

**Chapter 7.12**  
**EATING AND DRINKING ESTABLISHMENTS**

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**7.12.010 Adoption of Kansas Food Code for Food Service and Retail Food Store Establishments.**

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the regulation of food safety in food service and retail food store establishments within the City; the issuing, suspension, and revocation of licenses; the collection of fees; the making of inspections; the enforcement of Chapter 7.12 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the Kansas Food Code, as adopted by the Secretary of the Kansas Department of Health and Environment on August 13, 1999, as published by the State of Kansas, excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapter 7.12 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapter 7.12. Not less than three (3) copies of said Kansas Food Code shall be marked Official Copy as Adopted by Ordinance No. FDE-2297, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient. (History: Ord. FDE-2297 §1, 2001; FDE-1660 §1, 90; FDE-990 §1, 79; FDE-698 §1, 72)

**7.12.020 License Required.**

From and after the effective day of the ordinance codified herein, no food service or retail food store establishment shall be operated within the City or its police jurisdiction, except those issued a license to operate. The Administrator, Health and Environment, or other designee of the City Manager, is authorized to enforce this chapter, including without being limited to, the authority to suspend or revoke the license of the food service or retail food store establishment. Payment of a license fee shall be required prior to issuance of the license, and the amount of the license fees, including late fees, shall be set by resolution adopted by the Governing Body. (History: Ord. FDE-2297 §2, 2001; FDE-1805 §1, 93; FDE-990 §2, 79; FDE-698 §2, 72)

**7.12.030 Enforcement by City of Overland Park.**

Section 1-201.10(B)(69) of the Kansas Food Code is hereby amended to read as follows: “Regulatory Authority” means the City of Overland Park, through the Administrator, Health and Environment, or other designee of the City Manager.  
(History: Ord. FDE-2297 §3, 2001)

**7.12.040 Storage.**

Section 4-401.11 of the Kansas Food Code is hereby amended to remove the language “Except as specified in Section (B) of this section,” from Section (A) thereof, and to remove the language in Section (B) that reads “A storage cabinet used for LINENS OR SINGLE-SERVICE USE ARTICLES that are in unwrapped packages may be stored in a locker room.”  
(History: Ord. FDE-2297 §4, 2001)

**7.12.045 Single-Service and Single-Use Articles.**

Section 4-903.11(C) of the Kansas Food Code is hereby amended to read as follows: “Single-Service and Single-Use Articles” shall be stored as specified under (A) of this section and shall be kept in the original protective package or stored by using other means that afford protection from contamination until used. For the purpose of this section, single-service articles shall remain covered or inverted and protected from contamination until either the food employee removes it from its inverted or covered position, places food in it and hands the article to the customer, or, with respect to articles made accessible to the customer for customer use, the customer picks up the article from its inverted or covered position and begins to use it to place food items on it.  
(History: Ord. FDE-2607 §1, 2006)

**7.12.050 Removal of Statutory References.**

Section 8-304.11(J) and Section 8-501.40 of the Kansas Food Code are hereby amended to remove the following language: “according to K.S.A. 36-508 et seq., and amendments thereto.”  
(History: Ord. FDE-2297 §5, 2001)

**7.12.060 Restrictions on Temporary Licenses.**

Whenever a temporary food service establishment is licensed under the provisions of this chapter, unless they possess a regular food service license at a permanent location or serve food prepared by a licensed food service establishment, the only potentially hazardous foods that temporary licensee may prepare and serve are hamburgers and sausages such as frankfurters, bratwurst and Italian sausages. The preparation and service of other potentially hazardous foods, including, without being limited to, pastries filled with real or synthetic cream, custards, and similar products, and salads or sandwiches containing meat, poultry, eggs or fish, is prohibited. This prohibition does not apply to any potentially hazardous food that has been prepared and packaged under conditions meeting the requirements of this chapter, is obtained only in individual servings, is stored at a temperature of 41 degrees or below or is kept at a temperature of 140 degrees or above in facilities meeting the requirements of this chapter, and is served directly in the unopened container in which it was packaged.  
(History: Ord. FDE-2297 §6, 2001)

**7.12.070. Inspection reports and signage.**

- A. All licensed Food Service Establishments shall maintain, in a location and manner approved by the Regulatory Authority, a copy of the most current complete official regular food establishment inspection report prepared by the City inspector. That report shall be provided forthwith to any person seeking to examine it during regular business hours. It shall be unlawful for any such establishment to exhibit, possess or maintain any such report that has been altered or modified in any way except by an authorized official of the City.
- B. All licensed Food Service Establishments, except as otherwise provided herein, shall display, at a height and location conspicuous to persons entering the establishment, a sign reading as follows: “This establishment is routinely inspected by the City of Overland Park. A copy of the most recent health inspection report is available here upon request or by visiting [www.opkansas.org](http://www.opkansas.org).”
- C. The Regulatory Authority may establish in writing additional regulations governing the location, size, type and other matters concerning the placement of the required signs. These regulations may specify certain establishments where it is not currently feasible or practical to locate such signs or where patrons do not enter the establishment, and the regulations may modify, adjust or eliminate the signage requirements accordingly. These regulations shall take into account the variety of physical layouts and circumstances existing in food service establishments within the City and shall advance the intent of this ordinance to provide patrons of such establishments with the best possible opportunity to become aware of the existence of such reports and to examine their contents should they so desire.

(History: Ord. FDE-2397 §1, 2002)

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