

1 **BOARD BILL NO. 294 INTRODUCED BY: ALDERMAN GREGORY CARTER**

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

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

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

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

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

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

4 BE IT ORDAINED BY THE CITY OF ST. LOUIS, AS FOLLOWS:

5 **Section One.** Ordinance 63699 (codified as Sections 11.42.001 to 11.42.202, and 11.42.204 to
6 11.42.208, and 11.42.302 to 11.42.934, Revised Code, City of St. Louis, 1994), Ordinance 60531
7 (codified as Sections 11.42.276, Revised Code), and Ordinance 64975 (presently codified as
8 Section 11.42.203, Revised Code) are hereby repealed, effective ninety (90) days after the
9 effective date of this ordinance.

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

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

18 **1. Chapter 1.**

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

20 **1-101.10 Food Code.** This ordinance shall be referred to as the St. Louis Food Code.

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

22 **Core Item.**

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1 (1) "**Core item**" means a provision in this Code that is not designated as a PRIORITY ITEM
2 OR A PRIORITY FOUNDATION ITEM.

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

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

7
8 **“Food Establishment.**

9 (1) **Food establishment**” means an operation that:

10 (a) stores, prepares, packages, serves, vends food directly to the consumer, or
11 otherwise provides FOOD for human consumption such as a restaurant;
12 satellite or catered feeding location; catering operation if the operation
13 provides FOOD directly to a CONSUMER or to a conveyance used to
14 transport people; market; grocery store; convenience store; vending
15 location; conveyance used to transport people; institution; or FOOD bank;
16 and

17 (b) relinquishes possession of FOOD to a CONSUMER directly, or indirectly through
18 a delivery service such as home delivery of grocery orders or restaurant
19 takeout orders, or delivery service that is provided by common carriers.

20 and

21 (c) Serves POTENTIALLY HAZARDOUS FOODS.

22 **Priority Item.**

23 (1) "**Priority item**" means a provision in this Code whose application contributes
24 directly to the elimination, prevention or reduction to an acceptable level, hazards
25 associated with foodborne illness or injury and there is no other provision that more
26 directly controls the hazard.

1 (2) "**Priority item**" includes items with a quantifiable measure to show control of
2 hazards such as cooking, reheating, cooling, handwashing; and

3 (3) "**Priority item**" is an item that is denoted in this Code with a superscript P- ^P.

4 (4) "**Priority item**" is also known as CRITICAL ITEM.

5 **Priority Foundation Item.**

6 (1) "**Priority foundation item**" means a provision in this Code whose application
7 supports, facilitates or enables one or more PRIORITY ITEMS.

8 (2) "**Priority foundation item**" includes an item that requires the purposeful
9 incorporation of specific actions, equipment or procedures by industry management to
10 attain control of risk factors that contribute to foodborne illness or injury such as
11 personnel training, infrastructure or necessary equipment, HACCP plans, documentation
12 or record keeping, and labeling; and

13 (3) "**Priority foundation item**" is an item that is denoted in this Code with a superscript
14 Pf - ^{Pf}.

15 (4) "**Priority foundation item**" is also known as CRITICAL ITEM.

16

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

21

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

23 "**Commissioner**" means the Commissioner of Health for the City of St. Louis.

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

27 "**Grocery store**" means a food establishment in which any place or section of the place offers
28 food and food products to the consumer which are intended for off-premise consumption. The

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1 term includes delicatessens that offer prepared food in bulk quantities only, markets and
2 convenience stores that sell potentially hazardous foods that are prepackaged. The term does not
3 include establishments which handle only prepackaged, non-potentially hazardous foods;
4 roadside markets and open air markets that offer only whole, uncut fresh fruits and vegetables for
5 sale; restaurant type establishments; or food and beverage vending machines.

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

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

9 (1) Pushcarts, which are FOOD ESTABLISHMENTS that are non-motorized wheeled
10 carts propelled solely by human power;

11 (2) Full-prep mobile FOOD ESTABLISHMENTS, which are vehicles which serve
12 unpackaged FOOD prepared on or off the vehicle; and

13 (3) Packaged food mobile FOOD ESTABLISHMENTS, which are vehicles which
14 serve only pre-packaged, ready-to-eat FOOD or drink and/or whole, uncut fruit
15 and/or vegetables from an APPROVED source.

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

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

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

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

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

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

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

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

14 **2. Chapter 2.**

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

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

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

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

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

22 (B) Being a certified FOOD protection manager who has shown proficiency of required
23 information through passing a test that is part of an ACCREDITED PROGRAM; and

1 (d) Add as **2-201.14** the following:

2 **Hepatitis A Immunization**

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

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

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

22 A certificate of immunization as required by ¶(A) shall be sufficient for purposes of this
23 Section if it certifies that the EMPLOYEE has received the initial vaccination for the Hepatitis

1 A virus within the previous six (6) months, so long as such EMPLOYEE provides the PERMIT
2 HOLDER with a certification of the required booster shot within one year of the date of the
3 original vaccination.

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

5 (1) verify a certificate of immunization for the Hepatitis A virus from every
6 EMPLOYEE assigned to the preparation, display or service of FOOD for such
7 FOOD ESTABLISHMENT; or

8 (2) maintain a copy of the certificate of immunization for the Hepatitis A virus, or
9 other documents as provided for in this Section , for each designated EMPLOYEE
10 throughout the period of such EMPLOYEE'S employment and for a period of six (6)
11 months following the termination of such employment; or

12 (3) make copies of such certificates of immunization, or other documents as provided
13 for in ¶(A), available for inspection by inspectors for the REGULATORY AUTHORITY
14 or the State of Missouri,

15 shall constitute a violation of this ordinance and a hazard to public health. The
16 COMMISSIONER is authorized to suspend or revoke the FOOD ESTABLISHMENT
17 PERMIT of any PERSON found in violation of the provisions of this section as provided
18 by LAW.

19 (e) Add as **2-301.13** the following:

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

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

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

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

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

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

6

7 **3. Chapter 3.**

8 (a) Add the following:

9 **3-307.12:**

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

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

16 (b) Add the following:

17 **3-701.132 Examination and Condemnation of Food**

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

21 (B) The REGULATORY AUTHORITY may, upon written notice to the owner or
22 PERSON IN CHARGE, issue an order placing a hold on any FOOD which the REGULATORY
23 AUTHORITY has probable cause to believe or has determined to be unwholesome or otherwise

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1 adulterated or misbranded. Under such a hold order, FOOD shall be permitted to be suitably
2 stored but may not be sold or given away. If this FOOD is not stored under the requirements of
3 this chapter, immediate condemnation and destruction of the FOOD shall be ordered by the
4 COMMISSIONER.

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

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

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

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

23 (B) FOOD prepared in a private home may not be used or offered for human consumption in

1 a FOOD ESTABLISHMENT or GROCERY STORE.

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

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

6 **4. Chapter 5.**

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

8 **5.104.12; Alternative Water Supply**

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

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

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

19 **5-204.11 Handwashing Sinks**

20 A HANDWASHING SINK shall be located:

- 21 (1) To allow convenient use by EMPLOYEES in FOOD preparation, FOOD
22 dispensing, and WAREWASHING areas; no EMPLOYEE in such areas shall be
23 required to travel more than twenty (20) feet from any work station, or to pass

1 through a door or other obstruction to reach a HANDWASHING SINK; and

2 (2) In, or immediately adjacent to, toilet rooms.

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

4 **5-202.12 Handwashing Sink, Installation.**

5 (A) A HANDWASHING SINK shall be equipped to provide water at a temperature of at
6 least 38°C (100°F) through a mixing valve or combination faucet.

7 (B) A steam mixing valve may not be used at a HANDWASHING SINK.

8 (C) A self-closing, slow-closing, or metering faucet shall provide a flow of water for at
9 least 15 seconds without the need to reactivate the faucet. Self-closing, slow-closing, or
10 metering faucets are prohibited in FOOD preparation, FOOD service or UTENSIL washing
11 areas.

12 (D) An automatic handwashing facility shall be installed in accordance with
13 manufacturer's instructions.

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

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

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

19 If located within the FOOD ESTABLISHMENT or GROCERY STORE, a storage area for
20 REFUSE, recyclables, and returnables shall meet the requirements specified under 6-101.11, 6-
21 201.11 – 6-201.18, 6-202.15, and 6-202.16.

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

23 (A) Receptacles and waste handling units for REFUSE, recyclables, and returnables used

1 with materials containing FOOD residue and used outside the FOOD ESTABLISHMENT or
2 GROCERY STORE shall be designed and constructed to have tight-fitting lids, doors, or covers.

3 **5. Chapter 6**

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

5 **6-301.12 Hand Drying Provision.**

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

8 (1) Individual, disposable towels;

9 (2) A continuous towel system that supplies the user with a clean towel; or

10 (3) A heated-air hand drying device; or

11 (4) A hand drying device that employs an air-knife system that delivers high velocity,
12 pressurized air at ambient temperatures

13 provided, items (2), (3), and (4) do not apply to handwashing sinks in FOOD preparation,
14 FOOD service or UTENSIL washing areas.

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

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

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

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

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

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1 **6-501.115 Prohibiting Animals**

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

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

7 (1) Edible FISH or decorative FISH in aquariums, shellfish or crustacea on
8 ICE or under refrigeration, and shellfish and crustacea in display tank systems;

9 (2) Patrol dogs accompanying police or security officers in offices and dining,
10 sales, and storage areas, and sentry dogs running loose in outside fenced areas;

11 (3) In areas that are not used for FOOD preparation and that are usually open
12 for customers, such as dining and sales areas, SERVICE ANIMALS that are
13 controlled by the disabled EMPLOYEE or PERSON, if a health or safety
14 HAZARD will not result from the presence or activities of the SERVICE
15 ANIMAL;

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

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

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

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

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

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

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

11 (D) VARIANCES may be granted by the COMMISSIONER as provided by Section
12 10-101.13.

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

15 **1. Chapter 8 MOBILE FOOD SERVICE**

16 **8-101.11 Mobile Food Service-General**

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

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

23 (B) The REGULATORY AUTHORITY may grant a VARIANCE as provided by

1 §10-101.13 of requirements of this chapter relating to physical facilities, except those
2 requirements of §§8-101.16, 8-101.17, 8-101.18, and 8-101.19.

3 **8-101.12 Mobile Food Service-Restricted Operation**

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

12 **8-101.13 Mobile Food Service-Motorized Wheeled Vehicle Requirements**

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

- 15 (1) The vehicle shall be enclosed with top and sides.
- 16 (2) The interior floor, walls and ceiling of each vehicle shall be of smooth, not
17 readily corrodible, impervious material capable of withstanding repeated washing
18 and scrubbing and shall be finished in a light color. Each vehicle shall be well-
19 painted, in good repair, in good sanitary condition, and shall not be used for any
20 other purpose except as provided in this section.
- 21 (3) The FOOD service sections of the vehicle shall be insect and rodent proof.
- 22 (4) The FOOD ESTABLISHMENT reference number shall appear on both

1 sides of the vehicle in letters at least two inches in height.

2 (5) All FOOD service EQUIPMENT utilized in the mobile FOOD operation
3 shall be of easily cleanable construction and shall be maintained in good repair
4 and shall be clean.

5 (6) When required, a ventilation system shall be provided and operated in
6 compliance with §§4-202.18, 4-204.11 and 4-301.14.

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

9 (1) Constructed of stainless steel or other corrosion resistant nonabsorbent
10 material and shall be easily cleanable and durable under normal conditions.

11 (2) All EQUIPMENT utilized in the FOOD service operation shall be National
12 Sanitation Foundation (NSF) approved or equivalent.

13 (3) Such additional features related to the safe dispensing of FOOD, beverage
14 and flavorings, as may be required by the REGULATORY AUTHORITY.

15 (4) The FOOD ESTABLISHMENT reference number shall appear on both sides
16 of the cart in letters at least two inches in height.

17 **8-101.14 Mobile Food Service-Refrigeration and Heating Equipment***

18 (A) Adequate mechanical refrigeration or its equivalent as approved by the
19 REGULATORY AUTHORITY shall be provided and all POTENTIALLY HAZARDOUS
20 FOOD and other perishable products, including meat sandwiches, ice cream, ice milk, frozen
21 dessert mix and frozen desserts, shall be stored in the vehicle at a temperature not in excess of
22 41° F (5° C).

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

4 **8-101.15 Mobile Food Service-Single Service and Single Use Articles***

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

8 **8-101.16 Mobile Food Service-Water-System***

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

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

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

18 **8-101.17 Mobile Food Service-Waste Retention***

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

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

6 **8-101.18 Mobile Food Service-Commissary, Base of Operations***

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

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

13 **8-101.19 Mobile Food Service-Servicing**

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

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

21 **8-101.20 Mobile Food Service-Servicing Operations***

22 (A) Potable water servicing EQUIPMENT shall be installed according to LAW and

1 shall be stored and handled in a way that protects the water and EQUIPMENT from
2 contamination.

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

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

13 **2. Chapter 9 TEMPORARY FOOD SERVICE**

14 **9-101.11 General Information** A TEMPORARY FOOD
15 ESTABLISHMENT shall comply with the requirements of this ordinance. The REGULATORY
16 AUTHORITY may impose additional requirements to protect against health HAZARDS related
17 to the conduct of the TEMPORARY FOOD ESTABLISHMENT, may prohibit the sale of some
18 or all POTENTIALLY HAZARDOUS FOOD, and may grant a VARIANCE as provided by
19 **Section 10-101.13** of requirements of this chapter.

20 **9-101.12 Restricted Operations**

21 (A) This section applies whenever a TEMPORARY FOOD ESTABLISHMENT is
22 permitted, under **§9-101-11**, to operate without complying with all the requirements of this

1 chapter concerning temporary FOOD service.

2 (B) Only those POTENTIALLY HAZARDOUS FOODS requiring limited
3 preparation, such as hamburgers and frankfurters that only require seasoning and cooking, shall
4 be prepared or served. The preparation or service of other POTENTIALLY HAZARDOUS
5 FOOD, including pastries filled with cream or synthetic cream, custards, and similar products,
6 and salads or sandwiches containing MEAT, POULTRY, EGGS, or FISH, is prohibited. This
7 prohibition does not apply to any POTENTIALLY HAZARDOUS FOOD that has been prepared
8 and packaged under conditions meeting the requirements of this ordinance, is obtained in
9 individual servings, is stored at a temperature of 41°F (5°C) or below, or at a temperature of
10 135°F (57°C) or above, in facilities meeting the requirements of this chapter, and is served
11 directly in the unopened container in which it was packaged.

12 **9-101.13 Ice**

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

18 **9-101.14 Equipment**

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

21 (B) FOOD-CONTACT SURFACES or EQUIPMENT shall be protected from
22 contamination by CONSUMERS and other contaminating agents. Effective shields for such

1 EQUIPMENT shall be provided, as necessary, to prevent contamination.

2 **9-101.15 Single Service, Single-Use Articles**

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

6 **9-101.16 Water***

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

11 **9-101.17 Wet Storage**

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

14 **9-101.18 Waste***

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

16 **9-101.19 Hand Washing***

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

1 **9-101.20 Floors and Ceilings**

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

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

9 3. **Chapter 10 COMPLIANCE AND ENFORCEMENT**

10 **A. CODE APPLICABILITY**

11 **10-101.11 Underlying Purpose; Administration; Additional Requirements**

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

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

17 i) this ordinance is a police regulation necessary to protect the public health, safety,
18 welfare and peace;

19 ii) the effective administration of this ordinance will entail the exercise from time to time
20 of administrative discretion;

21 iii) it is not possible to provide in legislation comprehensive rules for the appropriate
22 exercise of administrative discretion in all circumstances relating to food preparation and

1 handling;

2 iv) accordingly, it is appropriate to vest discretion in the COMMISSIONER and the
3 REGULATORY AUTHORITY in circumstances where matters affecting safe food preparation
4 and handling are not expressly addressed by this ordinance, and it is the intent of the Board of
5 Aldermen, to the fullest extent permitted by law, to vest such discretion in the
6 COMMISSIONER and the REGULATORY AUTHORITY, to be exercised in furtherance of the
7 underlying purpose of this Ordinance.

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

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

16 **10-101.12 Preexisting Facilities or Equipment**

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

20 (1) Whether the facilities or EQUIPMENT are in good repair and capable of
21 being maintained in a sanitary condition;

22 (2) Whether FOOD-CONTACT SURFACES comply with §4-101.11; and

1 (3) Whether the capacities of cooling, heating and holding EQUIPMENT are
2 sufficient to comply with §4-301.11

3 **10-101.13 Variances: Modifications and Waivers**

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

9 **10-101.14 Documentation of Proposed Variance and Justification**

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

13 (A) A statement of the proposed VARIANCE of the ordinance requirement citing
14 relevant ordinance section numbers;

15 (B) An analysis of the rationale for how the potential public health HAZARDS or
16 nuisances addressed by the relevant ordinance sections will be alternatively addressed by the
17 proposal; and

18 (C) A HACCP PLAN if required as specified under ¶10-101.18(A) that includes the
19 information specified under §10-101.19 as it is relevant to the VARIANCE requested.

20 **10-101.15 Conformance with Approved Procedures**

21 If the COMMISSIONER grants a VARIANCE pursuant to §10-101.13, or a HACCP
22 PLAN is otherwise required as specified under §10.101.18, the PERMIT HOLDER shall:

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1 (A) Comply with the HACCP PLANS and procedures that are submitted as specified
2 under §10-101.19 and approved as a basis for the modification or waiver; and

3 (B) Maintain and provide to the REGULATORY AUTHORITY, upon request,
4 records specified under ¶¶10-101.19 (D) and (E) that demonstrate that the following are
5 routinely employed:

- 6 (1) Procedures for monitoring the CRITICAL CONTROL POINTS,
- 7 (2) Monitoring of the CRITICAL CONTROL POINTS,
- 8 (3) Verification of the effectiveness of the operation or process, and
- 9 (4) Necessary corrective actions if there is failure at a CRITICAL CONTROL
10 POINT.

11 **B. PLAN SUBMISSION AND APPROVAL**

12 **10-101.16 When Facility and Operating Plans Are Required**

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

- 15 (1) The construction of a FOOD ESTABLISHMENT or GROCERY STORE;
- 16 (2) The conversion of an existing structure for use as a FOOD ESTABLISHMENT or
17 GROCERY STORE;
- 18 (3) The remodeling of a FOOD ESTABLISHMENT or GROCERY STORE or a
19 change of type of FOOD ESTABLISHMENT or FOOD operation as specified under ¶10-
20 101.27(C) if the REGULATORY AUTHORITY determines that plans and specifications are
21 necessary to ensure compliance with this ordinance.

22 **10-101.17 Contents of the Plans and Specifications**

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

- 6 (1) Intended menu;
- 7 (2) Anticipated volume of FOOD to be stored, prepared, and sold or served;
- 8 (3) Proposed layout, mechanical schematics, construction materials, and finish
9 schedules;
- 10 (4) Proposed EQUIPMENT types, manufacturers, model numbers, locations,
11 dimensions, performance capacities, and installation specifications;
- 12 (5) Evidence that standard procedures that ensure compliance with the requirements
13 of this ordinance have been developed or are being developed; and
- 14 (6) Other information that may be required by the REGULATORY AUTHORITY for
15 the proper review of the proposed construction, conversion or modification, and
16 procedures for operating a FOOD ESTABLISHMENT.

17 **10-101.18 When a HACCP Plan is Required**

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

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

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

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

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

8 10-101.19 Contents of a HACCP Plan

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

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

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

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

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

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

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

- 3 (a) Each CRITICAL CONTROL POINT,
- 4 (b) The CRITICAL LIMITS for each CRITICAL CONTROL POINT,
- 5 (c) The method and frequency for monitoring and controlling each
6 CRITICAL CONTROL POINT by the FOOD EMPLOYEE designated by
7 the PERSON IN CHARGE,
- 8 (d) The method and frequency for the PERSON IN CHARGE to
9 routinely verify that the FOOD EMPLOYEE is following standard
10 operating procedures and monitoring CRITICAL CONTROL
11 POINTS,
- 12 (e) Action to be taken by the PERSON IN CHARGE if the CRITICAL
13 LIMITS for each CRITICAL CONTROL POINT are not met,
- 14 (f) Records to be maintained by the PERSON IN CHARGE to demonstrate
15 that the HACCP Plan is properly operated and managed, and
- 16 (g) Additional scientific data or other information, as required by the
17 REGULATORY AUTHORITY, supporting the determination that FOOD
18 safety is not compromised by the proposal.

19 **10-101.20 Food Service Sanitation Course Certificate; Food Handler**

20 **Training***

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

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

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

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

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

18 (F) The COMMISSIONER may by regulation effective not less than sixty days after
19 its issuance require that all FOOD handlers employed in FOOD or beverage
20 ESTABLISHMENTS or in retail FOOD operations successfully complete a FOOD handler
21 training program and earn a certificate of program completion. Newly employed FOOD handlers
22 shall complete such program within 30 days after the date of hire. FOOD handlers employed as

1 of the effective date of such regulation shall complete such program within one year after the
2 date of the effective date of such regulation. This training program shall consist of a short course
3 in FOOD handling safety presented by the REGULATORY AUTHORITY. After certification
4 FOOD handlers shall maintain a valid certificate of program completion at all times during
5 employment. The COMMISSIONER's regulation shall provide for a fee for this certification
6 based on the cost of the training program, the length and content of the required course, and the
7 duration of the certification. Any fees charged for such classes shall be held in a special fund, to
8 be applied, subject to establishment and appropriation, to expenses relating to the provision of
9 such FOOD handler training program.

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

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

16 **10-101.21 Trade Secrets**

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

21 **10-101.22 Pre-operational Inspections**

22 The REGULATORY AUTHORITY shall conduct one or more pre-operational PLAN

1 inspection to verify that a FOOD ESTABLISHMENT or GROCERY STORE is constructed and
2 equipped in accordance with the APPROVED PLANS and APPROVED modifications of those
3 PLANS and has established standard operating procedures as specified under ¶10-101.17(5).

4 **C. PERMIT TO OPERATE**

5 **10-101.23 Prerequisite for Operation**

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

9 **10-101.24 Application Procedure**

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

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

20 **10-101.25 Qualifications and Responsibilities of Applicants**

21 To qualify for a PERMIT, an applicant shall:

22 (1) Be an owner of the FOOD ESTABLISHMENT or GROCERY STORE or an

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

6 **10-101.26 Contents of Applications**

7 (A) Any application shall include:

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

18 (B) Mobile units must also submit:

- 19 (1) A letter of permission from the FOOD ESTABLISHMENT or GROCERY
- 20 STORE that will operate as the vehicle's servicing area.
- 21 (2) A copy of the latest inspection report of the FOOD ESTABLISHMENT or
- 22 GROCERY STORE that will operate as the vehicle's servicing area.

1 (3) The design of the mobile unit and the FOOD ESTABLISHMENT or
2 GROCERY STORE that will operate as the vehicle's servicing area for approval as a
3 whole.

4 (4) A proposed menu.

5 (C) Stationary establishments must also submit:

6 (1) a copy of a current occupancy permit for a new or remodeled FOOD
7 ESTABLISHMENT or GROCERY STORE;

8 (2) In new or remodeled establishments, a letter of approval from the
9 REGULATORY AUTHORITY, indicating that plans have been reviewed and
10 conform to the requirements of this ordinance;

11 (3) A statement specifying whether the FOOD ESTABLISHMENT or
12 GROCERY STORE is temporary or permanent.

13 (4) If the application is for a TEMPORARY FOOD ESTABLISHMENT, its
14 name and the dates, time and location of the proposed operation.

15 (D) If the application is for either a TEMPORARY or permanent FOOD
16 ESTABLISHMENT, the REGULATORY AUTHORITY shall make a PERMIT approval
17 inspection to determine compliance with the provisions of this ordinance.

18 **10-101.27 New, Converted, or Remodeled Establishments**

19 For FOOD ESTABLISHMENTS that are required to submit plans as specified under
20 **§10-101.16** the REGULATORY AUTHORITY shall issue a permit to the applicant after:

21 (1) A properly completed application is submitted;

22 (2) The required fee is submitted;

1 (3) The required plans, specifications, and information are reviewed and
2 APPROVED; and

3 (4) A preoperational inspection as specified in §10-101.22 shows that the
4 establishment is built or remodeled in accordance with the approved plans and
5 specifications and that the establishment is in compliance with this ordinance.

6 **10-101.28 Plan Review For Future Construction**

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

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

- 17 (a) Sixty dollars (\$60.00) if the establishment is determined to be in the low priority
18 category, or a GROCERY STORE;
- 19 (b) Eighty dollars (\$80.00) if the establishment is determined to be in the moderate
20 priority category;
- 21 (c) One hundred dollars (\$100.00) if the establishment is determined to be in the
22 high priority category.

1 **10-101.29 Existing Establishments, Permit Renewal, and Change of**
2 **Ownership**

3 The REGULATORY AUTHORITY may renew a PERMIT for an existing FOOD
4 ESTABLISHMENT or may issue a PERMIT to a new owner of an existing FOOD
5 ESTABLISHMENT after a properly completed application is submitted, reviewed, and
6 approved, the fees are paid, and an inspection shows that the establishment is in compliance with
7 this ordinance.

8 **10-101.30 Issuance of Permits and Fees**

9 (A) All PERMITS shall be issued and/or revoked by the COMMISSIONER.

10 (B) All PERMITS other than those for TEMPORARY FOOD ESTABLISHMENTS
11 are renewable annually, upon submission of updated contact information for the PERMIT
12 HOLDER on a standardized renewal form, payment of the appropriate annual fee, if any, and
13 determination of the COMMISSIONER that all other requirements of this ordinance are met.

14 (C) Applications for new annually renewable PERMITS are valid for only ninety (90)
15 calendar days and will be filed without further action if the PERMIT is not APPROVED within
16 that time. Any fee accompanying the application is non-refundable.

17 (D) Annual PERMITS expire on the last day of the twelfth month after the PERMIT
18 is originally issued. PERMIT renewal applications are due on or before the expiration date of the
19 PERMIT.

20 (E) The late filing charge for not timely filing an application to renew an annual
21 PERMIT shall be \$50.00 (fifty dollars) per day after the PERMIT expires. Failure to file an
22 application to renew an annual PERMIT by the fifteenth day after the PERMIT expires will

1 result in the COMMISSIONER issuing an ORDER OF CESSATION to the FOOD
2 ESTABLISHMENT, which will remain in effect until the PERMIT renewal is submitted and all
3 applicable renewal and late filing charges are paid.

4 (F) Permits for TEMPORARY FOOD ESTABLISHMENTS shall be issued for a
5 period of time not to exceed 14 days. PERMITS shall be applied for at least two (2) business
6 days prior to the operation of the TEMPORARY FOOD ESTABLISHMENT unless such
7 deadline is waived by the REGULATORY AUTHORITY.

8 (G) The License Collector shall issue a restaurant, alcoholic beverage or similar
9 business license to a person only upon presentation of the APPROVED inspection report from
10 the COMMISSIONER that all provisions of this ordinance have been met.

11 (H) The appropriate fee must accompany all applications for PERMITS.

12 (I) All PERMIT fees shall be in the form of a bank check or money order payable to
13 "Health Commissioner of the City of St. Louis". The COMMISSIONER may decide to accept
14 other methods of payment when feasible.

15 (J) PERMIT Fee Amounts shall be as follows:

16 (1) The Initial Fee for a PERMIT for a new FOOD ESTABLISHMENT shall
17 be one hundred sixty dollars (\$160.00);

18 (2) PERMIT Renewal Fees for FOOD ESTABLISHMENTS shall be based on a
19 priority assessment of each establishment conducted annually at the time
20 of PERMIT renewal. Priority assessments shall be based on the State of
21 Missouri Environmental Health Operational Guidelines, §3.2: Food
22 Establishment Public Health Priority Assessment Worksheet, a copy of

1 which is filed on record in the Office of the Register of the City of St.
2 Louis. Such fees shall be:

3 (a) One hundred thirty dollars (\$130.00) if the establishment is determined to be in
4 the low priority category;

5 (b) Two hundred twenty dollars (\$220.00) if the establishment is
6 determined to be in the moderate priority category;

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

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

11 (4) GROCERY STORE PERMIT fees shall be two hundred thirty five dollars
12 (\$235)

13

14 **10-101.31 Denial of Application for Permit, Notice.**

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

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

21 **10-101.32 Revocation of Permits**

22 (A) The COMMISSIONER may revoke a PERMIT:

1 (1) For serious or repeated violations of any of the requirements of this
2 ordinance;

3 (2) For failure to pay applicable fees or charges under this ordinance or
4 otherwise required by LAW;

5 (3) For materially false statements in an application for a PERMIT;

6 (4) For failure to have at least one representative who possesses a FOOD
7 Service Sanitation Course Certificate present during hours of operation.

8 (B) Process for Revocation

9 (1) If it has been determined that there is cause to revoke a PERMIT, the
10 COMMISSIONER shall provide an opportunity for a hearing by notifying the
11 PERMIT HOLDER or PERSON IN CHARGE of the FOOD

12 ESTABLISHMENT, in writing, of the reason or reasons for a hearing in which
13 the PERMIT is subject to revocation.

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

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

22 (4) A request for an appeal of a revocation determination can be filed with the

1 Board of Public Service within 10 days. If no appeal to the Board of Public
2 Service is made, the PERMIT shall be revoked and void without further action.

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

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

15 **10-101.33 Responsibilities of the Permit Holder**

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

18 (1) Post the PERMIT in a location in the FOOD ESTABLISHMENT or GROCERY
19 STORE that is conspicuous to CONSUMERS. Failure to post said PERMIT shall be
20 cause for suspension or revocation of the PERMIT;

21 (2) Comply with the applicable provisions of this ordinance, including but not limited
22 to the conditions of a granted VARIANCE as specified under **§10-101.15**, and

1 APPROVED PLANS as specified under §10-101.17;

2 (3) If a FOOD ESTABLISHMENT is required under §10-101.18 to operate under a
3 HACCP PLAN, comply with the PLAN as specified under §10-101.15;

4 (5) Immediately contact the REGULATORY AUTHORITY to report an illness of a
5 FOOD employee or CONDITIONAL EMPLOYEE as specified under §2-201.11;

6 (6) Immediately discontinue operations and notify the REGULATORY
7 AUTHORITY if an IMMINENT HEALTH HAZARD may exist as specified under §10-
8 101.49;

9 (7) Allow representatives of the REGULATORY AUTHORITY access to the FOOD
10 ESTABLISHMENT as specified under §10-101.40;

11 (8) Except as specified under ¶ (9) of this section, replace existing facilities and
12 EQUIPMENT specified in §10-101.11 with facilities and EQUIPMENT that comply with
13 this ordinance if:

14 (a) The REGULATORY AUTHORITY directs the replacement because the
15 facilities and EQUIPMENT constitute a public health HAZARD or nuisance or
16 no longer comply with the criteria upon which the facilities and EQUIPMENT
17 were accepted,

18 (b) The REGULATORY AUTHORITY directs the replacement of the
19 facilities and EQUIPMENT because of a change of ownership, or

20 (c) The facilities and EQUIPMENT are replaced in the normal course of
21 operation;

22 (9) Comply with directives of the REGULATORY AUTHORITY, including time

1 frames for corrective actions specified in inspection reports, notices, orders, warnings,
2 and other directives issued by the REGULATORY AUTHORITY in regard to the
3 PERMIT HOLDER's establishment or in response to community emergencies;

4 (10) Accept notices issued and served by the REGULATORY AUTHORITY
5 according to LAW; and

6 (11) Be subject to administrative, civil, injunctive, and criminal remedies or penalties
7 authorized in LAW for failure to comply with this ordinance or a directive of the
8 REGULATORY AUTHORITY, including time frames for corrective actions specified in
9 inspection reports, notices, orders, warnings, and other directives.

10 **10-101.34 Permits Not Transferable**

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

17 **D. INSPECTION AND CORRECTION OF VIOLATIONS**

18 **10-101.35 Routine Inspections**

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

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

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

6 (1) Establishments that are considered to be low priority shall be inspected at
7 least annually.

8 (2) Establishments that are considered to be medium priority shall be
9 inspected at least twice annually, or every 180 days.

10 (3) Establishments that are considered to be high priority shall be inspected at
11 least three times annually, or every 120 days.

12 (4) Establishments that are classified as Grocery Stores shall be inspected at
13 least annually.

14 **10-101.36 Performance and Risk-Based Inspections**

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

19 (A) Past performance, for nonconformance with ordinance or HACCP PLAN
20 requirements that are critical;

21 (B) Past performance, for numerous or repeat violations of ordinance or HACCP
22 PLAN requirements that are non-critical;

- 1 (C) Past performance, for complaints investigated and found to be valid;
- 2 (D) The HAZARDS associated with the particular FOODS that are prepared, stored,
3 or served;
- 4 (E) The type of operation including the methods and extent of FOOD storage,
5 preparation, and service;
- 6 (F) The number of people served; and
- 7 (G) Whether the population served is a HIGHLY SUSCEPTIBLE POPULATION.

8 **10-101.37 Grading of Food Establishments and Grocery Stores**

9 (A) Grades of establishments shall be as follows, provided, however, that the
10 COMMISSIONER may annually set and establish the method of determining specific grades,
11 based on CRITICAL ITEM violations on a numerical scale. The grade of any FOOD
12 ESTABLISHMENT or GROCERY STORE which is changed as a result of an inspection shall
13 be appropriately adjusted by replacing the grade decal(s) of the establishment:

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

22 (B) Upon inspection of any operating FOOD ESTABLISHMENT or GROCERY

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

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

13 **10-101.38 Location of Grade Decal**

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

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

21 (C) The grade decal must not be defaced, hidden from public view or removed, except
22 by the REGULATORY AUTHORITY. If the grade decal has been defaced, hidden from public

1 view or removed by someone other than the REGULATORY AUTHORITY, the establishment
2 will be subject to immediate downgrading and shall be fine up to five hundred dollars (\$500)
3 and/or suspension of the PERMIT by the COMMISSIONER.

4 **10-101.39 Competency of Inspectors**

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

8 **10-101.40 Access to Establishments**

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

16 **10-101.41 Refusal of Access**

17 Interference with a representative of the REGULATORY AUTHORITY, physically or
18 verbally, in the performance of official duties including refusal to allow access to the premises in
19 order to conduct an inspection, may result in the COMMISSIONER issuing an ORDER OF
20 CESSATION suspending a PERMIT for a period of time as determined appropriate by the
21 COMMISSIONER.

22 **10-101.42 Refusal; Reporting**

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

6 **10-101.43 Suspension of Permits**

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

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

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

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

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

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

22 (3) Failure to possess a FOOD Service Sanitation Course Certificate as

1 required by Section **§10-101.20**.

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

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

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

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

13 (8) As provided in **§10-101.51**.

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

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

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

20 **10-101.44 Documenting Information and Observations**

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

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1 (1) Administrative information about the FOOD ESTABLISHMENT'S legal identity,
2 street and mailing addresses, type of establishment and operation as specified under ¶10-101-26,
3 inspection date, and other information such as type of water supply and SEWAGE disposal,
4 status of the PERMIT, and personnel certificates that may be required; and

5 (2) Specific factual observations of violative conditions or other deviations from this
6 ordinance that require correction by the PERMIT HOLDER including:

7 (a) Failure of the PERSON IN CHARGE to demonstrate the knowledge of
8 FOOD borne illness prevention, application of HACCP principles, and the
9 requirements of this ordinance as specified under §2-102.11;

10 (b) Failure of FOOD EMPLOYEES, CONDITIONAL EMPLOYEES, and the
11 PERSON IN CHARGE to report a disease or medical condition as specified under
12 §2-201.11(B) and ¶2-201.11(D);

13 (c) Nonconformance with CRITICAL ITEMS as established by the
14 COMMISSIONER;

15 (d) Failure of the appropriate FOOD EMPLOYEES to demonstrate their
16 knowledge of, and ability to perform in accordance with, the procedural,
17 monitoring, verification, and corrective action practices required by the
18 REGULATORY AUTHORITY as specified under §10-101.15;

19 (e) Failure of the PERSON IN CHARGE to provide records required by the
20 REGULATORY AUTHORITY for determining
21 conformance with a HACCP PLAN as specified under ¶10-101.19(D)(6); and

22 (f) Nonconformance with CRITICAL LIMITS of a HACCP PLAN.

1 **10-101.45 Specifying Time Frame for Corrections**

2 The REGULATORY AUTHORITY shall specify on the inspection report form the
3 time frame for correction of the violations as specified under §§**10-101.49, 10-101.51, and 10-**
4 **101.52.**

5 **10-101.46 Issuing Report and Obtaining Acknowledgment of**
6 **Receipt**

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

11 **10-101.47 Refusal to Sign Acknowledgment**

12 The representative of the REGULATORY AUTHORITY shall:

13 (A) Inform a PERSON who declines to sign an acknowledgment of receipt of
14 inspectional findings as specified in §**10-101.46** that:

- 15 (1) An acknowledgment of receipt is not an agreement with
16 findings;
- 17 (2) Refusal to sign an acknowledgment of receipt will not affect the PERMIT
18 HOLDER's obligation to correct the violations noted in the inspection
19 report within the time frames specified; and
- 20 (3) A refusal to sign an acknowledgment of receipt will be noted in the
21 inspection report and conveyed to the REGULATORY AUTHORITY's
22 historical record for the establishment; and

1 (B) Make a final request that the PERSON IN CHARGE sign an acknowledgment
2 receipt of inspectional findings.

3 **10-101.48 Public Information**

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

7 **10-101.49 Ceasing Operations and Reporting**

8 (A) Except as specified in ¶(B) of this section, a PERMIT HOLDER shall immediately
9 discontinue operations and notify the REGULATORY AUTHORITY if an IMMINENT
10 HEALTH HAZARD may exist because of an emergency such as a fire, flood, extended
11 interruption of electrical or water service, SEWAGE backup, misuse of poisonous or toxic
12 materials, onset of an apparent FOOD-borne illness outbreak, gross insanitary occurrence or
13 condition, or other circumstance that may endanger public health.

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

16 **10-101.50 Resumption of Operations.**

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

20 **10-101.51 Violation of Critical Item**

21 (A) CRITICAL ITEM violations shall be corrected within a period not to exceed
22 forty-eight (48) hours. Failure to correct said violations may result in posting of a lowered

1 grade, an administrative fine of twenty five (\$25.00) per violation and/or suspension of the
2 PERMIT.

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

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

12 (D) Verification and Documentation of Correction.

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

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

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

7 **10-101.52 Noncritical Violation- Time Frame for Correction**

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

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

15
16 **E. PREVENTION OF FOODBORNE DISEASE TRANSMISSION BY EMPLOYEES**

17 **10-101.54 Prevention of Foodborne Disease Transmission by Employees-**

18 **Investigation and Control**

19 The REGULATORY AUTHORITY shall act when it has reasonable cause to
20 believe that a FOOD EMPLOYEE or CONDITIONAL EMPLOYEE has possibly transmitted
21 disease, may be infected with a disease in a communicable form that is transmissible through
22 FOOD, may be a carrier of infectious agents that cause a disease that is transmissible through

1 FOOD, or is affected with a boil, an infected wound, or acute respiratory infection, by:

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

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

7 **10-101.55 Restrictions or Exclusion of Food Employee, or**

8 **§ Summary Suspension of Permit**

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

- 14 (A) restricting the FOOD EMPLOYEE or CONDITIONAL EMPLOYEE;
15 (B) excluding the FOOD EMPLOYEE or CONDITIONAL EMPLOYEE; or
16 (C) closing the FOOD ESTABLISHMENT by summarily suspending a PERMIT to
17 operate in accordance with this ordinance and other applicable LAW.

18 **10-101.56 Procedure when Infection is Suspected or there is No Proof of**
19 **Hepatitis A Vaccine**

20 When the COMMISSIONER has reasonable cause to suspect possibility of disease
21 transmission from any FOOD ESTABLISHMENT EMPLOYEE, or finds that the establishment
22 proprietors have failed to comply with the requirements of **§2-201.14** with respect to an

1 EMPLOYEE, the COMMISSIONER shall secure a morbidity history of the suspected
2 EMPLOYEE, or make such other investigation as may be indicated, and take appropriate action.
3 The COMMISSIONER may, in the exercise of the COMMISSIONER's discretion, require any
4 or all of the following measures:

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

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

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

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

13 **10-101.57 Restriction or Exclusion Order: Warning or Hearing Not Required,**
14 **Information Required in Order**

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

19 (A) States the reasons for the restriction or exclusion;

20 (B) States the evidence that the FOOD EMPLOYEE or PERMIT HOLDER shall
21 provide in order to demonstrate that the reasons for the restrict or exclusion are eliminated;

22 (C) States that the suspected FOOD EMPLOYEE or the PERMIT HOLDER may

1 request an appeal hearing by submitting a timely request as provided by LAW; and

2 (D) Provides the name and address of the REGULATORY AUTHORITY

3 representative to whom a request for an appeal hearing may be made.

4 **10-101.58 Removal of Exclusions and Restrictions**

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

8 **Section Five. Penalties**

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

15 **Section Six. Captions**

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

18 **Section Seven. Severability.**

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

22 **Section Eight. Emergency Provision.**

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