

**Public Health Regulation  
Of  
Three Rivers District Health Department Board of Health  
Commonwealth of Kentucky  
Regulation No. 317-03**

**AN ADMINISTRATION REGULATION RELATING TO THE REGULATION  
OF FOOD SERVICE ESTABLISHMENT OWNERS REQUIRING THE  
INSPECTION RESULTS FROM THREE RIVERS DISTRICT HEALTH  
DEPARTMENT IS POSTED CONSPICUOUSLY FOR PUBLIC OBSERVATION.**

**WHEREAS**, KRS 212.230 provides that a county Board of Health shall adopt such rules and regulations as may be necessary to protect the health and safety of the people or to effectuate the purposes of KRS Chapter 212 or any other law relating to public health; and

**WHEREAS**, the Three Rivers District Board of Health believes it is appropriate to display restaurant inspection scores to the public in support of Essential Public Health Service #3 to Inform, educate, and empower people about health issues and Essential Public Health Service #6 to Enforce laws and regulations that protect health and ensure safety.

**NOW THEREFORE BE IT ORDAINED** by the Three Rivers District Board of Health of Carroll, Gallatin, Owen, and Pendleton Counties of the Commonwealth of Kentucky:

**Section 1. PURPOSE**

The purpose of this regulation is to require the Health Department to issue, or cause to be issued, an inspection form at the time of each inspection of a food service establishment within its jurisdiction, and to require said food service establishment to post this inspection form inside the establishment in a location conspicuous to the public.

**Section 2. DEFINITIONS**

For the purpose of this regulation:

- (a) "Critical Violation" means any four or five point violation as reported on the inspection report.
- (b) "Food Service Establishment" means any fixed or mobile commercial establishment that holds a permit issued by the Commonwealth of Kentucky Cabinet for Health and Family Services or Three Rivers District Health Department and engages in the preparation and serving of ready-to-eat foods in portions to the consumer, including, but not limited to the following: restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, grills, tea rooms, sandwich shops, soda fountains, taverns, bars, cocktail lounges, nightclubs, roadside stands, industrial feeding establishments, private/public or non-profit organization or institutions routinely serving food, catering

kitchens, commissaries, or similar places in which food is routinely prepared for sale or service on the premises or elsewhere with or without charge. It does not include establishments serving non potentially hazardous beverages only, food vending machines, or retail food markets which only cut, slice, and prepare cold cut sandwiches for individual consumption.

- (c) "Inspection Report" means the results of an inspection of a food service establishment performed in accordance with the provisions of the Kentucky Food Services Codes.
- (d) "Kentucky Food Service Code" means the provisions of the Kentucky Food Establishment Act (KRS 217.015, et seq.) and the Kentucky Retail Food Code (902 KAR 45:005).
- (e) "Rating Score" means the results of an inspection of a food service establishment as reported on the inspection report.

### **Section 3. ISSUANCE AND POSTING OF INSPECTION REPORT**

- (a.) Upon the first regular inspection after the adoption of this regulation, all food service establishments will be required to post a copy of the inspection report prominently for public display
- (b.) The Three Rivers District Board of Health or its representative shall have the authority and responsibility for establishing the location of the inspection report, and for issuing the report at the time of each inspection of a food service establishment.
- (c.) No person shall move, remove, alter, deface, or conceal from public view the inspection report posted pursuant to this regulation.
- (d.) The Three Rivers District Board of Health or its representative may emphasize critical violations and/or the overall rating score on the inspection report by whatever means necessary to better display the information to the public.

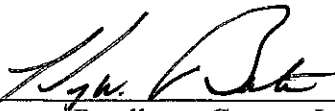
### **Section 4. PENALTIES**

Any owner, operator, manager, or supervisory personnel found to be in violation of this article shall be ordered to comply with this regulation. The Three Rivers District Health Department authority shall issue a notice to comply and allow no more than (5) FIVE days to comply. If any owner, operator, manager, or supervisory personnel found to be in violation does not comply with the order of the Three Rivers District Health Department, then pursuant to KRS 212.715 and KRS 212.990(2), the owner, operator, manager, or supervisory personnel of the food service establishment shall be subject to fine of not less than \$10.00 nor more than \$100.00 for each day that the order of the Three Rivers District Health Department is not complied with.

Any person issued a notice will be afforded an opportunity for an administrative conference, if a written request for such is filed with the Department within five (5) working days of their receiving any official notice or order. The administrative conference provided for in this regulation shall be conducted by the Department at a time and place designated by the Department.

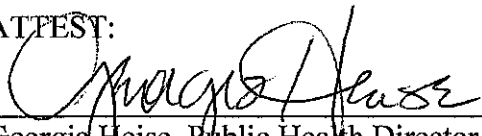
**Section 5. EFFECTIVE DATE**

This regulation shall be effective on January 1, 2009

  
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Henry Betram, Pendleton County Judge Executive  
Three Rivers Board of Health Chairman

9/30/08

ATTEST:

 9/30/08  
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Georgia Heise, Public Health Director  
Three Rivers District Health Department