

137F.3 Authority to enforce.

1. The director shall regulate, license, and inspect food establishments and food processing plants and enforce [this chapter](#) pursuant to rules adopted by the department in accordance with [chapter 17A](#). Municipal corporations shall not regulate, license, inspect, or collect license fees from food establishments and food processing plants, except as provided in [this section](#).

2. A municipal corporation may enter into an agreement with the director to provide that the municipal corporation shall license, inspect, and otherwise enforce [this chapter](#) within its jurisdiction. The director may enter into the agreement if the director finds that the municipal corporation has adequate resources to perform the required functions. A municipal corporation may only enter into an agreement to enforce the rules setting minimum standards to protect consumers from foodborne illness adopted pursuant to [section 137F.2](#) if it also agrees to enforce the Iowa hotel sanitation code pursuant to [section 137C.6](#). However, the department shall license and inspect all food processing plants which manufacture, package, or label food products. A municipal corporation may license and inspect, as authorized by [this section](#), food processing plants whose operations are limited to the storage of food products.

3. If the director enters into an agreement with a municipal corporation as provided by [this section](#), the director shall provide that the inspection practices of a municipal corporation are spot-checked on a regular basis.

4. A municipal corporation that is responsible for enforcing [this chapter](#) within its jurisdiction pursuant to an agreement shall make an annual report to the director providing the following information:

a. The total number of licenses granted or renewed by the municipal corporation under [this chapter](#) during the year.

b. The number of licenses granted or renewed by the municipal corporation under [this chapter](#) during the year in each of the following categories:

- (1) Food establishments.
- (2) Food processing plants.
- (3) Mobile food units and pushcarts.
- (4) Temporary food establishments.
- (5) Vending machines.

c. The amount of money collected in license fees during the year.

d. The amount expended to perform the functions required under the agreement, submitted on a form prescribed by the department.

e. Other information the director requests.

5. The director shall monitor municipal corporations which have entered into an agreement pursuant to [this section](#) to determine if they are enforcing [this chapter](#) within their respective jurisdictions. If the director determines that [this chapter](#) is not enforced by a municipal corporation, the director may rescind the agreement after reasonable notice and an opportunity for a hearing. If the agreement is rescinded, the director shall assume responsibility for enforcement in the jurisdiction involved.

6. The inspection staff of a municipal corporation that has entered into an agreement with the director to enforce [this chapter](#) shall be required by the department to apply the current rules setting minimum standards to protect consumers from foodborne illness adopted pursuant to [section 137F.2](#) to ensure consistency in application of the rules. A municipal corporation's failure to comply may result in the department rescinding the agreement with the municipal corporation, after reasonable notice and an opportunity for a hearing.

[98 Acts, ch 1162, §8, 30; 2007 Acts, ch 215, §213](#)