

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLES OF CHAPTER 11 OF THE CODE OF THE CITY OF INDEPENDENCE, MISSOURI, PERTAINING TO FOOD ESTABLISHMENT AND RETAIL SANITATION AND ADOPTING THE SECTIONS OF THE FOOD AND DRUG ADMINISTRATION MODEL FOOD CODE, 2022 EDITION, AS THE FOOD ESTABLISHMENT AND RETAIL SANITATION CODE.

WHEREAS, the City of Independence desires to adopt the Food and Drug Administration Model Food Code, 2022 Edition; and,

WHEREAS, it has been determined that revisions are necessary to eliminate duplications and to clarify and organize sections of the code related to food establishments and retail sanitation;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. That Article 9, “Food Establishment and Retail Sanitation,” is hereby deleted in its entirety and a new Article 9, “Food Establishment and Retail Sanitation,” is hereby added to read as follows:

“Article 9. FOOD ESTABLISHMENT AND RETAIL SANITATION.

SEC. 11.09.001. ADOPTION OF THE UNITED STATES FOOD AND DRUG ADMINISTRATION/PUBLIC HEALTH SERVICE CURRENT FOOD CODE EDITION.
The 2022 Edition of the Model Food Code, as published by the United States Public Health Service, Food and Drug Administration is hereby adopted as the Food Establishment and Retail Sanitation Code of the City of Independence, Missouri, for the control of foodborne illness and food safety as herein provided, except such portions as are hereinafter deleted, modified or amended by this article.

SEC. 11.09.002 MODIFICATIONS TO 2022 Edition of the Model Food and Drug Administration Food Code.

A. The portions of the 2022 Edition of the Model Food and Drug Administration Food Code addressed in this subsection are not adopted by incorporation into this chapter. Rather, they are deleted or modified to read as follows:

1. Paragraph 6-301.11 Hand washing cleanser, Availability of the 2022 Food and Drug Administration Food Code is modified to read as follows:

- a. **Each hand washing sink or group of two adjacent hand washing sinks shall be provided with a supply of hand cleaning liquid soap.**

3. Paragraph 6-301.12 (A-D) of the 2022 Edition of the Model Food and Drug Administration Food Code is modified to read as follows:

- a. **Each hand washing sink or group of adjacent hand washing sinks shall be provided with individual, disposable towels.**

4. Paragraph 8-401.10 (A-C) of the 2022 Edition of the Model Food And Drug Administration food code is deleted in its entirety.

SEC. 11.09.003. DEFINITIONS.

The definitions in the section are in addition to the definitions in the 2022 Edition of the Model Food and Drug Administration Food Code. In this chapter, unless the context requires otherwise:

BAKE SALE means the act of selling or offering for sale baked goods that do not require time/temperature control for safety. Items must be labeled that food item was not prepared in a kitchen inspected by the health department.

BAKED GOOD means a food (such as donuts, cakes, breads, cookies, etc.) made from a dough or batter that is typically baked in an oven.

BAKERY means an establishment whose primary operation is the manufacture and sale of baked goods.

BULK FOOD means processed or unprocessed food in aggregate containers from which quantities desired by the consumer are withdrawn from said containers.

CATERING means the act of transporting ready to eat food from a permitted Food Establishment to another location or building for service on a per event basis for hire, and does not include a Temporary Food Service event.

CHURCH KITCHEN means a faith-based organization that stores, prepares, packages, serves, sells, vends, or otherwise provides food for human consumption and must meet regulation and standards of a Food Establishment.

COMMISSARY means a kitchen for a Catering establishment, or Mobile Food Service base of operations, or any place in which food, containers or supplies are kept, handled, prepared, packaged, or stored.

FOLLOW-UP INSPECTION means an inspection following the routine inspection.

FOOD AND DRINK ESTABLISHMENT means an operation that stores, prepares, packages, serves, sells, vends, or otherwise provides food and/or beverages for human consumption.

FOOD HANDLER PERMIT means a document issued or accepted by the City of Independence Health Department acknowledging Food Handler Training.

FOOD MANUFACTURING/WAREHOUSE means a commercial operation that manufactures, packages, labels or stores food for human consumption and does not provide food directly to the end consumer. This term does not include a Food Establishment, Retail Food Establishment, or Commissary operation.

FOOD PANTRY means a public or private Food Establishment that distributes time/temperature control (TCS) foods to low-income households to relieve situations of emergency or distress.

FOOD SERVICE MANAGER means the person or persons in charge of the operation of a Food Establishment and who has the authority to act on behalf of the holder of the Food

Establishment permit.

FOOD SERVICE WORKER means any person working in a Food Establishment that has contact with any food, beverage, utensil, dish, food contact surface, or ice.

FOOD TRANSPORTATION means delivery of food from a Food Service Establishment to another place while under the control of the Food Service Manager

FROZEN DESSERT ESTABLISHMENT means an establishment that manufactures on-site milk-based and other similar products designated as a frozen dessert by the Health Authority.

HEALTH AUTHORITY means the Director of Health of the City of Independence, Missouri or their designated representative.

LIMITED FOOD ESTABLISHMENT means an establishment that provides only prepackaged foods that do not require time/temperature control for safety.

MEAT PROCESSING means an operation that prepares, cuts and/or grinds the flesh of animals to be used as food for human consumption.

MISBRANDED means the presence of any written, printed, or graphic matter, upon or accompanying food or containers of food, which is false or misleading, or which violates any applicable federal, state or local labeling requirements.

MOBILE FOOD UNIT means a Food Establishment designed to be readily movable that returns to a Commissary daily for clean-up and service.

NON-PROFIT CONCESSION STAND means a snack kiosk and/or snack bar where patrons can purchase snacks or food and is operated by a non-profit organization, typically for fundraising purposes. Food served must require no or minimal preparation and no time/temperature control (TCS).

LATE FEE means a fee administered due to the late payment of a permit that requires additional notices, in person notification and/or additional processing.

PLAN REVIEW means a review of plans for a new or remodeled Food Establishment.

RE-INSPECTION FEE means a fee charged to an establishment for each additional re-inspection after the initial follow-up inspection

REINSTATEMENT FEE means a fee administered prior to reinstatement of a revoked permit for a Food Establishment.

REPLACEMENT PERMIT FEE means a fee administered for printing and processing a replacement health permit.

RETAIL FOOD ESTABLISHMENT means any store, location or place of business used for the sale at retail to the public of groceries for human consumption. The term includes any such place regardless of whether consumption is on or off of the premises and regardless of whether there is a charge for the food. Groceries include, but are not limited to prepackaged food, boxed goods, and canned goods.

SEASONAL FOOD SALES means the act of selling or offering for sale food items on a seasonal basis for no more than six (6) consecutive months.

SEPARATE FACILITY/FOOD/DRINK means additional facilities operating within the scope of a permitted establishment.

TEMPORARY FOOD SERVICE ESTABLISHMENT means a Food Establishment that operates at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration.

SEC. 11.09.00 4. FOOD PROTECTION.

A. Food prepared in a home shall not be used or offered for sale. This does not include a charitable Bake Sale or food prepared under RSMo. 71.990 – Home-Based Businesses.

B. Only ice which has been manufactured from potable water and handled in a sanitary manner shall be used or offered for sale. Ice offered for sale shall be packaged and properly labeled pursuant to state law.

C. Food items that are spoiled, damaged, or have been returned to the Food Service Establishment or Retail Establishment shall be segregated and held in designated areas pending proper disposition or disposed of under the supervision of the Health Authority.

D. Fish bait, which shall include both live and dead fish bait, shall be stored separately from food or food products.

SEC. 11.09.005. FROZEN DESSERT SAMPLE COLLECTION.

The Health Authority is authorized to collect frozen dessert samples from Frozen Dessert Retail Establishments for analysis.

SEC. 11.09.006. FOOD PREPARATION SINK

Food Establishments shall have a separate sink located within the food preparation area designated for food preparation activities. The sink shall have an integral drain board or an adjacent work table which should be utilized for food preparation purposes.

SEC. 11.09.007. FOOD DISPLAY.

A. Foods intended for sale in a frozen state will be displayed at an air temperature of 0°F (-18°C) or below, except for defrost cycles and brief periods of loading or unloading.

1. Frozen foods such as poultry, seafood, or organ meats that arrive in the Retail Establishment in a frozen state are to remain frozen and should not be thawed and refrozen before retail sale.

2. Meat that has been allowed to properly thaw should be provided with a sign or label which states "freshly thawed - not to be refrozen."

3. Frozen foods should be displayed below or behind product food lines according to cabinet manufacturers' specifications.

B. When food sample demonstrations and food promotions are authorized in a Retail Establishment, the person in charge shall ensure that such activities comply with the applicable sanitation provisions of this Chapter.

SEC. 11.09.008. FOOD TRANSPORTATION.

A. During transportation, food and food utensils shall be kept in covered containers or completely wrapped or packaged so as to be protected from contamination. Foods in original individual packages do not need to be overwrapped or covered if the original package has not been torn or broken. During transportation, including transportation to another location for service or Catering operations, food shall meet the requirements of this Article relating to food protection and food storage.

SEC. 11.09.009. INSECT AND RODENT CONTROL.

A. Food Service Managers shall maintain a file regarding insect and rodent control measures including the frequency of treatment and any findings of a licensed pest control operator.

SEC. 11.09.010. MOBILE FOOD UNITS.

A. Mobile Food Units or pushcarts shall comply with the requirements of this Article, except as otherwise provided in this section. The Health Authority may impose additional requirements to protect against health hazards related to the conduct of the Food Establishment as a mobile operation, may prohibit the sale of some or all time/temperature control for safety food, and when no health hazard will result, the Health Authority may waive or modify requirements of this Article

.

B. Types of Mobile Food Unit permits.

1. Restricted Mobile Food Units only serve food that is already prepared, except as provided in this section.

a. Restricted units shall:

- i. not be required to have a water or waste system, but if so equipped must comply with requirements of this Article; and
- ii. have overhead protection.

b. Frankfurters may be prepared and served if the unit is equipped with:

- i. adequate hand washing facilities; and
- ii. a three-compartment sink for ware washing or multiple sets of utensils, which will be washed at the Commissary.

2. Unrestricted Mobile Food Units offer food that is packaged or prepared on the vehicle including the slicing or peeling of fruits and vegetables.

a. Unrestricted units shall:

- i. be enclosed;
- ii. have adequate overhead protection;
- iii. have adequate hand washing facilities;
- iv. be equipped with a three-compartment sink for ware washing;
- v. have an approved water and waste system;
- vi. have written proof of an approved potable water source and approved waste disposal site; and
- vii. always have one person on duty with a current Food Service Manager permit.

3. Inspection frequency and permit fees are based on public health priority.

C. All Mobile Food Units or pushcarts shall provide only single-service articles for use by the consumer.

D. A Mobile Food Unit 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 requirements of this Article. 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. 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 Article.

E. If liquid waste results from operation of a Mobile Food Unit, the waste shall be stored in a permanently installed retention tank that is of at least fifteen (15) percent larger capacity than the water supply tank. Liquid waste shall not be discharged from the retention tank when the Mobile Food Unit is in motion. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

F. Mobile Food Units shall operate from a permitted Commissary or other permitted fixed Food Establishment and shall report at least daily to such location for all supplies.

G. The Commissary or other fixed Food Establishment used as a base of operation for Mobile Food Units shall be constructed and operated in compliance with the requirements of this Article. The most recent inspection report of the above establishment shall be kept with the Mobile Food Unit during operation and be provided to the Health Authority upon request.

H. A Mobile Food Unit servicing area shall be provided and shall include at least overhead protection for cleaning and servicing all food contact surfaces.

I. The surface of the servicing area shall be constructed of a smooth nonabsorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair, kept clean, and be graded to drain.

J. 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. Potable water must be obtained from an approved source.

K. The Mobile Food Unit 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 sewerage disposal system in accordance with this Article.

L. When not in use, the Mobile Food Unit shall be stored at the Commissary or other approved location with no food contact surfaces exposed to the elements. Mobile Food Units are not to be stored at residential properties.

SEC. 11.09.012. LIMITED FOOD ESTABLISHMENTS.

A. A Limited Food Establishment does not require a health permit. However, upon receipt of a complaint, the Health Authority must be granted access to all areas of the establishment to conduct an investigation in accordance with this Chapter.

SEC. 11.09.013. TEMPORARY FOOD SERVICE ESTABLISHMENT.

A. A Temporary Food Service Establishment shall comply with the requirements of this Article, except as otherwise provided in this Section.

B. Failure to purchase a temporary event health permit five (5) business days prior to the event will result in the assessment of a late fee as outlined in the Schedule of Fees to cover additional administrative costs for expedited processing, such as staff time and possible overtime costs.

C. Only those time/temperature control for safety foods requiring no or limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, shall be prepared or served. The preparation or service of other time/temperature control for safety foods, 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 time/temperature control for safety food that has been prepared and packaged under conditions meeting the requirements of this Article, is obtained in individual servings, is stored at a temperature of 41°F or below or at a temperature of 135°F or above in facilities meeting the requirements of this Article, and is served directly in the unopened container in which it was packaged.

D. Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of this Article. 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.

E. Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the establishment.

F. Food-contact surfaces of 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.

G. All Temporary Food Service Establishments without effective facilities for cleaning and sanitizing tableware shall provide only single-service articles for use by the consumer.

H. Enough potable water shall be available in the 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.

I. All sewage, including liquid waste, shall be disposed of according to City Code.

J. A convenient hand washing facility shall be available for employee hand washing. This facility shall consist of, at least, warm running water, soap, and individual paper towels.

K. A Temporary Food Service Establishment shall include at least overhead protection for food preparation, cleaning and servicing of all food contact surfaces.

L. A fan capable of preventing flying insects from landing shall be provided.

SECTION 2. That Article 10, “Permitting and Compliance Procedures,” is hereby deleted in its entirety and amended to read as follows:

“Article 10. PERMITTING AND COMPLIANCE PROCEDURES.

SEC.11.10.001 FOOD ESTABLISHMENT PRIORITIES.

A. Additional inspections of the Food Establishment shall be performed as often as necessary for the enforcement of this Article. Food establishments shall be categorized in accordance with the Missouri Department of Health Bureau of Community Environmental Health Food Establishment Public Health Priority Assessment Worksheet.

1. HIGH PRIORITY FOOD ESTABLISHMENT means an establishment that scores as a High Priority Establishment on the food service permit application form created by the Health Authority indicating the establishment will be inspected at least three (3) times during the calendar year.

2. MEDIUM PRIORITY FOOD ESTABLISHMENT means an establishment that scores as a Medium Priority Establishment on the food service permit application form created by the Health Authority indicating the establishment will be inspected at least two (2) times during the calendar year.

3. LOW PRIORITY FOOD ESTABLISHMENT means an establishment that scores as a Low Priority Establishment on the food service permit application form created by the Health Authority indicating the establishment will be inspected at least one (1) time during the calendar year.

SEC. 11.10.002. FOOD HANDLER PERMIT.

A. Every Food Service Worker and every employer of such person who prepares, handles, or dispenses food for human consumption, or who comes into contact with food or food preparation utensils, shall within fifteen (15) calendar days of employment as a food handler or from the date of commencing the business of a Food Establishment, under the direction of the Health Authority, obtain a Food Handler Permit. Permits shall be issued upon completion of a food handler training course conducted by the Health Department of the City of Independence, or by completion of an alternate food handler training course which is approved by the Health Authority of the City of Independence and payment of the permit fee. Permits shall be renewed every three (3) years. However, such permit fee shall not be charged to those persons who are working without compensation at religious, charitable or nonprofit organization's events. A copy of such permit shall be deposited with the management of the establishment during the tenure of that person's employment.

B. The Food Handler Permit shall be carried at all times by the holder thereof while engaging in the work of a food handler, and shall be displayed upon demand of the Health Authority. Failure to exhibit a valid Food Handler Permit to the Health Authority shall be presumptive evidence that said person is not a duly licensed food handler. Establishments are responsible for maintaining and updating their list of employees Food Handler Permits every three months. Management staffing completing Food Safety Certification program will not be required to obtain a Food Handlers Permit.

C. Employees and employers of any Retail Food Establishment which handles only packaged foods are exempt from this requirement. Volunteers preparing food at Non-Profit Concession Stands are exempt from obtaining a Food Handler Permit.

D. Upon witnessing a violation of this Chapter, the Health Authority may immediately suspend and repossess a Food Handler Permit. Any worker or manager whose Food Handler Permit is suspended may request a hearing under provisions of this Article.

E. It shall be unlawful for any employer to allow a food handler to work in a Food Establishment in violation of this section.

SEC. 11.10.003. FOOD SERVICE MANAGERS

A. Whenever food is being prepared, handled or dispensed for human consumption, there shall be present on the premises of the Food Establishment a Food Service Manager. A three (3) year Food Service Manager permit shall be issued upon successful completion of a manager food safety training course and a written examination conducted by the Health Department of the City of Independence, or by completion of any other food manager training course which is approved by the Health Department of the City of Independence and payment of the permit fee. A copy of such permit shall be kept on file at the location of the Food Establishment during the tenure of the Food Service Manager's employment. The Food Service Manager must be able to demonstrate knowledge of food borne disease prevention, application of hazardous analysis critical control points (HACCP) principles and requirements of the food code.

B. The following are exempt from obtaining a Food Service Manager's permit:

- 1. Registered Dietician (RD).**
- 2. Certified Dietary Manager (CDM).**
- 3. Unpaid manager of a Non-Profit Concession Stand**
- 4. Unpaid manager of a Church Kitchen**

C. The Food Service Manager permit shall be carried at all times by the Food Service Manager during the hours while engaging in the duties of Food Service Manager. This permit shall be displayed upon request of the Health Authority. Failure to exhibit a valid Food Service Manager permit to the Health Authority shall be presumptive evidence that said person is not a duly permitted Food Service Manager.

D. Upon witnessing a violation of this Chapter, the Health Authority may immediately repossess the permit of the offending Food Service Manager. Any Food Service Manager whose permit is repossessed or otherwise suspended may request a hearing under the provisions of this Article.

E. It shall be unlawful for the owner or operator of a Food Establishment to allow the preparation, handling or dispensing of food for human consumption on the premises of a Food Establishment without the presence on the premises of a Food Service Manager, or to allow a Food Service Manager to work in violation of this Article.

SEC. 11.10.004. POWERS OF THE HEALTH AUTHORITY:

- A. The Health Authority may suspend any permit to operate a food establishment if:**
- 1. The holder of the permit does not comply with the requirements of this Article, or**
 - 2. If the operation of the establishment does not comply with the requirements of this Article, or**
 - 3. If the operation of the Food Establishment otherwise constitutes a substantial hazard to public health.**
- B. Suspension is effective upon service of the notice required by paragraph A of section 11.10.005 . The Health Authority may end the suspension at any time if reasons for suspension no longer exist.**

B. The HEALTH AUTHORITY shall:

- 1. Take such action as is necessary to maintain health and sanitation supervision within the City of Independence;**
- 2. Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within the City of Independence;**

3. Take such measures as he deems necessary in order to promote and protect the public health

4. The Health Authority may seek to enjoin violations of this Article.

C. When a Food Establishment permit is suspended, food service operations shall immediately cease. Whenever a Food Establishment permit is suspended, the holder of the permit shall be afforded an opportunity for a hearing within ten (10) days of receipt of a written request for hearing.

D. The Health Authority may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of this Article or for interference with the Health Authority in the performance of duty.

E. Representatives of the Health Authority, after proper identification, shall be permitted to enter any Food Establishment at any reasonable time for the purpose of making inspections to determine compliance with this Article. The representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used, and to examine food handlers' permits.

F. When the Health Authority acts, regarding temporary food service events, waivers or modifications shall supersede the other provisions of this Article on the terms specifically stated. The Health Authority may, in writing, waive or modify requirements of this Article, in the interests of health, safety and convenience.

SEC. 11.10.005. COMPLIANCE PROCEDURES

A. Whenever a Food Establishment permit is suspended, the holder of the permit or the Food Service Manager shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if a written request for hearing is filed with the Health Authority by the holder of the permit within ten (10) days. If no written request for hearing is filed with ten (10) days, the suspension is sustained.

B. Prior to revocation, the Health Authority shall notify, in writing, the holder of the permit or the Food Service Manager, of the specific reason(s) for which the permit is to be revoked and that the permit shall be revoked at the end of the ten (10) days following service of such notice unless a written request for hearing is filed with the Health Authority by the holder of the permit within such ten (10) day period. If no request for hearing is filed within the ten (10) day period, the revocation of the permit becomes final.

C. A notice provided for in this Article is properly served when it is delivered to the holder of the permit or the Food Service Manager, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the Health Authority.

D. The hearings provided for in this Article shall be conducted by the Health Authority at a time and place designated by him/her. Any oral testimony given at a hearing shall be reported verbatim, and the presiding officer shall make provision for sufficient copies of the transcript. The Health Authority shall make a final finding based upon the complete hearing record and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the Health Authority.

E. Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit.

SEC. 11.10.006. ENFORCEMENT PROVISIONS.

A. It shall be unlawful for any person to operate a Food Establishment within the City who does not possess a permit approved by the Health Authority. It shall be unlawful for any person to operate a Food Service Establishment with a permit that has been suspended or revoked. Only a person who complies with the requirements of this Article shall be entitled to such a permit. Permits shall not be transferable from person to person or place to place.

B. It shall be unlawful for any Food Service Worker or Food Service Manager to fail to comply within a reasonable amount of time to a lawful order of the Health Authority or to remove or deface a placard or notice posted under the provisions of this Code.

C. Whenever an inspection of a Food Establishment is made, the findings shall be recorded on the inspection report. The inspection report form shall summarize the requirements of this Article. Inspectional remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. A copy of the completed inspection report form shall be furnished to the Food Service Manager of the establishment at the conclusion of the inspection and a copy shall be posted in a public area for persons to view.

D. Penalty. Any person (or responsible officer of that person) who violates a provision of this Article and any person (or responsible officer of that person) who is the holder of a permit or who otherwise operates a food establishment that does not comply with the requirements of this Article, shall upon conviction, be subject to imprisonment for not more than six (6) months or to a fine not more than Five Hundred Dollars (\$500.00) or both.

E. Should any section, paragraph, sentence, clause, or phrase of this Article be declared unconstitutional or invalid for any reason, the remainder of said Article shall not be affected thereby.

F. Food from Food Establishments outside the jurisdiction of the Health Authority of the City of Independence, Missouri, may be sold within the City of Independence, Missouri, if such Food Establishments conform to the provisions of this Article or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Health Authority may accept reports from responsible authorities in other jurisdictions where such Food Establishments are located.

SEC. 11.10.007. HEALTH PERMIT FEES.

Permit fees shall be assessed in accordance with the approved Schedule of Fees.

SEC. 11.10.008. AUTHORITY TO ISSUE CITATIONS.

A. The Director of Health, or any authorized representative, is authorized to issue and serve complaints, general ordinance summons and citations on persons charged with violations of this Article.

SEC. 11.10.009. CORRECTION TIMELINE AND ADMINISTRATION OF REINSPECTION FEES.

A. The completed inspection report form shall specify a time period of seventy-two (72) hours for the correction of Priority Item violations found, and correction of the violations shall be accomplished within the seventy-two (72) hour time period in accordance with the following provisions:

- 1. Operations shall not be resumed until authorized by the Health Authority.**
- 2. Priority Item violations should be corrected at the time they are identified, if possible. Otherwise, a follow-up inspection shall be conducted to confirm compliance. If violations have not been corrected at the time of the follow-up inspection, a re-inspection fee will be charged for each additional inspection until all Priority Item violations have been corrected.**
- 3. All Core Item Violations shall be corrected, as soon as possible, but in any event, by the time of the next routine inspection.**
- 4. When an establishment is considered below minimum standards , the establishment shall initiate corrective action on all identified Priority Item violations within twenty-four (24) hours or be subject to closure. One or more reinspections will be conducted by the inspector to assure correction.**
- 5. The inspection report shall state that failure to comply with any time limits for corrections may result in cessation of food service operations. An opportunity for hearing on the inspection findings or the time limitations or both will be provided if a written request is filed with the Health authority within ten (10) days following cessation of operations. If a request for hearing is received, a hearing shall be held within twenty (20) days of receipt of the request.**
- 6. Food establishments shall not resume operations until it is shown on reinspection that conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time.**
- 7. In the case of Temporary Food Service Establishments, all violations shall be corrected immediately. If violations are not corrected immediately, the establishment shall immediately cease food service operations until authorized by the Health Authority.**

SECTION 3. That the effective date of this ordinance shall be July 1, 2025, and all previously adopted food service and retail food establishment sanitation codes shall remain in effect until that date.

SECTION 4. That correction of any scrivener errors identified within Articles 9 and 10 of Chapter 11 are hereby authorized by this ordinance.

PASSED THIS _____ DAY OF _____, 2025, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED AS TO FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager

NOTE: Words underscored and bolded are being added by this ordinance.

BILL NO. 25-C20

ORDINANCE NO. 196666

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3. Paragraph 6-301.12 (A-D) of the 2022 Edition of the Model Food and Drug Administration Food Code is modified to read as follows:

- a. Each hand washing sink or group of adjacent hand washing sinks shall be provided with individual, disposable towels.

4. Paragraph 8-401.10 (A-C) of the 2022 Edition of the Model Food And Drug Administration food code is deleted in its entirety.

SEC. 11.09.003. DEFINITIONS.

The definitions in the section are in addition to the definitions in the 2022 Edition of the Model Food and Drug Administration Food Code. In this chapter, unless the context requires otherwise:

BAKE SALE means the act of selling or offering for sale baked goods that do not require time/temperature control for safety. Items must be labeled that food item was not prepared in a kitchen inspected by the health department.

BAKED GOOD means a food (such as donuts, cakes, breads, cookies, etc.) made from a dough or batter that is typically baked in an oven.

BAKERY means an establishment whose primary operation is the manufacture and sale of baked goods.

BULK FOOD means processed or unprocessed food in aggregate containers from which quantities desired by the consumer are withdrawn from said containers.

CATERING means the act of transporting ready to eat food from a permitted Food Establishment to another location or building for service on a per event basis for hire, and does not include a Temporary Food Service event.

CHURCH KITCHEN means a faith-based organization that stores, prepares, packages, serves, sells, vends, or otherwise provides food for human consumption and must meet regulation and standards of a Food Establishment.

COMMISSARY means a kitchen for a Catering establishment, or Mobile Food Service base of operations, or any place in which food, containers or supplies are kept, handled, prepared, packaged, or stored.

FOLLOW-UP INSPECTION means an inspection following the routine inspection.

FOOD AND DRINK ESTABLISHMENT means an operation that stores, prepares, packages, serves, sells, vends, or otherwise provides food and/or beverages for human consumption.

FOOD HANDLER PERMIT means a document issued or accepted by the City of Independence Health Department acknowledging Food Handler Training.

FOOD MANUFACTURING/WAREHOUSE means a commercial operation that manufactures, packages, labels or stores food for human consumption and does not provide food directly to the end consumer. This term does not include a Food Establishment, Retail Food Establishment, or Commissary operation.

FOOD PANTRY means a public or private Food Establishment that distributes time/temperature control (TCS) foods to low-income households to relieve situations of emergency or distress.

FOOD SERVICE MANAGER means the person or persons in charge of the operation of a Food Establishment and who has the authority to act on behalf of the holder of the Food

Establishment permit.

FOOD SERVICE WORKER means any person working in a Food Establishment that has contact with any food, beverage, utensil, dish, food contact surface, or ice.

FOOD TRANSPORTATION means delivery of food from a Food Service Establishment to another place while under the control of the Food Service Manager

FROZEN DESSERT ESTABLISHMENT means an establishment that manufactures on-site milk-based and other similar products designated as a frozen dessert by the Health Authority.

HEALTH AUTHORITY means the Director of Health of the City of Independence, Missouri or their designated representative.

LIMITED FOOD ESTABLISHMENT means an establishment that provides only prepackaged foods that do not require time/temperature control for safety.

MEAT PROCESSING means an operation that prepares, cuts and/or grinds the flesh of animals to be used as food for human consumption.

MISBRANDED means the presence of any written, printed, or graphic matter, upon or accompanying food or containers of food, which is false or misleading, or which violates any applicable federal, state or local labeling requirements.

MOBILE FOOD UNIT means a Food Establishment designed to be readily movable that returns to a Commissary daily for clean-up and service.

NON-PROFIT CONCESSION STAND means a snack kiosk and/or snack bar where patrons can purchase snacks or food and is operated by a non-profit organization, typically for fundraising purposes. Food served must require no or minimal preparation and no time/temperature control (TCS).

LATE FEE means a fee administered due to the late payment of a permit that requires additional notices, in person notification and/or additional processing.

PLAN REVIEW means a review of plans for a new or remodeled Food Establishment.

RE-INSPECTION FEE means a fee charged to an establishment for each additional re-inspection after the initial follow-up inspection

REINSTATEMENT FEE means a fee administered prior to reinstatement of a revoked permit for a Food Establishment.

REPLACEMENT PERMIT FEE means a fee administered for printing and processing a replacement health permit.

RETAIL FOOD ESTABLISHMENT means any store, location or place of business used for the sale at retail to the public of groceries for human consumption. The term includes any such place regardless of whether consumption is on or off of the premises and regardless of whether there is a charge for the food. Groceries include, but are not limited to prepackaged food, boxed goods, and canned goods.

SEASONAL FOOD SALES means the act of selling or offering for sale food items on a seasonal basis for no more than six (6) consecutive months.

SEPARATE FACILITY/FOOD/DRINK means additional facilities operating within the scope of a permitted establishment.

TEMPORARY FOOD SERVICE ESTABLISHMENT means a Food Establishment that operates at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration.

SEC. 11.09.00 4. FOOD PROTECTION.

A. Food prepared in a home shall not be used or offered for sale. This does not include a charitable Bake Sale or food prepared under RSMo. 71.990 – Home-Based Businesses.

B. Only ice which has been manufactured from potable water and handled in a sanitary manner shall be used or offered for sale. Ice offered for sale shall be packaged and properly labeled pursuant to state law.

C. Food items that are spoiled, damaged, or have been returned to the Food Service Establishment or Retail Establishment shall be segregated and held in designated areas pending proper disposition or disposed of under the supervision of the Health Authority.

D. Fish bait, which shall include both live and dead fish bait, shall be stored separately from food or food products.

SEC. 11.09.005. FROZEN DESSERT SAMPLE COLLECTION.

The Health Authority is authorized to collect frozen dessert samples from Frozen Dessert Retail Establishments for analysis.

SEC. 11.09.006. FOOD PREPARATION SINK

Food Establishments shall have a separate sink located within the food preparation area designated for food preparation activities. The sink shall have an integral drain board or an adjacent work table which should be utilized for food preparation purposes.

SEC. 11.09.007. FOOD DISPLAY.

A. Foods intended for sale in a frozen state will be displayed at an air temperature of 0°F (-18°C) or below, except for defrost cycles and brief periods of loading or unloading.

1. Frozen foods such as poultry, seafood, or organ meats that arrive in the Retail Establishment in a frozen state are to remain frozen and should not be thawed and refrozen before retail sale.

2. Meat that has been allowed to properly thaw should be provided with a sign or label which states "freshly thawed - not to be refrozen."

3. Frozen foods should be displayed below or behind product food lines according to cabinet manufacturers' specifications.

B. When food sample demonstrations and food promotions are authorized in a Retail Establishment, the person in charge shall ensure that such activities comply with the applicable sanitation provisions of this Chapter.

SEC. 11.09.008. FOOD TRANSPORTATION.

A. During transportation, food and food utensils shall be kept in covered containers or completely wrapped or packaged so as to be protected from contamination. Foods in original individual packages do not need to be overwrapped or covered if the original package has not been torn or broken. During transportation, including transportation to another location for service or Catering operations, food shall meet the requirements of this Article relating to food protection and food storage.

SEC. 11.09.009. INSECT AND RODENT CONTROL.

A. Food Service Managers shall maintain a file regarding insect and rodent control measures including the frequency of treatment and any findings of a licensed pest control operator.

SEC. 11.09.010. MOBILE FOOD UNITS.

A. Mobile Food Units or pushcarts shall comply with the requirements of this Article, except as otherwise provided in this section. The Health Authority may impose additional requirements to protect against health hazards related to the conduct of the Food Establishment as a mobile operation, may prohibit the sale of some or all time/temperature control for safety food, and when no health hazard will result, the Health Authority may waive or modify requirements of this Article.

B. Types of Mobile Food Unit permits.

1. Restricted Mobile Food Units only serve food that is already prepared, except as provided

in this section.

a. Restricted units shall:

i. not be required to have a water or waste system, but if so equipped must comply with requirements of this Article; and

ii. have overhead protection.

b. Frankfurters may be prepared and served if the unit is equipped with:

i. adequate hand washing facilities; and

ii. a three-compartment sink for ware washing or multiple sets of utensils, which will be washed at the Commissary.

2. Unrestricted Mobile Food Units offer food that is packaged or prepared on the vehicle including the slicing or peeling of fruits and vegetables.

a. Unrestricted units shall:

i. be enclosed;

ii. have adequate overhead protection;

iii. have adequate hand washing facilities;

iv. be equipped with a three-compartment sink for ware washing;

v. have an approved water and waste system;

vi. have written proof of an approved potable water source and approved waste disposal site; and

vii. always have one person on duty with a current Food Service Manager permit.

3. Inspection frequency and permit fees are based on public health priority.

C. All Mobile Food Units or pushcarts shall provide only single-service articles for use by the consumer.

D. A Mobile Food Unit 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 requirements of this Article. 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. 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 Article.

E. If liquid waste results from operation of a Mobile Food Unit, the waste shall be stored in a permanently installed retention tank that is of at least fifteen (15) percent larger capacity than the water supply tank. Liquid waste shall not be discharged from the retention tank when the Mobile Food Unit is in motion. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

F. Mobile Food Units shall operate from a permitted Commissary or other permitted fixed Food Establishment and shall report at least daily to such location for all supplies.

G. The Commissary or other fixed Food Establishment used as a base of operation for Mobile Food Units shall be constructed and operated in compliance with the requirements of this Article. The most recent inspection report of the above establishment shall be kept with the Mobile Food Unit during operation and be provided to the Health Authority upon request.

H. A Mobile Food Unit servicing area shall be provided and shall include at least overhead protection for cleaning and servicing all food contact surfaces.

I. The surface of the servicing area shall be constructed of a smooth nonabsorbent material, such as concrete or machine-laid asphalt and shall be maintained in good repair, kept clean, and be graded to drain.

J. 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. Potable water must be obtained from an approved source.

K. The Mobile Food Unit 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 sewerage disposal system in accordance with this Article.

L. When not in use, the Mobile Food Unit shall be stored at the Commissary or other approved location with no food contact surfaces exposed to the elements. Mobile Food Units are not to be stored at residential properties.

SEC. 11.09.012. LIMITED FOOD ESTABLISHMENTS.

A. A Limited Food Establishment does not require a health permit. However, upon receipt of a complaint, the Health Authority must be granted access to all areas of the establishment to conduct an investigation in accordance with this Chapter.

SEC. 11.09.013. TEMPORARY FOOD SERVICE ESTABLISHMENT.

A. A Temporary Food Service Establishment shall comply with the requirements of this Article, except as otherwise provided in this Section.

B. Failure to purchase a temporary event health permit five (5) business days prior to the event will result in the assessment of a late fee as outlined in the Schedule of Fees to cover additional administrative costs for expedited processing, such as staff time and possible overtime costs.

C. Only those time/temperature control for safety foods requiring no or limited preparation, such as hamburgers and frankfurters that only require seasoning and cooking, shall be prepared or served. The preparation or service of other time/temperature control for safety foods, 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 time/temperature control for safety food that has been prepared and packaged under conditions meeting the requirements of this Article, is obtained in individual servings, is stored at a temperature of 41°F or below or at a temperature of 135°F or above in facilities meeting the requirements of this Article, and is served directly in the unopened container in which it was packaged.

D. Ice that is consumed or that contacts food shall be made under conditions meeting the requirements of this Article. 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.

E. Equipment shall be located and installed in a way that prevents food contamination and that also facilitates cleaning the establishment.

F. Food-contact surfaces of 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.

G. All Temporary Food Service Establishments without effective facilities for cleaning and sanitizing tableware shall provide only single-service articles for use by the consumer.

H. Enough potable water shall be available in the 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.

I. All sewage, including liquid waste, shall be disposed of according to City Code.

J. A convenient hand washing facility shall be available for employee hand washing. This facility shall consist of, at least, warm running water, soap, and individual paper towels.

K. A Temporary Food Service Establishment shall include at least overhead protection for food preparation, cleaning and servicing of all food contact surfaces.

L. A fan capable of preventing flying insects from landing shall be provided.

SECTION 2. That Article 10, "Permitting and Compliance Procedures," is hereby deleted in its entirety and amended to read as follows:

"Article 10. PERMITTING AND COMPLIANCE PROCEDURES.

SEC.11.10.001 FOOD ESTABLISHMENT PRIORITIES.

A. Additional inspections of the Food Establishment shall be performed as often as necessary for the enforcement of this Article. Food establishments shall be categorized in accordance with the Missouri Department of Health Bureau of Community Environmental Health Food Establishment Public Health Priority Assessment Worksheet.

1. HIGH PRIORITY FOOD ESTABLISHMENT means an establishment that scores as a High Priority Establishment on the food service permit application form created by the Health Authority indicating the establishment will be inspected at least three (3) times during the calendar year.

2. MEDIUM PRIORITY FOOD ESTABLISHMENT means an establishment that scores as a Medium Priority Establishment on the food service permit application form created by the Health Authority indicating the establishment will be inspected at least two (2) times during the calendar year.

3. LOW PRIORITY FOOD ESTABLISHMENT means an establishment that scores as a Low Priority Establishment on the food service permit application form created by the Health Authority indicating the establishment will be inspected at least one (1) time during the calendar year.

SEC. 11.10.002. FOOD HANDLER PERMIT.

A. Every Food Service Worker and every employer of such person who prepares, handles, or dispenses food for human consumption, or who comes into contact with food or food preparation utensils, shall within fifteen (15) calendar days of employment as a food handler or from the date of commencing the business of a Food Establishment, under the direction of the Health Authority, obtain a Food Handler Permit. Permits shall be issued upon completion of a food handler training course conducted by the Health Department of the City of Independence, or by completion of an alternate food handler training course which is approved by the Health Authority of the City of Independence and payment of the permit fee. Permits shall be renewed every three (3) years. However, such permit fee shall not be charged to those persons who are working without compensation at religious, charitable or nonprofit organization's events. A copy of such permit shall be deposited with the management of the establishment during the tenure of that person's employment.

B. The Food Handler Permit shall be carried at all times by the holder thereof while engaging in the work of a food handler, and shall be displayed upon demand of the Health Authority. Failure to exhibit a valid Food Handler Permit to the Health Authority shall be presumptive evidence that said person is not a duly licensed food handler. Establishments are responsible for maintaining and updating their list of employees Food Handler Permits every three months. Management staffing completing Food Safety Certification program will not be required to obtain a Food Handlers Permit.

C. Employees and employers of any Retail Food Establishment which handles only packaged foods are exempt from this requirement. Volunteers preparing food at Non-Profit Concession Stands are exempt from obtaining a Food Handler Permit.

D. Upon witnessing a violation of this Chapter, the Health Authority may immediately suspend and repossess a Food Handler Permit. Any worker or manager whose Food Handler Permit is suspended may request a hearing under provisions of this Article.

E. It shall be unlawful for any employer to allow a food handler to work in a Food Establishment in violation of this section.

SEC. 11.10.003. FOOD SERVICE MANAGERS

A. Whenever food is being prepared, handled or dispensed for human consumption, there shall be present on the premises of the Food Establishment a Food Service Manager. A three (3) year Food Service Manager permit shall be issued upon successful completion of a manager food safety training course and a written examination conducted by the Health Department of the City of Independence, or by completion of any other food manager training course which is approved by the Health Department of the City of Independence and payment of the permit fee. A copy of such permit shall be kept on file at the location of the Food Establishment during the tenure of the Food Service Manager's employment. The Food Service Manager must be able to demonstrate knowledge of food borne disease prevention, application of hazardous analysis critical control points (HACCP) principles and requirements of the food code.

B. The following are exempt from obtaining a Food Service Manager's permit:

- 1. Registered Dietician (RD).**
- 2. Certified Dietary Manager (CDM).**
- 3. Unpaid manager of a Non-Profit Concession Stand**
- 4. Unpaid manager of a Church Kitchen**

C. The Food Service Manager permit shall be carried at all times by the Food Service Manager during the hours while engaging in the duties of Food Service Manager. This permit shall be displayed upon request of the Health Authority. Failure to exhibit a valid Food Service Manager permit to the Health Authority shall be presumptive evidence that said person is not a duly permitted Food Service Manager.

D. Upon witnessing a violation of this Chapter, the Health Authority may immediately repossess the permit of the offending Food Service Manager. Any Food Service Manager whose permit is repossessed or otherwise suspended may request a hearing under the provisions of this Article.

E. It shall be unlawful for the owner or operator of a Food Establishment to allow the preparation, handling or dispensing of food for human consumption on the premises of a Food Establishment without the presence on the premises of a Food Service Manager, or to allow a Food Service Manager to work in violation of this Article.

SEC. 11.10.004. POWERS OF THE HEALTH AUTHORITY:

- A. The Health Authority may suspend any permit to operate a food establishment if:**
- 1. The holder of the permit does not comply with the requirements of this Article, or**
 - 2. If the operation of the establishment does not comply with the requirements of this Article, or**
 - 3. If the operation of the Food Establishment otherwise constitutes a substantial hazard to public health.**
- B. Suspension is effective upon service of the notice required by paragraph A of section 11.10.005 . The Health Authority may end the suspension at any time if reasons for suspension no longer exist.**

B. The HEALTH AUTHORITY shall:

- 1. Take such action as is necessary to maintain health and sanitation supervision within the City of Independence;**
- 2. Control and prevent the spread of any dangerous, contagious or infectious diseases that may occur within the City of Independence;**

3. Take such measures as he deems necessary in order to promote and protect the public health

4. The Health Authority may seek to enjoin violations of this Article.

C. When a Food Establishment permit is suspended, food service operations shall immediately cease. Whenever a Food Establishment permit is suspended, the holder of the permit shall be afforded an opportunity for a hearing within ten (10) days of receipt of a written request for hearing.

D. The Health Authority may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of this Article or for interference with the Health Authority in the performance of duty.

E. Representatives of the Health Authority, after proper identification, shall be permitted to enter any Food Establishment at any reasonable time for the purpose of making inspections to determine compliance with this Article. The representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used, and to examine food handlers' permits.

F. When the Health Authority acts, regarding temporary food service events, waivers or modifications shall supersede the other provisions of this Article on the terms specifically stated. The Health Authority may, in writing, waive or modify requirements of this Article, in the interests of health, safety and convenience.

SEC. 11.10.005. COMPLIANCE PROCEDURES

A. Whenever a Food Establishment permit is suspended, the holder of the permit or the Food Service Manager shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if a written request for hearing is filed with the Health Authority by the holder of the permit within ten (10) days. If no written request for hearing is filed with ten (10) days, the suspension is sustained.

B. Prior to revocation, the Health Authority shall notify, in writing, the holder of the permit or the Food Service Manager, of the specific reason(s) for which the permit is to be revoked and that the permit shall be revoked at the end of the ten (10) days following service of such notice unless a written request for hearing is filed with the Health Authority by the holder of the permit within such ten (10) day period. If no request for hearing is filed within the ten (10) day period, the revocation of the permit becomes final.

C. A notice provided for in this Article is properly served when it is delivered to the holder of the permit or the Food Service Manager, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the Health Authority.

D. The hearings provided for in this Article shall be conducted by the Health Authority at a time and place designated by him/her. Any oral testimony given at a hearing shall be reported verbatim, and the presiding officer shall make provision for sufficient copies of the transcript. The Health Authority shall make a final finding based upon the complete hearing record and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the Health Authority.

E. Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit.

SEC. 11.10.006. ENFORCEMENT PROVISIONS.

A. It shall be unlawful for any person to operate a Food Establishment within the City who does not possess a permit approved by the Health Authority. It shall be unlawful for any person to operate a Food Service Establishment with a permit that has been suspended or revoked. Only a person who complies with the requirements of this Article shall be entitled to such a permit. Permits shall not be transferable from person to person or place to place.

B. It shall be unlawful for any Food Service Worker or Food Service Manager to fail to comply within a reasonable amount of time to a lawful order of the Health Authority or to remove or deface a placard or notice posted under the provisions of this Code.

C. Whenever an inspection of a Food Establishment is made, the findings shall be recorded on the inspection report. The inspection report form shall summarize the requirements of this Article. Inspectional remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. A copy of the completed inspection report form shall be furnished to the Food Service Manager of the establishment at the conclusion of the inspection and a copy shall be posted in a public area for persons to view.

D. Penalty. Any person (or responsible officer of that person) who violates a provision of this Article and any person (or responsible officer of that person) who is the holder of a permit or who otherwise operates a food establishment that does not comply with the requirements of this Article, shall upon conviction, be subject to imprisonment for not more than six (6) months or to a fine not more than Five Hundred Dollars (\$500.00) or both.

E. Should any section, paragraph, sentence, clause, or phrase of this Article be declared unconstitutional or invalid for any reason, the remainder of said Article shall not be affected thereby.

F. Food from Food Establishments outside the jurisdiction of the Health Authority of the City of Independence, Missouri, may be sold within the City of Independence, Missouri, if such Food Establishments conform to the provisions of this Article or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Health Authority may accept reports from responsible authorities in other jurisdictions where such Food Establishments are located.

SEC. 11.10.007. HEALTH PERMIT FEES.

Permit fees shall be assessed in accordance with the approved Schedule of Fees.

SEC. 11.10.008. AUTHORITY TO ISSUE CITATIONS.

A. The Director of Health, or any authorized representative, is authorized to issue and serve complaints, general ordinance summons and citations on persons charged with violations of this Article.

SEC. 11.10.009. CORRECTION TIMELINE AND ADMINISTRATION OF REINSPECTION FEES.

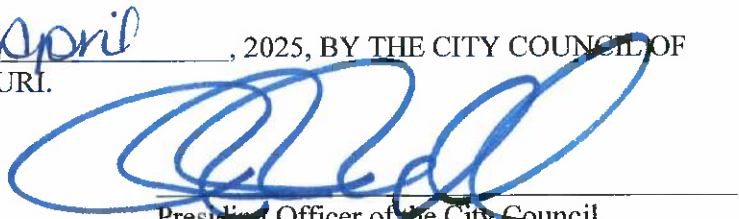
A. The completed inspection report form shall specify a time period of seventy-two (72) hours for the correction of Priority Item violations found, and correction of the violations shall be accomplished within the seventy-two (72) hour time period in accordance with the following provisions:

1. Operations shall not be resumed until authorized by the Health Authority.
2. Priority Item violations should be corrected at the time they are identified, if possible. Otherwise, a follow-up inspection shall be conducted to confirm compliance. If violations have not been corrected at the time of the follow-up inspection, a re-inspection fee will be charged for each additional inspection until all Priority Item violations have been corrected.
3. All Core Item Violations shall be corrected, as soon as possible, but in any event, by the time of the next routine inspection.
4. When an establishment is considered below minimum standards, the establishment shall initiate corrective action on all identified Priority Item violations within twenty-four (24) hours or be subject to closure. One or more reinspections will be conducted by the inspector to assure correction.
5. The inspection report shall state that failure to comply with any time limits for corrections may result in cessation of food service operations. An opportunity for hearing on the inspection findings or the time limitations or both will be provided if a written request is filed with the Health authority within ten (10) days following cessation of operations. If a request for hearing is received, a hearing shall be held within twenty (20) days of receipt of the request.
6. Food establishments shall not resume operations until it is shown on reinspection that conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time.
7. In the case of Temporary Food Service Establishments, all violations shall be corrected immediately. If violations are not corrected immediately, the establishment shall immediately cease food service operations until authorized by the Health Authority.

SECTION 3. That the effective date of this ordinance shall be July 1, 2025, and all previously adopted food service and retail food establishment sanitation codes shall remain in effect until that date.

SECTION 4. That correction of any scrivener errors identified within Articles 9 and 10 of Chapter 11 are hereby authorized by this ordinance.

PASSED THIS 21st DAY OF April, 2025, BY THE CITY COUNCIL OF
THE CITY OF INDEPENDENCE, MISSOURI.



Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

Suzanne Holloman
City Clerk

APPROVED AS TO FORM AND LEGALITY:

J. W. Lee
City Counselor

REVIEWED BY:

Zachary Walker
City Manager



NOTE: Words underscored and bolded are being added by this ordinance.