the appropriate exercise of administrative discretion in all circumstances relating to food preparation and handling;
- iv) accordingly, it is appropriate to vest discretion in the COMMISSIONER and the REGULATORY AUTHORITY in circumstances where matters affecting safe food preparation and handling are not expressly addressed by this ordinance, and it is the intent of the Board of Aldermen, to the fullest extent permitted by law, to vest such discretion in the COMMISSIONER and the REGULATORY AUTHORITY, to be exercised in furtherance of the underlying purpose of this Ordinance.

(C) If necessary to protect against public health HAZARDS or nuisances, the REGULATORY AUTHORITY may impose specific requirements in addition to the requirements contained in this ordinance.

(D) The REGULATORY AUTHORITY shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the PERMIT applicant or PERMIT HOLDER and a copy shall be maintained in the REGULATORY AUTHORITY'S file for the FOOD ESTABLISHMENT.

10-101.12 Preexisting Facilities or Equipment

In enforcing the provisions of this ordinance, the REGULATORY AUTHORITY shall assess existing facilities or EQUIPMENT that were in use before the effective date of this ordinance based on the following considerations:

- (1) Whether the facilities or EQUIPMENT are in good repair and capable of being maintained in a sanitary condition;
- (2) Whether FOOD-CONTACT SURFACES comply with **§4-101.11**; and
- (3) Whether the capacities of cooling, heating and holding EQUIPMENT are sufficient to comply with **§4-301.11**

10-101.13 Variances: Modifications and Waivers

The COMMISSIONER may grant a VARIANCE by modifying or waiving requirements of this ordinance if in the opinion of the COMMISSIONER a health HAZARD or nuisance will not result from the VARIANCE. If a VARIANCE is granted, the REGULATORY AUTHORITY shall retain the information specified under **§10-101.14** in its records for the FOOD ESTABLISHMENT.

10-101.14 Documentation of Proposed Variance and Justification

Before a VARIANCE from a requirement of this ordinance is granted, the following information shall be provided by the PERSON requesting the VARIANCE and retained in the REGULATORY AUTHORITY'S file on the FOOD ESTABLISHMENT :

- (A) A statement of the proposed VARIANCE of the ordinance requirement citing relevant ordinance section numbers;
- (B) An analysis of the rationale for how the potential public health HAZARDS or nuisances addressed by the relevant ordinance sections will be alternatively addressed by the proposal; and
- (C) A HACCP PLAN if required as specified under 10-101.18(A) that includes the information specified under **§10-101.19** as it is relevant to the VARIANCE requested.

10-101.15 Conformance with Approved Procedures

If the COMMISSIONER grants a VARIANCE pursuant to **§10-101.13**, or a HACCP PLAN is otherwise required as specified under **§10-101.18**, the PERMIT HOLDER shall:

- (A) Comply with the HACCP PLANS and procedures that are submitted as specified under **§10-101.19** and approved as a basis for the modification or waiver; and
- (B) Maintain and provide to the REGULATORY AUTHORITY, upon request, records specified under **10-101.19 (D) and (E)** that demonstrate that the following are routinely employed:
 - (1) Procedures for monitoring the CRITICAL CONTROL POINTS,
 - (2) Monitoring of the CRITICAL CONTROL POINTS,
 - (3) Verification of the effectiveness of the operation or process, and
 - (4) Necessary corrective actions if there is failure at a CRITICAL CONTROL POINT.

B. PLAN SUBMISSION AND APPROVAL

10-101.16 When Facility and Operating Plans Are Required

A PERMIT applicant or PERMIT HOLDER shall submit to the REGULATORY AUTHORITY properly prepared plans and specifications for review and approval before:

- (1) The construction of a FOOD ESTABLISHMENT or GROCERY STORE;
- (2) The conversion of an existing structure for use as a FOOD ESTABLISHMENT or GROCERY STORE;
- (3) The remodeling of a FOOD ESTABLISHMENT or GROCERY STORE or a change of type of FOOD ESTABLISHMENT or FOOD operation as specified under **¶10-101.27(C)** if the REGULATORY AUTHORITY determines that plans and specifications are necessary to ensure compliance with this ordinance.

10-101.17 Contents of the Plans and Specifications

The plans and specifications for a FOOD ESTABLISHMENT, including a FOOD ESTABLISHMENT specified under **§10-101.18**, shall include, as required by the REGULATORY AUTHORITY based on the type of operation, type of FOOD preparation and FOODS prepared, the following information to demonstrate conformance with the provisions of this ordinance:

- (1) Intended menu;
- (2) Anticipated volume of FOOD to be stored, prepared, and sold or served;
- (3) Proposed layout, mechanical schematics, construction materials, and finish schedules;
- (4) Proposed EQUIPMENT types, manufacturers, model numbers, locations, dimensions, performance

capacities, and installation specifications;

(5) Evidence that standard procedures that ensure compliance with the requirements of this ordinance have been developed or are being developed; and

(6) Other information that may be required by the REGULATORY AUTHORITY for the proper review of the proposed construction, conversion or modification, and procedures for operating a FOOD ESTABLISHMENT.

10-101.18 When a HACCP Plan is Required

(A) Before engaging in an activity that requires a HACCP Plan, a PERMIT applicant or PERMIT HOLDER shall submit to the REGULATORY AUTHORITY for approval a properly prepared HACCP plan as specified under **§10-101.19** and the relevant provisions of this ordinance if:

(1) Submission of a HACCP PLAN is required according to LAW;

(2) A VARIANCE IS required as specified under **¶3-401.11(D)(4)**, **§3-502.11**, or **¶4-204.110 (B)**;

(3) The REGULATORY AUTHORITY determines that a FOOD preparation or processing method requires a VARIANCE based on a plan submittal specified under **§10-101.17**, an inspectional finding, or a VARIANCE request.

(B) A PERMIT applicant or PERMIT HOLDER shall have a properly prepared HACCP PLAN as specified under **§3-502.12**.

10-101.19 Contents of a HACCP Plan

For a FOOD ESTABLISHMENT that is required under **§10-101.18** to have a HACCP PLAN, the plan and specifications shall indicate:

(1) A categorization of the types of POTENTIALLY HAZARDOUS FOODS (TIME/TEMPERATURE CONTROL FOR SAFETY FOODS) that are specified in the menu such as soups and sauces, salads, and bulk solid FOODS such as MEAT roasts, or of other FOODS that are specified by the REGULATORY AUTHORITY;

(2) A flow diagram by specific FOOD or category type identifying CRITICAL CONTROL POINTS and providing information on the following:

(a) Ingredients, materials, and EQUIPMENT used in the preparation of that FOOD;

(b) Formulations or recipes that delineate methods and procedural control measures that address the FOOD safety concerns involved;

(3) FOOD EMPLOYEE and supervisory training plan that addresses the FOOD safety issues of concern;

(4) A statement of standard operating procedures for the plan under consideration including clearly identifying:

(a) Each CRITICAL CONTROL POINT,

(b) The CRITICAL LIMITS for each CRITICAL CONTROL POINT,

(c) The method and frequency for monitoring and controlling each CRITICAL CONTROL POINT by the FOOD EMPLOYEE designated by the PERSON IN CHARGE,

(d) The method and frequency for the PERSON IN CHARGE to routinely verify that the FOOD

EMPLOYEE is following standard operating procedures and monitoring CRITICAL CONTROL POINTS,

(e) Action to be taken by the PERSON IN CHARGE if the CRITICAL LIMITS for each CRITICAL CONTROL POINT are not met,

(f) Records to be maintained by the PERSON IN CHARGE to demonstrate that the HACCP Plan is properly operated and managed, and

(g) Additional scientific data or other information, as required by the REGULATORY AUTHORITY, supporting the determination that FOOD safety is not compromised by the proposal.

10-101.20 Food Service Sanitation Course Certificate; Food Handler Training*

(A) The COMMISSIONER shall establish minimum standards for FOOD service sanitation training of food handlers.

(B) At least one representative of management or EMPLOYEE appointed by management of any FOOD ESTABLISHMENT must attend a training program designated by the COMMISSIONER and show evidence of satisfactory completion of an approved food service sanitation course by providing a Food Service Sanitation Course Certificate. This certificate or proof of paid enrollment in a training course to obtain the certificate must be submitted prior to the issuance of a FOOD ESTABLISHMENT PERMIT. This requirement will not apply to temporary PERMIT HOLDERS.

(C) A Food Service Sanitation Course Certificate must be renewed every five (5) years. Failure to attend refresher training will be cause to suspend the FOOD ESTABLISHMENT'S PERMIT.

(D) Consistent violators of this chapter, as determined by the COMMISSIONER, shall be required to attend refresher training. Failure to attend refresher training within the time limit designated by the COMMISSIONER will be cause for suspension and/or revocation of PERMIT.

(E) Each Food Service Sanitation Course Certificate must be posted in the establishment for review by the REGULATORY AUTHORITY. Failure to post a current certificate in the establishment is a critical violation.

(F) The COMMISSIONER may by regulation effective not less than sixty days after its issuance require that all FOOD handlers employed in FOOD or beverage ESTABLISHMENTS or in retail FOOD operations successfully complete a FOOD handler training program and earn a certificate of program completion. Newly employed FOOD handlers shall complete such program within 30 days after the date of hire. FOOD handlers employed as of the effective date of such regulation shall complete such program within one year after the date of the effective date of such regulation. This training program shall consist of a short course in FOOD handling safety presented by the REGULATORY AUTHORITY. After certification FOOD handlers shall maintain a valid certificate of program completion at all times during employment. The COMMISSIONER's regulation shall provide for a fee for this certification based on the cost of the training program, the length and content of the required course, and the duration of the certification. Any fees charged for such classes shall be held in a special fund, to be applied, subject to establishment and appropriation, to expenses relating to the provision of such FOOD handler training program.

(G) The PERMIT HOLDER or proprietor of the establishment shall make available, upon request by the REGULATORY AUTHORITY, the certificates of FOOD handler training program completion for all FOOD handlers employed within the establishment.

(H) A FOOD handler who possesses a current manager's Food Sanitation Course Certificate as outlined under B shall be exempt from the requirement to attend additional FOOD handler training.

10-101.21 Trade Secrets

To the extent permitted by Missouri LAW, the REGULATORY AUTHORITY shall treat as confidential information that meets the criteria specified in LAW for a trade secret and is contained on inspection report forms and in the PLANS and specifications submitted as specified under §10-101.17 and §10-101.19.

10-101.22 Pre-operational Inspections

The REGULATORY AUTHORITY shall conduct one or more pre-operational PLAN inspection to verify that a FOOD ESTABLISHMENT or GROCERY STORE is constructed and equipped in accordance with the APPROVED PLANS and APPROVED modifications of those PLANS and has established standard operating procedures as specified under ¶10-101.17(5).

C. PERMIT TO OPERATE**10-101.23 Prerequisite for Operation**

It shall be unlawful for any PERSON to operate a FOOD ESTABLISHMENT or GROCERY STORE within the City, who does not possess a valid PERMIT issued to such PERSON by the COMMISSIONER or renewed for such PERSON.

10-101.24 Application Procedure

(A) Any person desiring to operate a FOOD ESTABLISHMENT, or GROCERY STORE, or a TEMPORARY FOOD ESTABLISHMENT shall make written application for a PERMIT on forms provided by the Commissioner. FOOD ESTABLISHMENTS outside the City of St. Louis which desire to serve FOOD within the limits of the City of St. Louis must apply for and receive a FOOD PERMIT and business license from the City of St. Louis and conform to the provisions of this ordinance.

(B) An applicant shall submit an application for a PERMIT at least 30 calendar days before the date planned for opening a FOOD ESTABLISHMENT or GROCERY STORE or the expiration date of the current PERMIT for an existing facility, or at least two business days prior to the operation of a TEMPORARY FOOD ESTABLISHMENT.

10-101.25 Qualifications and Responsibilities of Applicants

To qualify for a PERMIT, an applicant shall:

- (1) Be an owner of the FOOD ESTABLISHMENT or GROCERY STORE or an officer of the legal owner;
- (2) Comply with the requirements of this ordinance;
- (3) As specified under §10-101.40, agree to allow access to the FOOD ESTABLISHMENT or GROCERY STORE and to provide required information; and
- (4) Pay the applicable PERMIT fees at the time the application is submitted.

10-101.26 Contents of Applications

(A) Any application shall include:

- (1) The name, social security number, mailing address, telephone number, and signature of the PERSON applying for the PERMIT and the name, mailing address, and location of the FOOD ESTABLISHMENT or GROCERY STORE;
- (2) Information specifying whether the FOOD ESTABLISHMENT or GROCERY STORE is owned by an association, corporation, individual, partnership, or other specified type of legal entity;
- (3) Federal identification number (if other than an individual).
- (4) A listing of the officers (Firm or Corporation).
- (5) A statement specifying whether the FOOD ESTABLISHMENT or GROCERY STORE is mobile or stationary.

(B) Mobile units must also submit:

- (1) A letter of permission from the FOOD ESTABLISHMENT or GROCERY STORE that will operate as the vehicle's servicing area.
 - (2) A copy of the latest inspection report of the FOOD ESTABLISHMENT or GROCERY STORE that will operate as the vehicle's servicing area.
 - (3) The design of the mobile unit and the FOOD ESTABLISHMENT or GROCERY STORE that will operate as the vehicle's servicing area for approval as a whole.
 - (4) A proposed menu.
- (C) Stationary establishments must also submit:
- (1) a copy of a current occupancy permit for a new or remodeled FOOD ESTABLISHMENT or GROCERY STORE;
 - (2) In new or remodeled establishments, a letter of approval from the REGULATORY AUTHORITY, indicating that plans have been reviewed and conform to the requirements of this ordinance;
 - (3) A statement specifying whether the FOOD ESTABLISHMENT or GROCERY STORE is temporary or permanent.
 - (4) If the application is for a TEMPORARY FOOD ESTABLISHMENT, its name and the dates, time and location of the proposed operation.
- (D) If the application is for either a TEMPORARY or permanent FOOD ESTABLISHMENT, the REGULATORY AUTHORITY shall make a PERMIT approval inspection to determine compliance with the provisions of this ordinance.

10-101.27 New, Converted, or Remodeled Establishments

For FOOD ESTABLISHMENTS that are required to submit plans as specified under **§10-101.16** 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 information are reviewed and APPROVED; and
- (4) A preoperational inspection as specified in **§10-101.22** shows that the establishment is built or remodeled in accordance with the approved plans and specifications and that the establishment is in compliance with this ordinance.

10-101.28 Plan Review For Future Construction

(A) When a FOOD ESTABLISHMENT or GROCERY STORE is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a FOOD ESTABLISHMENT or GROCERY STORE, properly prepared plans and specifications for such construction, remodeling, alterations, location, size and type of fixed EQUIPMENT and facilities shall be submitted to the REGULATORY AUTHORITY for approval before such work is begun, and an application for a new PERMIT shall be submitted.

(B) The REGULATORY AUTHORITY shall approve such plans only if they comply with the requirements of this ordinance, but no such approval shall constitute approval under any other applicable LAW, ordinance or regulation governing the use, construction, or occupancy of property. A fee shall be assessed for the plan review:

- (a) Sixty dollars (\$60.00) if the establishment is determined to be in the low priority category, or a GROCERY STORE;

- (b) Eighty dollars (\$80.00) if the establishment is determined to be in the moderate priority category;
- (c) One hundred dollars (\$100.00) if the establishment is determined to be in the high priority category.

10-101.29 Existing Establishments, Permit Renewal, and Change of Ownership

The REGULATORY AUTHORITY 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 an inspection shows that the establishment is in compliance with this ordinance.

10-101.30 Issuance of Permits and Fees

- (A) All PERMITS shall be issued and/or revoked by the COMMISSIONER.
- (B) All PERMITS other than those for TEMPORARY FOOD ESTABLISHMENTS are renewable annually, upon submission of updated contact information for the PERMIT HOLDER on a standardized renewal form, payment of the appropriate annual fee, if any, and determination of the COMMISSIONER that all other requirements of this ordinance are met.
- (C) Applications for new annually renewable PERMITS are valid for only ninety (90) calendar days and will be filed without further action if the PERMIT is not APPROVED within that time. Any fee accompanying the application is non-refundable.
- (D) Annual PERMITS expire on the last day of the twelfth month after the PERMIT is originally issued. PERMIT renewal applications are due on or before the expiration date of the PERMIT.
- (E) The late filing charge for not timely filing an application to renew an annual PERMIT shall be \$50.00 (fifty dollars) per day after the PERMIT expires. Failure to file an application to renew an annual PERMIT by the fifteenth day after the PERMIT expires will result in the COMMISSIONER issuing an ORDER OF CESSATION to the FOOD ESTABLISHMENT, which will remain in effect until the PERMIT renewal is submitted and all applicable renewal and late filing charges are paid.
- (F) Permits for TEMPORARY FOOD ESTABLISHMENTS shall be issued for a period of time not to exceed 14 days. PERMITS shall be applied for at least two (2) business days prior to the operation of the TEMPORARY FOOD ESTABLISHMENT unless such deadline is waived by the REGULATORY AUTHORITY.
- (G) The License Collector shall issue a restaurant, alcoholic beverage or similar business license to a person only upon presentation of the APPROVED inspection report from the COMMISSIONER that all provisions of this ordinance have been met.
- (H) The appropriate fee must accompany all applications for PERMITS.
- (I) All PERMIT fees shall be in the form of a bank check or money order payable to "Health Commissioner of the City of St. Louis". The COMMISSIONER may decide to accept other methods of payment when feasible.
- (J) PERMIT Fee Amounts shall be as follows:
 - (1) The Initial Fee for a PERMIT for a new FOOD ESTABLISHMENT shall be one hundred sixty dollars (\$160.00);
 - (2) PERMIT Renewal Fees for FOOD ESTABLISHMENTS shall be based on a priority assessment of each establishment conducted annually at the time of PERMIT renewal. Priority assessments shall be based on the State of Missouri Environmental Health Operational Guidelines, §3.2: Food Establishment Public Health Priority Assessment Worksheet, a copy of which is filed on record in the Office of the Register of the City of St. Louis. Such fees shall be:
 - (a) One hundred thirty dollars (\$130.00) if the establishment is determined to be in the low priority category;
 - (b) Two hundred twenty dollars (\$220.00) if the establishment is determined to be in the

moderate priority category;

(c) Three hundred ten dollars (\$310.00) if the establishment is determined to be in the high priority category.

(3) TEMPORARY PERMIT fees shall be fifty dollars (\$50.00) a day per vendor for each proposed day of operation.

(4) GROCERY STORE PERMIT fees shall be two hundred thirty five dollars (\$235)

10-101.31 Denial of Application for Permit, Notice.

If an application for a PERMIT to operate is denied, the REGULATORY AUTHORITY shall provide the applicant with a notice that includes:

- (1) The specific reasons and ordinance citations for the PERMIT denial;
- (2) The actions, if any, that the applicant must take to qualify for a PERMIT; and
- (3) Advice of the applicant's right of appeal and the process and time frames for appeal that are provided in LAW.

10-101.32 Revocation of Permits

(A) The COMMISSIONER may revoke a PERMIT:

- (1) For serious or repeated violations of any of the requirements of this ordinance;
- (2) For failure to pay applicable fees or charges under this ordinance or otherwise required by LAW;
- (3) For materially false statements in an application for a PERMIT;
- (4) For failure to have at least one representative who possesses a FOOD Service Sanitation Course Certificate present during hours of operation.

(B) Process for Revocation

(1) If it has been determined that there is cause to revoke a PERMIT, the COMMISSIONER shall provide an opportunity for a hearing by notifying the PERMIT HOLDER or PERSON IN CHARGE of the FOOD ESTABLISHMENT, in writing, of the reason or reasons for a hearing in which the PERMIT is subject to revocation.

(2) Notice shall be deemed received where there is actual delivery of written notice by the REGULATORY AUTHORITY to the PERMIT HOLDER or PERSON IN CHARGE or when the written notice is sent by certified mail. A copy of the notice shall be filed in the records of the REGULATORY AUTHORITY.

(3) If the COMMISSIONER'S hearing results in a determination that the PERMIT should be revoked, the PERMIT shall immediately be suspended, and all operations at the establishment shall cease.

(4) A request for an appeal of a revocation determination can be filed with the Board of Public Service within 10 days. If no appeal to the Board of Public Service is made, the PERMIT shall be revoked and void without further action.

(5) The hearing of the appeal provided for by ¶ (B) (4) shall be conducted by the Board of Public Service at a date and time designated by such Board. The Board shall make a finding based upon recorded evidence from the hearing. The Board shall furnish its decision to the COMMISSIONER and the PERMIT HOLDER in writing. The PERMIT suspension shall remain in effect until the Board of Public Service hearing is concluded and the

PERMIT HOLDER is notified of the decision. The decision of the Board of Public Service shall be final.

(C) Whenever a revocation has become final, the PERMIT HOLDER whose PERMIT was revoked may reapply for a PERMIT after the expiration of ninety (90) days from the date of revocation. A person reapplying for a PERMIT after a revocation shall pay all applicable fees for a new PERMIT.

10-101.33 Responsibilities of the Permit Holder

Upon acceptance of a PERMIT issued by the REGULATORY AUTHORITY, the PERMIT HOLDER in order to retain the PERMIT shall:

- (1) Post the PERMIT in a location in the FOOD ESTABLISHMENT or GROCERY STORE that is conspicuous to CONSUMERS. Failure to post said PERMIT shall be cause for suspension or revocation of the PERMIT;
- (2) Comply with the applicable provisions of this ordinance, including but not limited to the conditions of a granted VARIANCE as specified under §10-101.15, and APPROVED PLANS as specified under §10-101.17;
- (3) If a FOOD ESTABLISHMENT is required under §10-101.18 to operate under a HACCP PLAN, comply with the PLAN as specified under §10-101.15;
- (5) Immediately contact the REGULATORY AUTHORITY to report an illness of a FOOD employee or CONDITIONAL EMPLOYEE as specified under §2-201.11;
- (6) Immediately discontinue operations and notify the REGULATORY AUTHORITY if an IMMINENT HEALTH HAZARD may exist as specified under §10-101.49;
- (7) Allow representatives of the REGULATORY AUTHORITY access to the FOOD ESTABLISHMENT as specified under §10-101.40;
- (8) Except as specified under ¶ (9) of this section, replace existing facilities and EQUIPMENT specified in §10-101.11 with facilities and EQUIPMENT that comply with this ordinance if:
 - (a) The REGULATORY AUTHORITY directs the replacement because the facilities and EQUIPMENT constitute a public health HAZARD or nuisance or no longer comply with the criteria upon which the facilities and EQUIPMENT were accepted,
 - (b) The REGULATORY AUTHORITY directs the replacement of the facilities and EQUIPMENT because of a change of ownership, or
 - (c) The facilities and EQUIPMENT are replaced in the normal course of operation;
- (9) Comply with directives of the REGULATORY AUTHORITY, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the REGULATORY AUTHORITY in regard to the PERMIT HOLDER's establishment or in response to community emergencies;
- (10) Accept notices issued and served by the REGULATORY AUTHORITY according to LAW; and
- (11) Be subject to administrative, civil, injunctive, and criminal remedies or penalties authorized in LAW for failure to comply with this ordinance or a directive of the REGULATORY AUTHORITY, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

10-101.34 Permits Not Transferable

Only a PERSON who complies with the requirements of this chapter shall be entitled to receive and retain a PERMIT. A PERMIT may not be transferred from one PERSON to another PERSON, from one FOOD ESTABLISHMENT or GROCERY STORE to another, or from one type of operation to another if the FOOD operation changes from the type of operation specified in the application as specified under §§ 10.101.26 (C) and (D) and the change in operation is not approved.

D. INSPECTION AND CORRECTION OF VIOLATIONS**10-101.35 Routine Inspections**

Following the initial inspection of a FOOD ESTABLISHMENT and the issuance of a permit by the COMMISSIONER, the REGULATORY AUTHORITY shall routinely inspect such establishment and shall make as many additional inspections and reinspection as are necessary to ensure that all provisions of this ordinance have been met.

(A) Establishment inspection frequency shall be based on be based on a priority assessment of each establishment conducted annually at the time of PERMIT renewal.

(B) Priority assessments shall be based on the State of Missouri Environmental Health Operational Guidelines, §3.2: Food Establishment Public Health Priority

Assessment Worksheet:

- (1) Establishments that are considered to be low priority shall be inspected at least annually.
- (2) Establishments that are considered to be medium priority shall be inspected at least twice annually, or every 180 days.
- (3) Establishments that are considered to be high priority shall be inspected at least three times annually, or every 120 days.
- (4) Establishments that are classified as Grocery Stores shall be inspected at least annually.

10-101.36 Performance and Risk-Based Inspections

Within the parameters specified in §10-101.35, the REGULATORY AUTHORITY shall prioritize, and conduct more frequent inspections, based upon its assessment of a FOOD ESTABLISHMENT's history of compliance with this ordinance and the establishment's potential as a vector of FOOD-borne illness by evaluating:

- (A) Past performance, for nonconformance with ordinance or HACCP PLAN requirements that are critical;
- (B) Past performance, for numerous or repeat violations of ordinance or HACCP PLAN requirements that are non-critical;
- (C) Past performance, for complaints investigated and found to be valid;
- (D) The HAZARDS associated with the particular FOODS that are prepared, stored, or served;
- (E) The type of operation including the methods and extent of FOOD storage, preparation, and service;
- (F) The number of people served; and
- (G) Whether the population served is a HIGHLY SUSCEPTIBLE POPULATION.

10-101.37 Grading of Food Establishments and Grocery Stores

- (A) Grades of establishments shall be as follows, provided, however, that the COMMISSIONER may annually set

and establish the method of determining specific grades, based on CRITICAL ITEM violations on a numerical scale. The grade of any FOOD ESTABLISHMENT or GROCERY STORE which is changed as a result of an inspection shall be appropriately adjusted by replacing the grade decal(s) of the establishment:

- (1) Grade (A): An establishment with two or fewer CRITICAL ITEM violations or receiving a score of 85 to 100;
- (2) Grade (B): An establishment with three or more CRITICAL ITEM violations or receiving a score of 70 to 84, or an establishment that has failed to correct any violation within the time allotted by the REGULATORY AUTHORITY;
- (3) Grade (C): An establishment that has failed to correct any violation(s) that contributed to a grade (B) within the time allotted by the REGULATORY AUTHORITY, or which receives a score of 69 or below.

(B) Upon inspection of any operating FOOD ESTABLISHMENT or GROCERY STORE, a grade decal denoting the grade of the establishment based on the above criteria shall be immediately posted, provided that prior to the posting of a grade lower than the existing grade by the REGULATORY AUTHORITY, the inspection report form will be reviewed with the PERSON IN CHARGE; this review will be for the purpose of affording the operator of the establishment a final opportunity to discuss the inspection findings. At a re-inspection, the REGULATORY AUTHORITY may, if inspection findings warrant, lower the grade without further review and, if consecutive violations exist, issue administrative fines of Twenty-five dollars (\$25.00) per violation and/or recommend suspension of the PERMIT.

(C) The time frame for re-inspection after a lowered grade will be a maximum of ten working days when no CRITICAL ITEM violations exist or a maximum of 48 hours if a CRITICAL ITEM violation exists. A fifty dollar (\$50) fee shall be assessed for first re-inspection and one hundred dollars (\$100) fee for any additional re-inspections.

10-101.38 Location of Grade Decal

(A) A FOOD ESTABLISHMENT or GROCERY STORE shall display, in a place designated by the REGULATORY AUTHORITY, a grade decal approved by the COMMISSIONER stating the grade of the establishment, except that TEMPORARY FOOD ESTABLISHMENTS shall not be subject to grading.

(B) The grade decal shall be prominently displayed in a conspicuous place at the main entrance of the establishment and at the serving window for drive-through service where it can be easily seen by the public.

(C) The grade decal must not be defaced, hidden from public view or removed, except by the REGULATORY AUTHORITY. If the grade decal has been defaced, hidden from public view or removed by someone other than the REGULATORY AUTHORITY, the establishment will be subject to immediate downgrading and shall be fine up to five hundred dollars (\$500) and/or suspension of the PERMIT by the COMMISSIONER.

10-101.39 Competency of Inspectors

An authorized representative of the REGULATORY AUTHORITY who inspects a FOOD ESTABLISHMENT or conducts PLAN review for compliance with this ordinance shall have the knowledge, skills, and ability to adequately perform the required duties.

10-101.40 Access to Establishments

The COMMISSIONER or any authorized employee of the REGULATORY AUTHORITY, after proper identification, shall be permitted to enter any FOOD ESTABLISHMENT or GROCERY STORE at any reasonable time for the purpose of making inspections to determine compliance with this ordinance. Such inspector shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to FOOD and supplies purchased, received, used, persons employed, and to determine the PERMIT fee, if applicable.

10-101.41 Refusal of Access

Interference with a representative of the REGULATORY AUTHORITY, physically or verbally, in the performance of

official duties including refusal to allow access to the premises in order to conduct an inspection, may result in the COMMISSIONER issuing an ORDER OF CESSATION suspending a PERMIT for a period of time as determined appropriate by the COMMISSIONER.

10-101.42 Refusal; Reporting

If after a representative of the REGULATORY AUTHORITY presents credentials, provides notice as specified under §10-101.40 and explains the authority upon which access is requested, the PERSON IN CHARGE continues to refuse access, the representative of the REGULATORY AUTHORITY shall provide details of the denial of access on an inspection report form.

10-101.43 Suspension of Permits

(A) The COMMISSIONER may issue an ORDER OF CESSATION suspending a PERMIT for a period of time as determined appropriate by the COMMISSIONER.

(B) Upon suspension of a PERMIT, the establishment must cease operation immediately and remain closed for at least twenty-four (24) hours before re-opening regardless of whether the violations which caused the suspension are abated or not.

(C) The ORDER OF CESSATION shall specify the reason for the suspension. It shall remain in effect until lifted by the REGULATORY AUTHORITY or superseded by an order of revocation issued by the COMMISSIONER.

(D) An ORDER OF CESSATION may be issued for any of the following causes:

(1) The operation of the FOOD ESTABLISHMENT, GROCERY STORE, or TEMPORARY FOOD ESTABLISHMENT constitutes a HAZARD to public health.

(2) Interference with a representative of the REGULATORY AUTHORITY, physically or verbally, in the performance of official duties including refusal to allow access to the premises in order to conduct an inspection.

(3) Failure to possess a FOOD Service Sanitation Course Certificate as required by Section §10-101.20.

(4) Repeated health violations which caused the establishment to receive a lowered grade two or more times in a twelve (12) month period.

(5) Failure to attend a COMMISSIONER's Hearing or a conference proposed by the REGULATORY AUTHORITY to informally discuss resolution of pending issues (an "Administrative Conference") for any reason, when requested to do so.

(6) The operation of the FOOD ESTABLISHMENT, GROCERY STORE, or TEMPORARY FOOD ESTABLISHMENT without an appropriate issued PERMIT.

(7) Failure to possess a current valid restaurant, alcoholic beverage or other business license as required by LAW.

(8) As provided in §10-101.51.

(E) The order of the COMMISSIONER suspending a PERMIT under this section shall be final.

(F) Failure to correct the cause of a suspension of a PERMIT within the time specified by the COMMISSIONER shall cause the revocation of the PERMIT.

(G) Operating a FOOD ESTABLISHMENT, GROCERY STORE, or TEMPORARY FOOD ESTABLISHMENT without a permit shall be fined five hundred dollars (\$500).

10-101.44 Documenting Information and Observations

The representative of the REGULATORY AUTHORITY who conducts an inspection shall document on an inspection report form:

- (1) Administrative information about the FOOD ESTABLISHMENT'S legal identity, street and mailing addresses, type of establishment and operation as specified under ¶10-101-26, inspection date, and other information such as type of water supply and SEWAGE disposal, status of the PERMIT, and personnel certificates that may be required; and
- (2) Specific factual observations of violative conditions or other deviations from this ordinance that require correction by the PERMIT HOLDER including:
 - (a) Failure of the PERSON IN CHARGE to demonstrate the knowledge of FOOD borne illness prevention, application of HACCP principles, and the requirements of this ordinance as specified under §2-102.11;
 - (b) Failure of FOOD EMPLOYEES, CONDITIONAL EMPLOYEES, and the PERSON IN CHARGE to report a disease or medical condition as specified under §2-201.11(B) and ¶2-201.11(D);
 - (c) Nonconformance with CRITICAL ITEMS as established by the COMMISSIONER;
 - (d) Failure of the appropriate FOOD EMPLOYEES to demonstrate their knowledge of, and ability to perform in accordance with, the procedural, monitoring, verification, and corrective action practices required by the REGULATORY AUTHORITY as specified under §10-101.15;
 - (e) Failure of the PERSON IN CHARGE to provide records required by the REGULATORY AUTHORITY for determining conformance with a HACCP PLAN as specified under ¶10-101.19(D)(6); and
 - (f) Nonconformance with CRITICAL LIMITS of a HACCP PLAN.

10-101.45 Specifying Time Frame for Corrections

The REGULATORY AUTHORITY shall specify on the inspection report form the time frame for correction of the violations as specified under §§10-101.49, 10-101.51, and 10-101.52.

10-101.46 Issuing Report and Obtaining Acknowledgment of Receipt

At the conclusion of the inspection and according to LAW, the representative of the REGULATORY AUTHORITY shall provide a copy of the completed inspection report and the notice to correct violations to the PERMIT HOLDER or to the PERSON IN CHARGE, and request a signed acknowledgment of receipt.

10-101.47 Refusal to Sign Acknowledgment

The representative of the REGULATORY AUTHORITY shall:

- (A) Inform a PERSON who declines to sign an acknowledgment of receipt of inspectional findings as specified in §10-101.46 that:
- (1) An acknowledgment of receipt is not an agreement with findings;
 - (2) Refusal to sign an acknowledgment of receipt will not affect the PERMIT HOLDER's obligation to correct the violations noted in the inspection report within the time frames specified; and
 - (3) A refusal to sign an acknowledgment of receipt will be noted in the inspection report and conveyed to the REGULATORY AUTHORITY's historical record for the establishment; and
- (B) Make a final request that the PERSON IN CHARGE sign an acknowledgment receipt of inspectional findings.

10-101.48 Public Information

Except as specified in §10-101.21, the REGULATORY AUTHORITY shall treat the inspection report as a public document and shall make it available for disclosure to a person upon written request as provided in LAW.

10-101.49 Ceasing Operations and Reporting

(A) Except as specified in ¶(B) of this section, a PERMIT HOLDER shall immediately discontinue operations and notify the 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 FOOD-borne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.

(B) A PERMIT HOLDER need not discontinue operations in an area of an establishment that is unaffected by the IMMINENT HEALTH HAZARD

10-101.50 Resumption of Operations.

If operations are discontinued as specified under §10-101.49 or otherwise according to LAW, the PERMIT HOLDER shall obtain approval from the REGULATORY AUTHORITY before resuming operations.

10-101.51 Violation of Critical Item

(A) CRITICAL ITEM violations shall be corrected within a period not to exceed forty-eight (48) hours. Failure to correct said violations may result in posting of a lowered grade, an administrative fine of twenty five (\$25.00) per violation and/or suspension of the PERMIT.

(B) Whenever an establishment is required under the provisions of this section to cease operations, the establishment shall remain closed until all CRITICAL ITEM violations are abated. It shall not resume operations until such time as a re-inspection determines that conditions responsible for the requirement to cease operations no longer exist. Opportunity for reinspection shall be offered immediately after the expiration of the date of the ORDER OF CESSATION, upon request of the owner or operator.

(C) In the case of TEMPORARY FOOD ESTABLISHMENTS, all CRITICAL ITEM violations shall be corrected immediately or the COMMISSIONER may immediately issue an ORDER OF CESSATION to the FOOD service operation.

(D) Verification and Documentation of Correction.

(1) After observing at the time of inspection a correction of a violation of a CRITICAL ITEM or HACCP PLAN deviation, a representative of the REGULATORY AUTHORITY shall enter the violation and information about the corrective action on the inspection report.

(2) As specified under ¶10-101.51(D)(1), after receiving notification that the PERMIT HOLDER has corrected a violation of a CRITICAL ITEM or HACCP PLAN deviation, or at the end of the specified period of time, the REGULATORY AUTHORITY shall verify correction of the violation or deviation, document the information on an inspection report, and enter the report in the REGULATORY AUTHORITY'S records.

(3) Failure to comply within a time limit for corrections may require that the establishment immediately cease FOOD service operations or receive a lowered grade. An opportunity for appeal from the inspection findings will be provided if a written request for a hearing is filed with the COMMISSIONER within ten days. If a request for a hearing is received, it shall be held within five days of receipt of that request.

10-101.52 Noncritical Violation- Time Frame for Correction

(A) Except as specified in ¶(B) of this section, the PERMIT HOLDER shall correct noncritical violations by a date and time agreed to or specified by the REGULATORY AUTHORITY but no later than 30 calendar days after the inspection.

(B) The REGULATORY AUTHORITY may approve a compliance schedule that extends beyond the time limits specified under ¶ (A) of this section if a written schedule of compliance is submitted by the PERMIT HOLDER and no health HAZARD exists or will result from allowing an extended schedule for compliance.

E. PREVENTION OF FOODBORNE DISEASE TRANSMISSION BY EMPLOYEES

10-101.54 Prevention of Foodborne Disease Transmission by Employees- Investigation and Control

The REGULATORY AUTHORITY shall act when it has reasonable cause to believe that a FOOD EMPLOYEE or CONDITIONAL EMPLOYEE has possibly transmitted disease, may be infected with a disease in a communicable form that is transmissible through FOOD, may be a carrier of infectious agents that cause a disease that is transmissible through FOOD, or is affected with a boil, an infected wound, or acute respiratory infection, by:

(A) Securing, subject to applicable LAW, a confidential medical history of the FOOD EMPLOYEE or CONDITIONAL EMPLOYEE suspected of transmitting disease or making other investigations as deemed appropriate; and

(B) Requiring appropriate medical examinations, including collection of specimens for laboratory analysis, of a suspected FOOD EMPLOYEE or CONDITIONAL EMPLOYEE.

10-101.55 Restrictions or Exclusion of Food Employee, or Summary Suspension of Permit

Based on the findings of an investigation related to a FOOD EMPLOYEE or CONDITIONAL EMPLOYEE who is suspected of being infected or diseased, the REGULATORY AUTHORITY may issue an order to the suspected FOOD EMPLOYEE, CONDITIONAL EMPLOYEE or PERMIT HOLDER, instituting one or more of the following control measures:

(A) restricting the FOOD EMPLOYEE or CONDITIONAL EMPLOYEE;

(B) excluding the FOOD EMPLOYEE or CONDITIONAL EMPLOYEE; or

(C) closing the FOOD ESTABLISHMENT by summarily suspending a PERMIT to operate in accordance with this ordinance and other applicable LAW.

10-101.56 Procedure when Infection is Suspected or there is No Proof of Hepatitis A Vaccine

When the COMMISSIONER has reasonable cause to suspect possibility of disease transmission from any FOOD ESTABLISHMENT EMPLOYEE, or finds that the establishment proprietors have failed to comply with the requirements of §2-201.14 with respect to an EMPLOYEE, the COMMISSIONER shall secure a morbidity history of the suspected EMPLOYEE, or make such other investigation as may be indicated, and take appropriate action. The COMMISSIONER may, in the exercise of the COMMISSIONER's discretion, require any or all of the following measures:

(A) The immediate exclusion of the EMPLOYEE from all FOOD ESTABLISHMENTS;

(B) The immediate closure of the FOOD ESTABLISHMENT concerned until, in the opinion of the COMMISSIONER, no further danger of disease outbreak exists;

(C) Restriction of the EMPLOYEE'S services to one or more areas of the establishment where there would be no danger of transmitting disease;

(D) Adequate medical and laboratory examinations of the EMPLOYEE or EMPLOYEES, and of their body discharges.

10-101.57 Restriction or Exclusion Order: Warning or Hearing Not Required, Information Required in Order

Based on the findings of the investigation as specified in §10-101.54 and to control disease transmission, the REGULATORY AUTHORITY may issue an order of restriction or exclusion to a suspected FOOD EMPLOYEE or the PERMIT HOLDER without prior warning, notice of a hearing, or a hearing if the order:

- (A) States the reasons for the restriction or exclusion;
- (B) States the evidence that the FOOD EMPLOYEE or PERMIT HOLDER shall provide in order to demonstrate that the reasons for the restrict or exclusion are eliminated;
- (C) States that the suspected FOOD EMPLOYEE or the PERMIT HOLDER may request an appeal hearing by submitting a timely request as provided by LAW; and
- (D) Provides the name and address of the REGULATORY AUTHORITY representative to whom a request for an appeal hearing may be made.

10-101.58 Removal of Exclusions and Restrictions

The REGULATORY AUTHORITY shall release a FOOD EMPLOYEE or CONDITIONAL EMPLOYEE from restriction or exclusion according to LAW and the conditions specified under **§2-201.13**.

Section Five. Penalties

Any person, including the responsible officer of any PERSON who is convicted of violating any provision of this ordinance, shall be punished by a fine of not less than \$100.00 nor more than \$1000.00, or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment. The City Counselor, on behalf of the City of St. Louis, may take any other appropriate action in law or equity to enjoin or abate any violations of this ordinance. Each day a violation continues shall constitute a separate offense.

Section Six. Captions

The captions and headings of all parts of this ordinance are intended to be informational only and shall not be deemed to be substantive parts of this ordinance.

Section Seven. Severability.

If any provision of this ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining provisions and their application, shall not be affected thereby.

Section Eight. Emergency Provision.

This ordinance being necessary for the immediate preservation of the public health and safety, is declared to be an emergency ordinance under Sections 19 and 20 of Article IV of the City Charter.

Approved: March 16, 2010