

WHEREAS, The current Ramsey County Food Protection Ordinance was amended in 1999 (Resolution number 99-275) to establish standards to protect the health, safety and welfare of the people of Ramsey County and to incorporate recent changes in the Minnesota Food Code; and

WHEREAS, The Minnesota Department of Health and Ramsey County have entered into a Delegation Agreement (Resolution number 99-276) for Environmental Health functions, one of which is the regulation of food service establishments; and

WHEREAS, The Delegation Agreement requires Ramsey County to enforce ordinances establishing standards for food and beverage establishments which are at least equivalent to the minimum standards established by State Rules; and

WHEREAS, The Minnesota Department of Agriculture must enter into a delegation agreement with local boards of health for the regulation of retail food establishments, pursuant to Minn. Stat. Section 28A.075, and Ramsey County has indicated its interest in such a delegation agreement; and

WHEREAS, The Delegation Agreement with the Minnesota Department of Agriculture requires Ramsey County's food protection ordinance to be consistent with the Minnesota Food Code; and

WHEREAS, The current Ramsey County Food Protection Ordinance must be amended to become consistent with the Minnesota Food Code by changing three provisions, which, if changed, will not negatively affect public health and are all be considered for inclusion in revisions to the Minnesota Food Code; and

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WHEREAS, The Department of Public Health has prepared proposed amendments to the Ramsey County Food Protection Ordinance that incorporate these changes; and

WHEREAS, All Ordinance procedures under the Ramsey County Home Rule Charter have been followed; Now, Therefore, Be It

ORDAINED by the Ramsey County Board of Commissioners:

SECTION I PURPOSE

Subsection 1. The purpose of this ordinance is to establish standards to protect the health, safety and the general welfare of the people of Ramsey County pursuant to powers granted under Minnesota Statutes Sections 28A.075 – 28A.0752, 145A.07, and 375.51 - 375.55.

Subsection 2. These general objectives include the following:

- A. Prevent food-borne illness;
- B. Correct and prevent conditions that may adversely affect persons utilizing food establishments;
- C. Provide minimum standards for the design, construction, operation and maintenance of food establishments; and
- D. Meet consumer expectations of the quality and safety of food establishments.

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SECTION II SCOPE

Subsection 1. This ordinance shall be applicable to all retail food establishments such as, but not limited to, restaurants, boarding houses, drive-ins, bars, taverns, cafeterias, delicatessens, snack bars, grocery stores, convenience stores, caterers, cafes, clubs, lodges, commissaries, youth camps, lodging facilities, resorts, public and private schools, public buildings, group day care facilities, vending machines, 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.

Subsection 2. When a food establishment is located in a statutory or home rule charter city which maintains a delegation of authority agreement with the Minnesota Department of Health to regulate food establishments pursuant to Minnesota Statutes 145A.07, or a delegation of authority agreement with the Minnesota Department of Agriculture to regulate food establishments pursuant to Minnesota Statutes 28A.075, the provisions of this ordinance shall not apply.

Subsection 3. Except where higher standards are established by a city ordinance or a state regulation, food establishments subject to those city ordinances or state regulations shall be required to comply with all other requirements of this ordinance.

SECTION III GENERAL PROVISIONS

Subsection 1. Administrative Ordinance. All of the provisions of the Ramsey County Administrative Ordinance shall apply as if fully set forth herein.

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Subsection 2. Health Authority Defined. This ordinance shall be administered by the Saint Paul - Ramsey County Department of Public Health. The term "Department" where used in this ordinance or the Ramsey County Administrative Ordinance, and the term "regulatory authority" where used in the Minnesota Food Code, Minnesota Rules Chapter 4626, shall mean the Saint Paul - Ramsey County Department of Public Health.

Subsection 3. Other Definitions.

- A. Definitions of words, phrases, and terms used in this ordinance shall be those set forth in Minnesota Rules Chapter 4626, the Ramsey County Administrative Ordinance, and this section.
- B. "County" shall mean Ramsey County, Minnesota. "County Board" shall mean the Ramsey County Board of Commissioners.
- C. "Director" shall mean the Director of the Saint Paul – Ramsey County Department of Public Health or his/her designated agent.

SECTION IV LICENSE ADMINISTRATION

Subsection 1. License Required. No person shall operate a food establishment within the County unless a license for the current calendar year of the applicable type shall have been obtained from the Department pursuant to this ordinance and the Ramsey County Administrative Ordinance.

Subsection 2. License Application. The application for such licenses shall be made on forms furnished by the Department and shall set forth such information as may be reasonably required by the Department. The issuance of such licenses and their maintenance, termination, and administration shall be in accordance with and subject to all conditions of the Ramsey County Administrative Ordinance, unless otherwise provided herein.

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Subsection 3. License Fees. Fees for licenses issued hereunder shall be those established from time to time by resolution of the County Board. An additional fee may 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 Department.

Subsection 4. License Expiration. Licenses issued pursuant to this ordinance shall expire on the last day of December each year.

Subsection 5. Transfer and Display of License.

- A. 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. A license shall not be transferable as to person or place. A license obtained for a food establishment shall be conspicuously displayed to the public.
- B. A catering food vehicle operating in the County shall be identified with the name, city, and telephone number of the licensee displayed on both sides of the vehicle in a conspicuous place as designated by the Department. The name shall be in letters of four (4) inches minimum height and of a color contrasting with the background.

Subsection 6. Food Safety Training. The Department may require an applicant for a license to participate in a meeting or training session provided by the Department including the use of videotape or other alternative training methods, for the purpose of providing information in the factors that cause and prevent foodborne illness if the applicant is not required to employ a certified food manager.

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SECTION V INSPECTIONS AND PLAN REVIEW

Subsection 1. Inspection Required. The Department shall inspect each food establishment prior to issuing a license for a new establishment or change of ownership. A license shall not be issued until the corrections required by the Department as a result of the pre-licensing inspection have been made to the satisfaction of the Department.

Subsection 2. Inspection of Food Establishments. The Department shall inspect every food establishment as frequently as it may deem necessary to insure compliance with this ordinance, but not less than the minimum frequency for establishments established by Minnesota Statutes 157.20 or other applicable statutes or rules.

Subsection 3. Inspection Report. The Department shall deliver an inspection report to the owner, manager, or the employee who appears to be responsible for operations at the time of inspection. The Department may, in lieu of delivering such report, post it 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 Department. 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 Department. The Department may, in lieu of posting such report, deliver it to the licensee or his authorized agent by certified or registered mail. A copy of the inspection report shall be filed with the records of the Department.

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Subsection 4. Access to Premises and Records; Interference with Health Authority. The person operating the food establishment shall, upon request and after proper identification of the Department, permit access to all parts of the establishment at any reasonable time for the purpose of inspection, and shall exhibit and allow copying of any records necessary to ascertain sources of foods and methods of food preparation. No persons shall interfere with or hinder the Department in the performance of its duties, or refuse to permit the Department to make such inspections.

Subsection 5. Removal and Correction of Violations. After receiving or having posted a report giving notification of one or more violations of this ordinance, a licensee shall correct each violation in a reasonable length of time as determined by the Department. The length of time for the correction of each such violation shall be noted on the inspection report. The failure to correct each such violation within the time period noted on the inspection report shall constitute a separate violation of this ordinance.

Subsection 6. Construction Plan Review Required. A person shall not begin to construct, extensively remodel, or alter a food establishment until the Department has reviewed and approved the plans and specifications required by this subsection. A statutory or home rule charter city or town shall not issue a building permit for a food establishment or remodeling or alteration permit for such establishment until such plans have the approval of the Department. The food establishment shall be constructed and finished in conformance with the approved plans. The Department may inspect the food establishments as frequently as deemed necessary during construction to ensure that construction occurs in conformance with this ordinance. The Department shall conduct a final inspection prior to the start of operations and issuance of an approved license. If

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work has commenced prior to approval of plans when required, the Department may issue orders to halt the construction, extensive remodeling, expansion, or alteration, or may issue orders, including demolition or removal, if reasonably necessary to determine compliance with the standards of this ordinance.

SECTION VI GROUNDS FOR EMERGENCY CLOSURE

Subsection 1. Single Violations. The Department may issue orders to summarily close any food establishment for any of the following reasons:

- A. Failure to possess a license required by this ordinance;
- B. Evidence of a sewage backup in a food preparation, food storage, or utensil washing area;
- C. Lack of potable, hot or cold water under pressure to the extent that handwashing, utensil washing, food preparation, or toilet facilities are not operational;
- D. Lack of electricity or gas service to the extent that handwashing, utensil washing, food preparation, lighting, or toilet facilities are not operational;
- E. Evidence of an ongoing foodborne illness caused by the operation of the establishment; or
- F. The presence of any condition that poses an imminent risk of substantial harm to the public health, safety or welfare.

Subsection 2. Procedure for Emergency Closure.

- A. If, following an on-site inspection, the Department determines that closure of a food establishment is required in order to protect public health as provided in this section, the Director of the Department shall order the immediate closure of the establishment in writing. The order shall identify the food establishment, describe the specific

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grounds upon which closure is based, direct the immediate closure of the establishment and vacating of the premises by consumers, list the corrective actions necessary to re-open the establishment, and state that a hearing on the emergency closure may be requested by the licensee. The order shall be served in person on the owner, manager, or person who appears to be responsible for operations of the premises.

- B. The person receiving the order shall close the establishment and request all persons to vacate. The establishment shall remain closed until the Department rescinds the order for emergency closure. Failure to close the establishment is a misdemeanor. In the event the person receiving the order fails to close the establishment, the Department may order all persons to vacate the premises. Failure to leave upon said orders is a misdemeanor. Where a person fails to vacate the premises as ordered by the Department, the Sheriff or local police may be summoned to assist in vacating the premises and issuing such citations or making such arrests as may be necessary to comply with this subsection.
- C. The licensee may request, in writing, a hearing on the emergency closure, and the conditions, if any, to be imposed for reopening the food establishment. The hearing shall be held within two (2) County business days before who shall render a written decision within two (2) County business days after the conclusion of the hearing.

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SECTION VII STANDARDS FOR HEALTH, SAFETY, AND NUISANCE PREVENTION

Subsection 1. Standards Adopted. Minnesota Rules, Chapter 4626 (Minnesota Food Code) in effect on the effective date of this ordinance, as it may be amended from time to time, is hereby adopted by reference and made a part of this ordinance except as otherwise expressly provided in this ordinance.

Subsection 2. Standards Amended. The standards imposed by the above adopted rules, as incorporated herein by reference, are hereby modified as follows:

A. The standard imposed by Minnesota Rules 4626.1715, paragraph B, is modified as follows: A party may appeal the denial, revocation, or refusal to renew a variance in accordance with and subject to all conditions of the Ramsey County Administrative Ordinance, unless otherwise provided herein.

Subsection 3. Recycling. Each licensee shall separate recyclable materials from other garbage and refuse, and shall transfer all separated recyclable materials to a recycler. For the purposes of this section, recyclable materials shall include newspaper, glass, corrugated cardboard, and metal cans, and recycler shall mean any person or entity which accepts recyclable materials and assures that the materials are recycled, as defined in Minn. Stat. 115A.03 Subd. 25b. When compliance with this subsection shall create an unnecessary hardship, or that strict conformity with this subsection would be unreasonable, impractical, or not feasible under the circumstances, the licensee may apply to the Department for a variance in accordance with the procedure and the requirements set forth in the Ramsey County Administrative Ordinance, Section IV, Subsection 11.

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Subsection 4. Food Manager Certification.

- A. A licensee shall maintain in employment at each licensed establishment at least one owner, manager, or supervisor who spends a substantial amount of his or her working hours at the food establishment, has completed an approved food service manager certification program, and is registered with the Department or the Minnesota Department of Health as a Certified Food Manager.
- B. The certificate issued by the Department or the Minnesota Department of Health to verify successful completion of an approved food manager certification course and registration as a Certified Food Manager shall be conspicuously displayed to the public.
- C. This subsection shall not apply to temporary food establishments or food establishments which do not prepare potentially hazardous food.

SECTION VIII INDUSTRY SELF-SURVEY AND TRAINING RESPONSIBILITY

Subsection 1. Self-Inspection Program.

- A. 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. The self-inspection program shall be approved by the Department.
- B. The licensee shall maintain on the premises up-to-date written policies or guidelines for food preparation and handling, including proper temperature maintenance of potentially hazardous food; sanitation practices and techniques; employee training in food handling procedures and personal hygiene; monitoring of all activities listed above; a facility, equipment and utensil cleaning schedule; and other means as required by the Department.

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SECTION IX SEPARABILITY

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 X PENALTY

Any person who violates this ordinance, or who permits a violation to exist on the premises under his/her control, or fails to take action to abate the existence of the violation within the specified time period when ordered or notified to do so by the Department, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided by law.

SECTION XI EFFECTIVE DATE

This ordinance shall be effective 30 days after passage by the County Board.

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DATE OF PUBLIC HEARING: _____

DATE OF PASSAGE BY COUNTY BOARD: _____

DATE OF PUBLICATION: _____

EFFECTIVE DATE OF ORDINANCE: _____