

ORDINANCE NO. 140412

Amending Chapter 30, Code of Ordinances, by repealing Section 30-73, Permits, and enacting in lieu thereof a new Section 30-73 of like title and subject matter to add food sharing permits to the Kansas City, Missouri Food Code for the purpose of protecting all recipients of food items; amending Section 30-701(b) by adding a new Section 30-701(b)(45) to require compliance with all laws; directing the City Manager to coordinate training and educational workshops with the Homeless Services Coalition of Greater Kansas City and to facilitate connections between Food Sharing permittees and neighborhood associations; and establishing an effective date.

WHEREAS, the mission of the Kansas City, Missouri Health Department is to promote, preserve and protect the health of Kansas City residents and visitors and prevent illness;

WHEREAS, food safety is a priority for the City of Kansas City, Missouri; and

WHEREAS, the goal of the Kansas City, Missouri Food Code ("Food Code") is to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented; and

WHEREAS, the Council recognizes that many members of the public experience what the United States Department of Agriculture calls "food insecurity," or a lack of "consistent access to adequate food limited by a lack of money and other resources at times during the year;" and

WHEREAS, food sharing is a noble activity fulfilling an essential need for those residents and visitors who are experiencing food insecurity;

WHEREAS, the Council believes that the Food Code needs to protect the safety of the food one is served, whether the meal is served at a high-priced restaurant or whether it is served free of charge from a charitable organization; and

WHEREAS, while food sharing is already covered by the Food Code, there may be some confusion as to which permit would apply to food sharing organizations; and

WHEREAS, it is recognized that a new food sharing permit will clarify the permitting process and allow the City to define requirements and highlight factors unique to the activity of food sharing such as waste reduction; and

WHEREAS, food sharing organizations should be held to standards equal to those of other establishments outlined in the code; and

WHEREAS, food sharing organizations and the public will benefit from training and workshops provided in conjunction with the Homeless Services Coalition of Greater Kansas City; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 30, Code of Ordinances is hereby amended by repealing Section 30-73, Permits, and enacting in lieu thereof a new Section 30-73 of like title and subject matter, to read as follows:

Sec. 30-73. Permits.

Section 8-301.11 of the 2005 Food Code is amended to read as follows: A PERSON may not operate a FOOD ESTABLISHMENT without a valid PERMIT to operate issued by the REGULATORY AUTHORITY. A PERMIT is required to apply for and obtain and pay for a separate FOOD ESTABLISHMENT PERMIT for each of the types of FOOD ESTABLISHMENT operations listed in subsections (1) through (13):

- (1) Ice Cream Vendor Permit: issued to a PERSON who sells prePACKAGED frozen ice cream products or novelties from a motor vehicle designed for that purpose.
- (2) Market Type Establishment Permit: issued to an establishment wherein any place or section of a place where FOOD and FOOD products are offered to the CONSUMER and intended for off-PREMISE consumption. The term includes delicatessens that offer prepared FOOD in bulk quantities only. The term does not include establishments, which handle only prePACKAGED, non-POTENTIALLY HAZARDOUS FOODS; roadside markets that offer only fresh fruits and fresh vegetables for sale; restaurant type establishments; or FOOD and BEVERAGE VENDING MACHINES.
- (3) Mobile Food Service Permit: issued to a vehicle-mounted restaurant type establishment designed to be readily movable.
- (4) Pushcart Permit: issued to a PERSON using a non-self-propelled vehicle limited to serving non-POTENTIALLY HAZARDOUS FOODS or commissary-wrapped FOOD maintained at proper temperatures, or limited to the preparation and serving of frankfurters.
- (5) Restaurant Type Establishment permit: issued to a place or section of a place where FOOD is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the PREMISES and regardless of whether there is a charge for the FOOD. The term includes delicatessens that offer prepared FOOD in individual service portions. The term does not include private homes where FOOD is prepared or served for individual family consumption,

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market type establishments, the location of FOOD VENDING MACHINES, and supply vehicles.

- (6) Temporary Food Service Establishment Permit: issued to a restaurant type establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration. Those establishments whose principle mode of business is not the sale of FOOD or BEVERAGES who in conjunction with their special event occasionally offer non-POTENTIALLY HAZARDOUS FOODS such as pretzels and peanuts free of charge to their clientele no more frequently than once per month are exempt from obtaining a temporary PERMIT. All FOOD served shall be obtained from sources that comply with all laws that relating to FOOD and FOOD labeling.
- (7) Truck Sales Vendor Permit: issued to a PERSON who sells prePACKAGED frozen FOODS at retail from a motor vehicle that is equipped with a refrigeration unit capable of maintaining a temperature of 0 degrees Fahrenheit.
- (8) Catering Permit: issued to a permitted RESTAURANT TYPE ESTABLISHMENT who can apply for a catering license issued by the REGULATORY AUTHORITY to conduct FOOD service activities outside of their PERMITTED establishments. CATERING PERMITS will be issued to those establishments who have demonstrated proper FOOD safety knowledge relating to the FOOD preparation and transportation techniques. The REGULATORY AUTHORITY reserves the right to deny or revoke CATERING PERMITS to those establishments that have not demonstrated the ability to safely operate FOOD operations off-site.
- (9) Seasonal Vendor Permit: issued to an operation that serves only non-POTENTIALLY HAZARDOUS FOODS or prePACKAGED POTENTIALLY HAZARDOUS FOOD offered for retail sale that is properly LABELED and kept in mechanical refrigeration EQUIPMENT capable of maintaining the product at 41 degrees (F) or below. This PERMIT is valid for a period not to exceed 6 months from date of issuance. SEASONAL PERMITS will not be renewed on a consecutive basis.
- (10) Concession Stand/Kiosk Permit: issued to an operation that prepares and serves food and beverages with a limited menu approved by the REGULATORY AUTHORITY and with a permanent setup including power and water.
- (11) Farmers Market Vendor Permit: issued to an organized, reoccurring operation at a designated location used by local farmers and producers primarily for distribution and sale of locally produced agricultural

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products, or a limited amount of non-agricultural, locally produced products. This permit authorizes a Farmers Market Vendor to operate no more than twenty four (24) hours per week, and no more than twelve (12) hours in any twenty four (24) hour period. Farmers Market Vendor Permit is an annual permit that expires at the end of every calendar year. Farmer's Market Vendors Permit allows holder to sell prepackaged Potentially Hazardous Food and Potentially Hazardous Food items for sampling purposes only. No cooking (including BBQ) or food preparation (except for sampling) may be done with this permit. A Farmers Market is not an event.

- (12) Food Sampling Permit: issued to a person who is distributing food for the sole purpose of introducing the consumer to either a food product or drink, or method of cooking, or piece of equipment. Food sampling shall be limited to bite sized portions not to exceed 2 ounces per sample. All potentially hazardous food samples shall be disposed within four hours after being removed from active temperature control. Sampling Permit allows only vendors with State Food Distribution Permit or Food Manufacturing License to sell processed foods, unless license exemption is provided. On site food preparation is prohibited with a Sampling Permit. Any processed foods must be pre-packaged and properly labeled.
- (13) Food Sharing Permit: issued to a not-for-profit granted tax-exempt status under any provision of Section 501(c) of the Internal Revenue Code (26 U.S.C. § 501(c)) that is distributing food free of charge for the sole purpose of impacting food insecurity in Kansas City, Missouri. Food sharing permits are not intended to cover food sharing taking place within permitted food establishments. Any already-permitted food establishments shall not need a food sharing permit to offer food free of charge to the public within the confines of the already-permitted establishment. All potentially hazardous food shall be prepared in a permitted kitchen and any processed foods must be pre-packaged. All food shall be labeled with the name or identifier of the permittee and disposed of four (4) hours after being removed from active temperature control. On site food preparation is prohibited with a Food Sharing Permit. Permit holders shall provide waste receptacles if none are readily available or if on-site receptacles are not adequate to collect the waste generated, while distributing food pursuant to the permit and when necessary, shall collect and remove any food or container waste. Food sharing permittees shall not distribute food within one block of a school on a day in which school is in session during the 30 minute period preceding school or the 30 minute period after adjournment. All other Food Code requirements shall be followed, including the obtaining of food handler cards. Re-inspection

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fees shall be those as set for catering permits. There shall be no cost for the initial food sharing permit or for any routine annual renewals.

Section 2. That Section 30-701(b), Code of Ordinances, is hereby amended by adding a new 30-701(b)(45) to read as follows:

(45) Delete Food Code Section 8-302.13, Qualifications and Responsibilities of Applicants, in its entirety and enact in lieu thereof a new section of like title and subject matter, to read as follows:

8-302.13. Qualifications and Responsibilities of Applicants.

To qualify for a PERMIT, an applicant shall:

(A) Be an owner of the FOOD ESTABLISHMENT or an officer of the legal Ownership;

(B) Comply with the requirements of this Code and with all local, state and federal laws;

(C) As specified under § 8-402.11, agree to allow access to the FOOD ESTABLISHMENT and to provide required information; and

(D) Pay the applicable PERMIT fees at the time the application is submitted.

Section 3. The City Manager is directed to coordinate training and workshops with the Homeless Services Coalition of Greater Kansas City at least three times a year; February, May and November. Such training or workshops should cover topics such as:

1. the root causes of food insecurity and homelessness;
2. nutritional aspects of hunger relief;
3. waste reduction training;
4. public safety issues;
5. continuum of care;
6. shelter services;
7. social service agency resources/partnerships; and
8. logistics.

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Section 4. The City Manager is directed to facilitate connections between Food Sharing permittees and neighborhood associations and similar groups in an effort to address the goals and concerns of neighborhoods and those sharing food with persons facing food insecurity.

Section 5. This ordinance shall have an effective date of November 1, 2014.

Approved as to form and legality:

Joseph Guarino
Assistant City Attorney