

2011-Or-____
AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

By Glidden

**Amending Title 10, Chapter 186 of the Minneapolis Code of Ordinances
relating to the Food Code: In General.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 186.50 of the above-entitled ordinance be amended to read as follows:

186.50. Definitions. All terms used in this title, unless expressly defined in this section, shall be interpreted as defined in the Minnesota Food Code, part 4626.0020, as they may be amended from time to time. The following terms shall have the following meanings:

Community kitchen refers to an approved facility licensed as a food manufacturer that may be used by licensed businesses for commercial purpose. A community kitchen may also be an unlicensed kitchen that is used by community members for cooking non-commercial or exempt foods or for cooking classes and/or other related activities.

Confectionery, as a license type, shall mean the class of food that shall include ready-to-eat, single-service, pre-packaged snack items and beverages including chips, pop, candy, crackers, cookies, pastries, popcorn, sandwiches, milk, yogurt, ice cream, cheese and/or microwavable single-service soups or entrees and similar items. Ready-to-eat, single serving fruits and vegetables prewashed by the supplier may be sold if the facility has a conveniently located hand wash sink. No packaging or re-packaging may occur on the premises. If the facility is equipped with an NSF-approved three-compartment ware-washing sink with two (2) drain boards, and a hand wash sink conveniently located in the ware-washing area, the following non-potentially hazardous food items may be sold: coffee and flavored specialty coffees dispensed from a self-service device, pastries in a self-service display case, and candies in bulk containers for self-service. Food products designed for home preparation are not permitted. A commercial grade self-service microwave oven for self-service reheating of purchased food items is permitted. Approved commercial refrigeration and freezers are required.

Critical item means a part of the Food Code that, if in noncompliance, is more likely than other violations to contribute to food contamination, illness, or environmental degradation and represent substantial public health hazards. The designation of a

critical item shall be in conformance with the designation contained within Minnesota Rules, Chapter 4626, as they may be amended from time to time.

Food establishment shall be defined including Minnesota Rules 4626.0020 subpart 35(c), in addition to those facilities listed in Minnesota Rules 4626.0020 subpart 35(a) and (b).

Food manufacturer means a food service establishment with food preparation and service for carry-out, delivery, on-site dining with twelve (12) or fewer seats or a community kitchen.

Food market distributor means a vendor in a public or municipal market that is selling or reselling foods for off-site consumption.

Food market manufacturer means a vendor in a public or municipal market that is selling foods for immediate consumption.

Food shelf shall mean a food establishment operated by a nonprofit organization where food is collected, stored, or packaged for free distribution to individuals who qualify for food according to need.

Food stand shall mean a temporary food establishment operated in one (1) contiguous space by a single licensee and which complies with the guidelines for dispensing food under a short-term permit.

Imminent means impending or likely to develop without delay.

Institutional/congregate food service shall mean a food establishment that serves food primarily to a defined population in a congregate dining fashion and may include commercial child care centers, hospital cafeterias, public and private schools, senior independent living facilities, charitable dining halls, community food service or similar facilities. Institutional food service shall not mean home-based daycare businesses, establishments that operate with a city board and lodging license or food service operations at group homes, nursing homes, and veteran homes, etc. that are licensed at the county, state or federal level.

Mobile food vehicle means a food establishment preparing and/or serving foods from a self-contained vehicle, either motorized or within a trailer, on public sidewalks, curbside on the public streets, or on private property that is readily movable, without disassembling, for transport to another location.

Mobile food vehicle, limited means a food establishment serving only prepackaged, nonperishable or packaged confections curbside on the public streets from a self-contained motorized vehicle.

Non-critical item means a part of the Food Code that, if in noncompliance, is less likely than other violations to contribute to food contamination, illness, or environmental degradation and represent substantial public health hazards. The designation of a non-critical item shall be in conformance with the designation contained within Minnesota Rules, Chapter 4626, as they may be amended from time to time.

Perishable food is fresh fruit and fresh vegetables, such as, but not limited to, apples, bananas, oranges and grapefruit, lettuce, carrots, radishes, onions and potatoes.

~~Potentially hazardous food means a food that is natural or synthetic and is in a form capable of supporting:~~

- ~~(1) The rapid and progressive growth of infectious or toxigenic microorganisms;~~
- ~~(2) The growth and toxic production of Clostridium botulinum; or~~
- ~~(3) In a raw shell eggs, the growth of Salmonella enteritidis.~~

~~*Potentially hazardous food* includes foods of animal origin that is raw or heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, and garlic and oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth.~~

Potentially hazardous food

(1) *Potentially hazardous food* means a food that is natural or synthetic and is in a form capable of supporting:

- a. The rapid and progressive growth of infectious or toxigenic microorganisms;
- b. The growth and toxic production of Clostridium botulinum; or
- c. In raw shell eggs, the growth of Salmonella enteritidis.

(2) *Potentially hazardous food* includes foods of animal origin that is raw or heat-treated, a food of plant origin that is heat-treated or consists of raw seed sprouts, cut melons, and garlic and oil mixtures that are not acidified or otherwise modified at a food processing plant in a way that results in mixtures that do not support growth as specified in item 1.

(3) *Potentially hazardous food* does not include:

- a. an air cooled hard-boiled egg with the shell intact;
- b. a food with an a(w) value of 0.85 or less;
- c. a food with a pH level of 4.6 or below when measured at 24 degrees Celsius (75 degrees Fahrenheit);
- d. a food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution;
- e. a food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious and toxigenic microorganisms or the growth of Salmonella enteritidis in eggs or Clostridium botulinum cannot occur, including a food that has an a(w) and pH that are above the levels specified in subitem (2) or (3) and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms; or
- f. a food that may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness, but that does not support the growth microorganisms as specified in item 1.

Process review means evaluating the menu and processes to receive, store, prepare, cook, hold, cool, and serve food.

Restaurant means a food service establishment with food preparation and service for carry out, delivery or on-site dining with thirteen (13) or more seats.

~~*Risk one (1) food establishment* means a facility that serves potentially hazardous foods that require extensive processing on the premises, including manual handling, cooling, reheating or holding for service; or prepares foods several hours or days before service; or conducts specialized processing operations, such as curing, smoking, and reduced oxygen packaging; or serves food items that epidemiological experience has demonstrated to be common vehicle of foodborne illness. Examples include sit down full-service restaurants, and schools that prepare food on site.~~

~~*Risk two (2) food establishment* means a facility that serves potentially hazardous foods but with minimum holding time between preparation and service, and/or serves food such as pizza that require extensive handling following heat treatment. Examples include pizza sit-down or take-out restaurants, and sub shops.~~

Risk (1): High risk establishment means a public pool, or any food and beverage service establishment, hotel, motel, lodging establishment, or resort that:

(1) serves potentially hazardous foods that require extensive processing on the premises including manual handling, cooling, reheating, or holding for service;

(2) prepares foods several hours or days before service;

(3) serves menu items that epidemiologic experience has demonstrated to be common vehicles of food-borne illness;

(4) has a public swimming pool; or

(5) draws its drinking water from surface water supply.

Risk (2): Medium risk establishment means a food and beverage service establishment, hotel, motel, lodging establishment, or resort that:

(1) serves potentially hazardous foods but with minimal holding between preparation and service; or

(2) serves foods, such as pizza, that require extensive handling followed by heat treatment.

Risk (3): Low risk establishment means a food and beverage service establishment, hotel, motel, lodging establishment, or resort that is not a Risk (1):high-risk or a Risk (2): medium risk establishment.

~~*Risk three (3) food establishment is not a Risk 1 or 2. Examples include grocery items, donut shop, facility with limited food service.*~~

~~*Seasonal short-term food establishment is a person or sponsor who pays an annual fee to operate at multiple, approved short-term food events, such as fairs, carnivals, and community celebrations, and is an approved participant under the auspices and control of each such event. The seasonal short-term food establishment may sponsor multiple events within the area listed in section 188.480(e)(1) of this Code notwithstanding Minneapolis Park Board as a seasonal short-term permit holder.*~~

Sell or sale is any transaction of a mercantile character.

~~*Short-term food establishment is a food establishment operating for a period of fourteen (14) days or less operates no more than three (3) times annually for no more than ten (10) total days at fairs, community celebrations, carnivals, circuses, promotional food product events, sports events and the like.*~~

Sidewalk cart food vendor shall mean a food establishment that is a nonmotorized vehicle self-propelled by the operator.

Unpackaged processed food means any processed food offered for sale from containers that permit a customer to dispense the food directly into packages, except produce offered for sale or food which is intended to be shelled.

Wholesome shall mean sound, healthful, clean, free from adulteration and in all ways fit for human food.