

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

By Glidden

Amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to Food Code: Administration and Licensing.

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

Section 1. That Section 188.80 of the above-entitled ordinance be amended to read as follows:

188.80. Inspection of premises. The environmental health specialist/sanitarian shall inspect and examine every public and private market, stall, shop, store, warehouse, storehouse, cart, wagon, sleigh or other vehicle in, on or about which any such meat, fish, oysters, birds or fowls, vegetables, fruit, market or other provisions are kept, held or offered for sale as human food, as to the sanitary condition, cleanliness and wholesomeness of such places and vehicles for keeping human food for sale or other disposition or storage, and shall see to it that they are constantly maintained in a clean, wholesome and thoroughly sanitary condition. In case the inspector shall find any such place or vehicle to be in an unclean or unwholesome condition, the inspector shall notify the person in charge thereof to put it in a clean, wholesome and sanitary condition ~~within ten (10) hours from the time of such notice.~~

Section 2. That Section 188.90 of the above-entitled ordinance be amended to read as follow:

188.90. Inspection outside city. ~~(a) The manager of environmental health may inspect food establishments situated outside the city which sell or offer for sale or distribute any food within the city to determine if such food establishments conform to the provisions of this chapter. In addition to the license fee as established by this chapter a fee for such inspection service shall consist of the city salary for such environmental health representative for the number of hours necessarily spent for such inspection and the cost of travel from the office to the inspection site and return to the office at the current rate of reimbursement for car allowance mileage established by the city. Any food establishment located more than fifty (50) miles from the city will not be inspected unless authorized by the city council.~~

(b)(a) The manager of environmental health may permit the sale of food from food establishments outside the city without requiring an inspection by a representative of the environmental health division if local ordinances and reports from local or other responsible health authorities who have jurisdiction where such food establishments are located indicate comparable ordinance and inspection services to those in the city.

(e)(b) Food shipped interstate and subject to federal inspection by the Federal Food and Drug Administration, United States Public Health Service, or other federal agencies may likewise be sold within the city without an inspection of the place of origin by the manager of environmental health. Food from such sources shall be protected from contamination and spoilage during subsequent handling, packaging and storage, and while in transit.

Section 3. That Section 188.100 of the above-entitled ordinance be amended to read as follows:

188.100. Inspection, condemnation of food and food products. Said environmental health specialist/sanitarian shall visit at frequent intervals, as set out in Minnesota Statutes, section 157.20, Subd. 2, every public and private market, stall, shop, store, warehouse and storehouse and all carts, wagons, sleighs or other vehicles of vendors or street hawkers in, at or about which any meat, fish, oysters, birds or fowls, vegetables, fruit, milk or other food products are kept, held or carried for sale or other disposition as human food, and shall examine and carefully inspect all such food products. If any unhealthy, unwholesome or deleterious food products so intended for sale or other disposition as human food are found in or about any such place or vehicle, the environmental health specialist/sanitarian shall at once give the person in charge thereof notice to at once remove the same out of the city or to such place as the inspector shall direct, or to destroy the same; whereupon said person in charge shall remove the same out of the city or to such place as the environmental health specialist/sanitarian shall direct, or destroy the same as may be directed by the environmental health specialist/sanitarian.

Section 4. That Section 188.170 of the above-entitled ordinance be amended to read as follows:

188.170. Short-term food permits and seasonal short-term food permits. Short-term food Ppermits for the sale of food and drink for a period of ~~less than fourteen (14) days~~ no more than three (3) times annually, for no more than ten (10) total days, at community celebrations, circuses, and other like and similar occasions, may be issued upon proper application and the payment of a fee as established in Appendix J, License Fee Schedule. A seasonal short-term food establishment ~~license~~ permit may be issued upon proper application and payment of a fee as established in Appendix J, License Fee Schedule. In the case of a short-term permit or a seasonal short-term food establishment, no more

than two (2) food stands shall be allowed to operate per permit. The operation of short-term food establishments and seasonal short-term food establishments must be in conformity with the provisions of this chapter. The application for a short-term food permit will be considered late if not received by the department of licenses and consumer services ~~fourteen (14)~~ ten (10) or more days prior to the date of the event. A late fee equal to fifty (50) percent of the application fee will be charged to the applicant and must be received by the department of licenses and consumer services before the short-term permit is granted. A short-term food permit with more than ten (10) food vendors at an event may request a permit based on cost of inspection as determined by the manager of environmental health. Notwithstanding any other ordinance provision, the short-term food permit application and the seasonal short-term food establishment application shall be reviewed by the department of licenses and consumer services and approved or denied by the director of licenses and consumer services, or the director of licenses and consumer services' designee, with notice of the decision given to the council member representing the affected ward.

Section 5. That Section 188.550 of the above-entitled ordinance be and is hereby repealed.

~~**188.550. Minneapolis food manager certification program.** The manager certification program is established to ensure each food establishment has an individual in a supervisory capacity who has demonstrated, by passing an examination and obtaining a Minneapolis Food Manager Certificate, that he or she has knowledge and proficiency in the prevention of food borne illnesses, in the preparation and handling of food products in a clean and sanitary manner, and in approved sanitation practices and techniques for food establishments.~~

~~*Approved food manager's certification course shall mean a course covering the material contained in the U.S. Environmental Health Division and Human Services, Food and Drug Administration's (F.D.A.) 1976 recommended food service ordinance. The following courses are pre-approved: Applied Food Service Sanitation by the Educational Foundation of the National Restaurant Association; Food Safety Through Quality Assurance Management by the Hospitality Institute of Technology and Management Incorporated, and food manager's certification courses conducted by Hennepin County Community Health Service. Organizations seeking approval for their food manager's certification course must apply to the Environmental Health Division and Family Support's Division of Environmental Health.*~~

~~*Food manager certification examination shall mean an examination administered by an approved agency authorized to conduct a food manager certification course in the preparation and handling of food products in a clean and sanitary manner, and approved sanitation practices and techniques for food establishments. Examples of an approved examination would be one given by the Education Foundation of the National Restaurant Association, Hospitality*~~

~~Institute of Technology and Management Incorporated, or Hennepin County Community Health Service.~~

~~Minneapolis Food Managers Certificate shall be the document issued by the Division of Environmental Health that certifies a person has satisfactory current knowledge of food service sanitation.~~

Section 6. That Section 188.560 of the above-entitled ordinance be amended to read as follows:

188.560. Minneapolis food manager certification requirements.
Minneapolis food establishments must comply with the food manager certification requirements, as set out in Minnesota Rules, Chapter 4626.2000 to 4626.2525. In support and/or addition to the Minnesota Rules, All persons licensed to operate a food establishment under this chapter (except short-term food establishments) shall at all times employ at least one (1) full time person with supervisory responsibilities (which may be the licensee) who (1) spends a substantial amount of his/her work week at that food establishment, and (2) who has a current Minnesota Department of Health food manager certificate. A large establishment with more than one food preparation and service location under one (1) license, shall have a Minnesota Department of Health certified manager for each location.

A new licensee shall provide proof of certification before the facility is approved to open.

The licensee shall notify the city when the certified person leaves or terminates employment with the food establishment. A food establishment that no longer employs a certified manager shall employ a certified manager within thirty (30) days.

All establishments (except short-term food establishments and those exempted pursuant to rules adopted under the authority of the ordinance) shall maintain up-to-date written policies and guidelines on the premises. These policies and guidelines shall have been approved by the manager of environmental health and shall govern food handling and preparation, sanitation practices and techniques, personal hygiene including handwashing techniques, the prevention of food borne illness through proper receiving, storage, preparation, cooling and reheating of foods, and other related matters.

~~The manager of environmental health shall adopt rules to implement this ordinance. A copy of rules so adopted shall be forwarded to an appropriate committee for receipt and filing by the city council. The rules shall become effective thirty (30) days following receipt and filing unless disapproved by the city council or withdrawn by the manager.~~