

FOOD PROTECTION ORDINANCE

FOR

GOODHUE COUNTY

"The County Board of Goodhue County ordains:"

SECTION I. PURPOSES. The purpose of this ordinance is to establish standards to protect the health, safety and the general welfare of the people of Goodhue County pursuant to powers granted under Minnesota Statutes Section 145.911 - 145.922 and 375.51 - 375.55.

These general objectives include the following:

1. Prevent food-borne illness.
2. Correct and prevent conditions that may adversely affect persons utilizing food establishments.
3. Provide minimum standards for the design, construction, operation and maintenance of food establishments.
4. Meet consumer expectations of the quality and safety of food establishments.

SECTION II. SCOPE. To achieve these purposes this Ordinance will incorporate the substance of existing Minnesota Health Statutes and Rules.

Subsection 1: This ordinance shall be applicable to all food establishments such as, but not limited to, restaurants, boarding houses, drive-ins, bars, taverns, caterers, cafes, clubs, lodges, commissaries, childrens' camps, lodging facilities, resorts, private schools, public buildings, public schools, group day care facilities, and similar businesses and establishments where food, meals, lunches or beverages are prepared or served for consumption on the premises or immediate consumption off the premises. Provided that this ordinance shall not include food service operations conducted in and for a House of Worship when the food service is limited to preparation, service or consumption by the members and guests of the House of Worship.

Subsection 2: Existing Regulations promulgated by the Minnesota Commissioner of Health and contained in Minnesota Rules (1983 edition) Sections 4625.2400 - 4625.5000, to the extent that they do not contradict the express terms, and to the extent that they are more restrictive than the express terms of this Ordinance, are incorporated by reference in this Ordinance and may be enforced according to the terms and procedures of this Ordinance. When the Minnesota Commissioners of Health duly promulgates new rules pertaining to the areas regulated by this Ordinance they shall be

utilized in the internal enforcement procedures of the Goodhue-Wabasha Board of Health and shall be recommended to the Goodhue County Board as amendments to this Ordinance from time to time as determined by the Goodhue-Wabasha Community Health Service.

Subsection 3: The Goodhue-Wabasha Board of Health and their duly authorized agents are empowered to enforce the provisions of this Ordinance. For this purpose and in this County they shall also have the duties, responsibilities and powers delegated, under Minnesota Rules (1983 Edition) Sections 4625.2400 - 4625.5000, to the Commissioners of Health, the Minnesota State Board of Health and Minnesota Department of Health or their agents.

SECTION III. DEFINITIONS. For the purpose of this ordinance the following words shall have the following meanings:

Subsection 1: "Adulterated" shall mean the condition of a food if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health; if it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established; if it consists in whole or in part of any filthy, putrid, or decomposed substance or if it is otherwise unfit for human consumption, if it has been processed, prepared, packed, or held under unsanitary conditions; whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; if it is in whole or in part the product of a diseased animal, or an animal which has died otherwise than by slaughter; or if its' container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

Subsection 2: "Approved" shall mean acceptable to the Health Authority as determined by conformance to appropriate standards and good public health practices.

Subsection 3: "Catering Food Vehicle" shall mean any food vehicle used to transport any food from its point of preparation to a point where the food is served from the vehicle to the consumer, or any food vehicle wherein food is prepared for sale or service to the consumer.

Subsection 4: "Clean" shall mean free from physical, chemical, and microbial substances discernible by ordinary sight or touch, by ultraviolet light or by artificial light, by the safranin-o dye test or by microscopic or microbiological examination and free from insects, vermin and debris.

Subsection 5: "Corrosion-Resistant Materials" shall mean those materials that maintain their original surface characteristics under prolonged influence of the food to be contact, the normal use of cleaning compounds and bactericidal solutions, and other conditions-of-use environment.

Subsection 6: "County" shall mean Goodhue County.

Subsection 7: "County Board" shall mean the Goodhue County Board of Commissioners

Subsection 8: "Easily Cleanable" shall mean that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

Subsection 9: "Embargo" shall mean the withholding of food, equipment, utensils, or clothing from sale or use in any establishment that comes within Authority for such sale or use.

Subsection 10: "Equipment" shall mean stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, fixed and mobile manufacturing, processing, packaging and conveying equipment, and similar items other than utensils used in the operation of a food establishment.

Subsection 11: "Food" shall mean any raw, cooked, or processed substance, beverage water, ice, or other ingredient used or intended for use in whole or in part for human consumption.

Subsection 12: "Food-Contact Surface" shall mean those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

Subsection 13: "Food Establishment" shall mean any 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 does not include private homes where food is prepared or served for individual family consumption, retail food stores, nursing homes, the location of food vending machines, and supply vehicles.

Subsection 14: "Food Vehicle" shall mean any food establishment consisting of a mobile vehicle which hauls any food for the purpose of delivery or sale.

Subsection 15: "Garbage" shall mean discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

Subsection 16: "Health Authority" shall mean the Goodhue-Wabasha Board of Health and Goodhue-Wabasha Community Health Service or its Environmental Health Specialist or other designated agent.

Subsection 17: "Hermetically-Sealed Container" shall mean a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.

Subsection 18: "Home-Prepared Food" shall mean any food which has been processed or prepared in a private home.

Subsection 19: "Itinerant Food Establishment" shall mean a food establishment operating for a temporary period of 14 consecutive days or less, including but not limited to a fair, carnival, circus, or public exhibition.

Subsection 20: "Law" shall include all Federal State, and local statutes, ordinances, and regulations.

Subsection 21: "Limited Food Handling Establishment" shall mean a food establishment where the only food sold or offered for sale to the public is unwrapped bakery products or candies, canned or bottled beverages, non-perishable machine-dispensed beverages, or pre-packed sandwiches, snacks or ice cream novelties which are heated, served or sold for consumption on the premises or immediate consumption off the premises. This definition does not include the off-sale of liquor or similar bottled or canned beverages.

Subsection 22: "Misbranding" shall mean the use or absence of any written, printed or graphic matter upon or accompanying food or containers of food which violates any applicable local, State or Federal labeling identification, or representation requirements.

Subsection 23: "Packaged" shall mean bottled, canned, cartoned, or securely wrapped.

Subsection 24: "Perishable Food" shall mean food such as fresh fruits and vegetables and other foods which will decompose in the absence of refrigeration.

Subsection 25: "Person" shall mean any individual, firm, partnership, corporation, trustee, or association and with respect to acts prohibited or required herein, shall include employees and licensees.

Subsection 26: "Potable Water" shall mean water which is from a source of supply and system operated, located, and constructed in accordance with the provisions of the Minnesota Department of Health rules relating to public water supply and well water.

Subsection 27: "Potentially Hazardous Food" shall mean any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, mollusk, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. Does not include clean whole, uncracked, odor-free, shell eggs or foods which have a Ph level of 4.6 or below, or a water activity (aW) value of 0.85 or less.

Subsection 28: "Putrescible Material" shall mean solid waste which is capable of becoming rotten and which may reach a foul state of decay or decomposition.

Subsection 29: "Reconstituted Food" shall mean dehydrated food products recombined with water or other liquids.

Subsection 30: "Refuse" shall mean putrescible and non-putrescible solid wastes, except body wastes, and including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes.

Subsection 31: "Safe Materials" shall mean articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in Section 201 (s) or (t) of the Federal Food, Drug, and Cosmetic Act they are "safe" only if they are used in conformity with regulations established pursuant to Section 409 or Section 706 of the Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in Section 201 (s) or (t) of the Federal Food, Drug, and Cosmetic Act and are used on conformity with all applicable regulations of the Food and Drug Administration.

Subsection 32: "Safe Temperature" as applied to potentially hazardous food, means temperatures of 40°F (4°C) or below, or 150°F (66°C) or above.

Subsection 33: "Sanitization" shall mean bactericidal treatment by a process approved by the Health Authority that provides enough accumulative heat or concentration of chemicals for sufficient time to destroy microorganisms including pathogens while neither injurious to utensils or equipment nor hazardous to the health of the food consumer or the user of the sanitizing agent.

Subsection 34: "Sealed" shall mean free of cracks or other openings that permit the entry or passage of moisture.

Subsection 35: "Single-Service Utensils" shall mean all utensils which are meant for one-time, one-person use and then discarded.

Subsection 36: "Smooth" shall mean having an even surface, free of cracks, chips, open seams, rust, corrosion, breaks, pits, checks, and ridges.

Subsection 37: "Utensils" shall mean kitchenware, tableware, dishes, glassware, cutlery, pots, pans, containers, implements, or other equipment with which food comes in contact during storage, cooking, processing, preparation, display or serving.

Subsection 38: "Wholesome" shall mean sound, healthful, clean, unadulterated, and in all ways fit for human food and human consumption.

SECTION IV. ADMINISTRATION.

Subsection 1: License Required No person shall operate a food establishment or engage in any of the following types of enterprises within the County unless a license for the current year of the applicable type described herein shall have been obtained pursuant to this ordinance from the Health Authority.

- A. Food Establishment
- B. Catering Food Vehicle
- C. Itinerant Food Establishment
- D. Limited Food Handling Establishment

Where the business subject to this ordinance consists only of a catering food vehicle, itinerant food establishment or limited food handling establishment, a food establishment license shall not be required in addition.

Subsection 2: Transfer and Display of License. Only a person who complies with the requirements of this ordinance and ordinances applicable thereto of the city or town in which the food establishment is located shall be entitled to receive a license. Licenses shall not be transferable as to person or place. All licenses obtained for a food establishment shall be conspicuously displayed. All food vehicles shall be identified with a decal, license plate, or other means supplied by the Health Authority and displayed in a conspicuous place designated by the Health Authority. Each license shall expire on the 31st of December next following its issuance and any proprietor who operates a place of business after the expiration date without first having made application for a license and without having made payment of the fee therefor shall be deemed to have violated the provisions of this Ordinance.

Subsection 3: License Fees. Fee for licenses issued hereunder, and plan review fees, shall be those established from time to time by resolution of the County Board of Commissioners. An additional fee shall be charged for each additional service or operation which is separate, distinct or unique from the central or main food establishment, as determined by the Health Authority. The fees required for a license shall be paid at the office of the Health Authority. No license shall be issued until the fees therefor, and all previously owing fees and penalties of the owner have been paid in full.

Subsection 4: Fee Exemptions. Food services in premises owned by government subdivisions, charitable institutions, houses of worship primarily serving their own congregation and school lunch rooms may apply

for and obtain a license to operate and shall not be subject to pay a license fee.

Subsection 5: Penalty for Late Payment. Every proprietor whose food establishment has been previously licensed who operates a food establishment after the expiration date of an existing license or without applying for a license as required by this ordinance shall be subject to a penalty for late payment to be paid to the Health Authority along with the regular license fee in an amount to be established by the Board of County Commissioners.

Subsection 6: Application. The application for such licenses shall be made on forms furnished by the Health Authority and shall set forth the general nature of the business, the location, and other information as the Health Authority may require. The issuance of such licenses and their maintenance, termination and administration shall be in accordance with and subject to all conditions of the Licensing Procedures established by this Ordinance. The application for license shall be accompanied by the license fee together with any penalty applicable.

Subsection 7: Inspection of Food Establishments. The Health Authority shall inspect every food establishment as frequently as it may deem necessary to insure compliance with this ordinance, but not less than two complete inspections per year.

Subsection 8: Posting. Each inspection report shall be posted by the Health Authority upon an inside wall of the food establishment, not in a public area, and such inspection report shall not be defaced or removed by any person, except the Health Authority. The posting of the inspection report upon the inside wall of the food establishment shall constitute service of an official notification of the inspection by the Health Authority. The Health Authority may, in lieu of posting such report, deliver it to the licensee or his authorized agent in person or by certified or registered mail. A copy of the inspection report shall be filed with the records of the Health Authority.

Subsection 9: Access to Premises and Records - Interference with Health Authority. The person operating the food establishment shall, upon request of the Health Authority and after proper identification, permit access to all parts of the establishment at any reasonable time for the purpose of inspection of foods. No persons shall interfere with or hinder the Health Authority in the performance of his duties, or refuse to permit the Health Authority to make such inspections.

Subsection 10: Removal and Correction of Violations. All licensees, owners, or operators of food establishments having a report posted in the food establishment or having received a report giving notification of one or more violations of this ordinance shall correct or remove each violation in a reasonable length of time determined by the Health Authority. The length of time for the correction or removal of each such violation shall

be noted on the inspection report. The failure to remove or correct each such violation within the time period noted on the inspection report shall constitute a separate violation of this ordinance.

Subsection 11: Embargo, Examination, Condemnation and Tagging.

Samples of food may be collected without cost and examined by the Health Authority as often as may be necessary. The Health Authority may condemn and forbid the sale of, or cause to be removed or destroyed: any food which is unwholesome or adulterated, prepared, processed, handled, packaged, transported, or stored in an unwholesome manner, unfit for human consumption or otherwise prohibited by law. Equipment and utensils, which do not meet the requirements of this ordinance, may be embargoed. Equipment and utensils shall be released from the embargo upon notification of the Health Authority by the licensee of modification of such equipment or utensils to meet the requirements of this ordinance and after inspections of such utensils and equipment by the Health Authority. The Health Authority may condemn and cause to be removed any equipment, clothing or utensils found in a food establishment, the use of which would not comply with this ordinance, or which is being used in violation of this ordinance; and also may condemn and cause to be removed any equipment, clothing or utensils which by reasons of dirt, filth, extraneous matter, insects, corrosion, open seams, or chipped or cracked surfaces is unfit for use. The Health Authority may place a tag to indicate the embargo or the condemnation upon such food, equipment, utensils, or clothing. No persons shall remove such tag, except under the direction of the Health Authority.

Subsection 12: Construction - Plan Review. Whenever a food or beverage establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a licensed establishment under the provisions of this ordinance, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the Health Authority for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, plumbing specifications, construction materials of work areas, and the type and model number of proposed fixed equipment and facilities. The plans and specifications shall be submitted in duplicate and drawn to scale, shall be legible and complete in all details. The Health Authority shall approve the plans and specifications if they meet the requirements of this ordinance. The facility shall be constructed and finished in conformance with the approved plans. The Health Authority shall inspect the food or beverage service establishment prior to the start of operations, to determine compliance with the approved plans and specifications.

Subsection 13: License Suspension and Revocation Procedures. A Licensing Board is hereby established. The Licensing Board shall consist of the Senior County Nurse, a Sanitarian III from the Minnesota Department of Health, and the Chairman of the County Board of Commissioners, or their designated representatives. The designated representative for the Senior County Nurse shall be a County Nurse, and the designated representative for



the Chairman of the County Board of Commissioners shall be a County Commissioner. The County Commissioner shall act as Chairman of the Licensing Board.

If, after written notice and reasonable opportunity for compliance have been given a licensee under the terms of this Ordinance, the County Sanitarian finds upon reinspection of a food establishment that the establishment is in violation of this Ordinance, he shall notify the Licensing Board in writing of his findings and shall request that the Licensing Board take appropriate action to suspend or revoke the license of the establishment. Nothing in this Section shall be construed to prevent the Sanitarian from extending the time period for correction of violations or from recommending closure only as to such portion of the premises or equipment as do not comply with provisions of this Ordinance and permitting the continued operation of the remaining portion of such premises or equipment which do comply.

Whenever the County Sanitarian finds that an emergency exists which requires immediate action to protect the public health, he may, after compliance with established procedures of the Health Authority, issue an order reciting the existence of such an emergency and require such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this Ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon filing a written petition with the Health Authority shall be afforded a hearing in the manner prescribed elsewhere in this Section.

Any person whose license to operate a food establishment has been affected by a notice of orders for changes or alterations, closure order or emergency order issued and served as provided in this Ordinance, shall be granted a hearing on the matter before the Licensing Board. A written petition requesting such a hearing and setting forth a brief statement on the grounds therefor shall be filed in the office of the Health Authority.

Subsection 14: Date of Hearing. The hearing requested shall be held not more than ten days after the date on which the petition was filed. The Chairman of the Licensing Board may postpone the date of the hearing for a reasonable time beyond such ten-day period if, in his judgment, a good and sufficient reason exists for such postponement.

Subsection 15: Notice of Hearing. The County Sanitarian shall cause five days written notice of the hearing to be given to the licensee and to the owner of the licensed premises by personal service or by registered mail addressed to the licensee at the address of the licensed establishment and to the owner of the premises at his last known address.

Subsection 16: Proceedings. At such hearing the petitioner, his agent or attorney shall be given an opportunity to be heard and to show cause why the notice of orders for changes or alterations, the closure order or emergency order issued by the County Sanitarian should be modified or withdrawn. The Sanitarian shall present a detailed written statement of his findings and decision to the Licensing Board at the time of the hearing.

Subsection 17: Decisions of the Licensing Board. After such hearing, the Licensing Board shall sustain, modify or withdraw the notice of orders for changes or alterations, closure order or emergency order, depending upon its findings as to whether the licensed establishment is being operated in compliance with the provisions of this Ordinance. If the Licensing Board sustains, modifies or withdraws such closure order or emergency order, a copy of the decisions of the Licensing Board shall be served by mail to the licensee and the owner of the premises.

Subsection 18: Variance. With respect to existing buildings, whenever it is not practical or advisable to require strict compliance with the structural requirements of this Ordinance, the Board of Appeals may approve a variance from such provisions when in its judgment existing conditions are of an acceptable compliance with the spirit and intent of the Ordinance and will reasonably protect the health and safety and welfare of the occupants and the public.

Subsection 19: Record of Proceedings. The proceedings of each hearing held before the Licensing Board pursuant to petition, including the findings and the decision of the Sanitarian, shall be taken into the minutes and reduced to writing and entered as a public record in the office of the Sanitarian. Such record shall include a copy of every notice or order or stay or writing issued in connection with the matter.

Subsection 20: Stays. Pursuant to petition, the Licensing Board may stay enforcement of an order made after a hearing provided the Licensing Board finds that immediate enforcement of the order would result in the extreme hardship to the person or persons affected and that no public health or safety hazard exists.

Subsection 21: Open Hearing and Appeal. All hearings of the Licensing Board shall be open to the public. Any person whose license under this Ordinance has been affected by a ruling or order of the Licensing Board shall have a right to appeal on questions of law and fact, within thirty (30) days after the receipt of notice of the Licensing Board's action, to the District Court in the County in which the affected license has been issued.

SECTION V. FACILITIES AND UTILITIES.

Subsection 1: General. Plumbing shall be so sized and installed and maintained as to carry adequate quantities of water to required locations throughout the establishment, prevent contamination of water supply and convey sewage and liquid wastes adequately from the establishment to the sewage system so that it does not constitute a source of contamination of food, utensils, or equipment or create an unsanitary condition or nuisance. Food service equipment such as refrigerators, ice makers, and steam tables shall not be directly connected to the sewer. All new plumbing and all plumbing reconstructed or replaced after the effective date of this Section shall be designed, constructed and installed in conformity with the Plumbing Code of the Minnesota Department of Health.

Subsection 2: Handwashing Facilities. Every food establishment, other than itinerant food establishments and food vehicles handling only pre-packed food or which transport meat in the manner provided by State law or regulation, shall be provided with adequate, conveniently located, and approved handwashing facilities which are continually maintained with hot and cold running water, hand cleansing compound, fingernail brushes, and single-service towels or hand-drying devices. Handwashing facilities shall be accessible to persons at all times in all areas where food is prepared or served, utensils and equipment are cleansed or sanitized, in or immediately adjacent to toilet rooms or other areas as may be designated by the Health Authority. Sinks used for food preparation or for washing equipment or utensils shall not be used for handwashing. Each handwashing sink shall be provided with hot and cold water tempered by means of a mixing valve or contamination faucet. The maximum temperature of hot water shall not exceed 130°F from the faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam-mixing valves are prohibited.

SECTION VI. SEWAGE.

Subsection 1: General. All sewage, including liquid waste, shall be disposed of by a public sewerage or by an approved sewage disposal system. Non-water-carried sewage disposal facilities are prohibited, except as permitted by the Health Authority because of special situations.

Subsection 2: Individual Sewage Disposal System. When an individual sewage disposal system is required, it shall be designed, located, constructed, and operated in compliance with regulations of the Minnesota Pollution Control Agency and the Goodhue County Zoning Ordinance. Food vehicles may dispose of their liquid waste into receptacles carried on the vehicle for that purpose. This waste ultimately shall be discharged into the public sewerage system or otherwise disposed of in a manner which will not endanger any source of water supply, pollute any body of surface water create a nuisance, or otherwise endanger the public health and safety.

Subsection 3: Toilet Facilities. Every food establishment with the exception of food vehicles shall be provided with conveniently located and approved toilet facilities for employees which are kept clean and in good repair and free from flies, insects, and offensive odors. Toilet fixtures and seats shall be of sanitary design and readily cleanable. The doors of all toilet rooms shall be self-closing. An adequate supply of toilet tissue shall be provided and maintained at each toilet at all times.

SECTION VII. GARBAGE AND REFUSE DISPOSAL.

All garbage and refuse prior to disposal shall be kept in tight non-absorbent, insect-proof, rodent-proof and fire-proof containers. Containers shall be kept covered with close-fitting lids when filled, in storage, or not in continuous use. Containers need not be covered when stored in special insect and rodent-proofed room or enclosure. All other refuse shall be stored in containers, rooms, or areas in an approved manner. The rooms, enclosures, areas, and containers used shall be adequate for the storage of all garbage and refuse accumulating on the premises between collection. Adequate cleaning facilities shall be provided, and each container, room, or area shall be thoroughly cleaned after the emptying or removal of garbage and refuse. Containers designed with drains shall have drain plugs maintained in place at all times except during cleaning. All garbage and refuse shall be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

SECTION XIII. INSECT AND RODENT CONTROL.

Subsection 1: General. Effective measures shall be taken to prevent the entrance, breeding, or presence of rodents, flies, cockroaches, and other vermin or insects on the premises. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.

Subsection 2: Openings. Openings to the outside shall be effectively protected against the entrance of rodents. Outside openings shall be protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screen doors shall be self-closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight-fitting and free of breaks. Screening materials shall not be less than 16 mesh to the inch.

SECTION IX. CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES.

Subsection 1: Floors. The floor surfaces of all food preparation, food storage, equipment and utensil washing food serving areas, waitress stations, dressing rooms, locker rooms, toilet rooms and vestibules, janitorial areas, walk-in refrigeration, kitchens, and bars shall be constructed of smooth, non-absorbent, easily cleanable materials which resist the wear and abuse to which they are subjected, such as ceramic tile, quarry tile or terrazzo. The junctures between walls and floors shall be coved. All floors shall be kept clean and in good repair, and the use of sawdust and similar material shall not be permitted. These requirements do not prevent the use of rugs and carpets in dining rooms and hallways, provided that such floor coverings are kept clean. Abrasive strips also may be used wherever deemed necessary to prevent accidents. Floor drains shall be provided in all rooms where floors are subjected to flooding-type cleaning or where normal operations release or discharge water or other liquid wastes on the floor. Such floors shall be graded to drain. The walking and driving surfaces of all exterior areas where food is served shall be kept clean, properly drained, and finished so as to facilitate maintenance and minimize dust. Mats and duckboards shall be of non-absorbent, non-wood, grease-resistant materials of such size, design, and construction as to facilitate their being easily cleaned. Duckboards shall not be as storage racks.

Subsection 2: Walls and Ceilings. The walls and ceilings of all rooms shall be kept clean and in good repair. All walls of rooms or areas in which food is prepared, areas where utensils or hands are washed, toilet rooms, janitorial areas, laundry rooms or garbage and refuse storage rooms shall have easily cleanable, smooth, non-absorbent washable surfaces to the highest level reached by splash, spray or abuse. Wall finishes shall be resistant to the wear and abuse to which they are subjected. Ceilings of such rooms shall be easily cleanable. The walls and ceilings of such rooms shall be finished in a light color.

Subsection 3: Utility Line and Pipes. All utility lines and pipes such as, but not limited to, electric, gas, water, sewage and similar waste lines or services shall be installed in the walls, under floors, or above ceilings so as to not be unnecessarily exposed in or on food equipment, walls, floors or ceilings. Exposed utility service lines or pipes shall be installed in a manner that does not obstruct or prevent the easy cleaning of food equipment, floors, wall and ceiling surfaces and areas.

SECTION X. LIGHTING.

Subsection 1. General. All areas in which food is prepared, processed, manufactured, packaged or stored; or where utensils and equipment are washed; handwashing areas, locker rooms, toilet rooms; and all garbage and refuse storage areas shall be well lighted. All food-contact surfaces shall be illuminated at not less than seventy foot candles of light. At least thirty foot candles of light shall be provided on all other surfaces and equipment. In storage areas, a minimum of twenty foot candles of light measured at 30 inches from the floor shall be provided. Subdued lighting in dining rooms and public access areas is permissible, provided that lighting meeting the above requirements shall be available during all clean-up periods in dining rooms and access areas.

Subsection 2: Protective Shielding.

A. Shielding to protect against broken glass falling onto food shall be provided for all artificial lighting fixtures located over, by, or within food storage, preparation, service, and display facilities, and facilities where utensils and equipment are cleaned and stored.

B. Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.



SECTION XI. VENTILATION.

Subsection 1: General. All rooms shall have sufficient make-up and exhaust ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious or disagreeable odors, smoke and fumes. All ventilation equipment and facilities, gas or oil fired room heaters and water heaters shall be designed, installed and operated in accordance with the Minnesota State Building Code of the Minnesota Department of Administration and the Uniform Fire Code of the Minnesota Fire Marshall. Intake and exhaust air ducts shall be maintained to prevent the entrance of dust, dirt, and other contaminating materials.

SECTION XII. PREMISES.

Subsection 1: Housekeeping. All parts of the food establishment and its premises shall be kept neat, clean, and free of litter and refuse. Cleaning operations shall be conducted in such a manner as to minimize contamination of food and food-contact surfaces. Soiled linens, coats, and aprons shall be kept in approved containers until removed for laundering. Only articles necessary for the operation and maintenance of the food service establishment shall be stored on the premises. The traffic of unnecessary persons through the food-preparation and utensil-washing areas is prohibited.

Subsection 2: Janitorial Facilities. Janitorial facilities shall be provided including a janitorial utility sink. Facilities and equipment shall be located and stored in an approved manner in an area other than a food preparation or storage area or toilet room. If adequate segregation, separation, or other protection has been provided and approved by the Health Authority, such an area may be located in a packaged goods storeroom or employee toilet room. The use of lavatories, utensil washing or equipment washing, or food preparation sinks for this purpose is prohibited.

Subsection 3: Living Areas. No operation of a food service establishment shall be conducted in any room used as living or sleeping quarters. Food operations shall be separated from any living or sleeping quarters by complete partitioning and solid, self-closing doors.

Subsection 4: Animals. Live animals, including birds and turtles, shall be excluded from within the food service operational premises and from adjacent areas under the control of the permit holder. This exclusion does not apply to edible fish, crustacea, mollusks, or to fish in aquariums. Patrol dogs accompanying security or police officers, or guide dogs accompanying blind persons or deaf persons shall be permitted in dining areas.

Subsection 5: Dressing Rooms. If employees routinely change clothes within the establishment, rooms or areas shall be designated and used for that purpose. Those designated rooms or areas shall not be used for food preparation, storage or service, or for utensil washing or storage.

Subsection 6: Locker Areas. Adequate lockers or other suitable facilities shall be provided and used for the orderly storage and security of employee clothing and other belongings. Lockers or other suitable facilities may be located only in the designated dressing rooms or areas containing only completely packaged food or packaged single-service articles.

Subsection 7: Laundry Facilities.

A. Laundry facilities in a food establishment shall be restricted to the washing and drying of linens, cloths, uniforms, and aprons

necessary to the operation. If such items are laundered on the premises, an electric or gas dryer shall be provided and used.

B. Separate rooms shall be provided for laundry facilities except that such operations may be conducted in storage rooms if properly segregated from food or packaged single-service articles.

Subsection 8: Linen and Clothes Storage.

A. Clean clothes and linens shall be stored in a clean place and protected from contamination until used.

B. Soiled clothes and linens shall be stored in non-absorbent containers or washable laundry bags until removed for laundering.

Subsection 9: Cleaning Equipment Storage. Maintenance and cleaning tools such as brooms, mops, vacuum cleaners and similar equipment shall be maintained and stored in a way that does not contaminate food, utensils, equipment, or linens and shall be stored in an orderly manner for the cleaning of that storage location. They shall not be stored in food preparation, food service, or utensil washing areas.

SECTION XIII. ITINERANT FOOD ESTABLISHMENTS AND CATERING FOOD VEHICLES.

Itinerant food establishments and catering food vehicles shall comply with all applicable provisions of this ordinance and shall be operated in an approved manner. The Health Authority may waive specific requirements for physical facilities, when in the opinion of the Health Authority suitable substitutes which are provided will not result in an imminent health hazard. The Health Authority may limit the sale or giving away of some or all potentially hazardous foods. Before commencing operations of any kind, the licensee hereunder shall notify the Health Authority that such food establishment is ready for final inspection, and the Health Authority shall immediately make an inspection and issue a report thereon, and no itinerant food establishment or catering food vehicle shall commence operations until the requirements of this ordinance have been met in accordance with the Health Authority's final inspection reports.

SECTION XIV. MISREPRESENTATION OF FOOD.

It shall be unlawful for the licensee of any food establishment to in any way misrepresent food or beverages offered to the public. Practices which constitute misrepresentation shall include but are not limited to the sale of adulterated food; substitution of food items of lesser quality, or different from food items advertised; making statements giving incorrect or deceptive points of origin; making misleading statements of size, number, weight or price; and not meeting standards of identity defined by Federal and State laws for certain foods.

SECTION XV. MINNESOTA CLEAN INDOOR AIR ACT.

The licensee of every food establishment shall make adequate provisions to meet the requirements of the Minnesota Clean Indoor Air Act and the Minnesota regulations pertaining thereto.

SECTION XVI. EMERGENCY FIRST AID FOR CHOKING.

Any food service establishment which is not a temporary or limited food establishment shall post a chart illustrating the use of an emergency first aid procedure approved by the Minnesota Commissioner of Health for use to relieve a patron with an obstructed airway. Such an illustration shall be posted in the food preparation area where all employees may easily see it.

SECTION XVII. INDUSTRY SELF SURVEY AND TRAINING RESPONSIBILITY.

Every licensee of a food establishment shall arrange for and maintain a program of sanitation self-inspection conducted by the owner, manager, sanitation supervisor, or designated agent. Said self-inspection program shall be approved by the Health Authority. The Health Authority may require a licensee to maintain in employment an owner, manager, sanitation supervisor or designated agent approved by the Health Authority who can demonstrate approved food sanitation practices and techniques. Such knowledge and proficiency may be demonstrated by maintaining written policies or guidelines for food preparation and equipment or utensil cleansing or such other means as approved by the Health Authority.



SECTION XVIII. SEVERABILITY.

If any provision or application of any provision of this ordinance is held invalid, that invalidity shall not affect other provisions or applications of this ordinance.

SECTION XIX. ENFORCEMENT.

Subsection 1: Misdemeanor. Any person who violates a provision of this County ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished therefor as provided by law. A separate offense shall be deemed committed upon each day during or on which the violation occurs or continues.

Subsection 2: Equitable Relief. In the event of a violation or a threat of violation of this ordinance, the County Attorney may take appropriate action to enforce this ordinance, including application of injunctive relief, action to compel performance, or other appropriate action in court, if necessary, to prevent, restrain, correct or abate such violations or threatened violations.

SECTION XX. EFFECTIVE DATE.

This ordinance shall be effective upon passage by the County Board and publication according to law.