

Resolution

Board of
Ramsey County Commissioners

Presented By Commissioner Finley Date July 13, 1993 No. 93-379
Attention:

Budgeting and Accounting
Rob Fulton, Director, Public Health
Dick Ragan, Manager, Environmental Health

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WHEREAS, The Ramsey County Board of Commissioners conducted, on July 13, 1993, the Second Reading of the proposed amendments to the Ramsey County Food Protection ordinance; and

WHEREAS, The Ramsey County Board of Commissioners conducted, on July 13, 1993, a public hearing in accordance with state law, on the matter of the proposed amendments to the Food Protection ordinance; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners hereby adopts the amendments to the Ramsey County Food Protection ordinance.

RAMSEY COUNTY BOARD OF
COMMISSIONERS

	<u>YEA</u>	<u>NAY</u>	<u>OTHER</u>
Diane Ahrens	X		
John Finley	X		
Ruby Hunt	X		
Hal Norgard	X		
Warren Schaber		X	
Brenda Thomas		X	
Dick Wedell	X		

By *Bonnie Cackler*
Chief Clerk - County Board

FOOD PROTECTION ORDINANCE FOR RAMSEY COUNTY

"The County Board of Ramsey County ordains"

SECTION I PURPOSE

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 Section 145A.01 through 145A.14 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

Subsection 1. This ordinance shall be applicable to all food establishments such as, but not limited to, restaurants, boarding houses, drive-ins, bars, taverns, cafeterias, delicatessens, pastry shops, caterers, cafes, clubs, lodges, commissaries, children's 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 apply to 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 of the House of Worship.

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, 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 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 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 Department as determined by conformance to appropriate standards and good public health practices.

Subsection 3. "Caterer" shall mean any person engaged in the business of providing, preparing, and/or serving food to individual persons or groups of persons at any place in the County which is not required to be a licensed food establishment.

Subsection 4. "Catering Food Vehicle" shall mean any food vehicle used to transport any food, except pizza, 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 5. "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 6. "Commissary" shall mean a food establishment in which food, equipment, utensils, or supplies are kept, handled, prepared, packaged, or stored for food service off the premises of the commissary.

Subsection 7. "Condemn" shall mean an order by the Department prohibiting the use of food, equipment, utensils, or supplies identified as failing to meet the standards of this ordinance.

Subsection 8. "Corrosion-Resistant Materials" shall mean those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions-of-use environment.

Subsection 9. "County" shall mean Ramsey County, Minnesota.

Subsection 10. "County Board" shall mean the Ramsey County Board of Commissioners.

Subsection 11. "Department" shall mean the Ramsey County Department of Public Health, its Division of Environmental Health, its Environmental Health Specialists, or other designated agent.

Subsection 12. "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 practical and approved cleaning methods.

Subsection 13. "Embargo" shall mean the withholding of food, equipment, utensils, or clothing from sale or use in any establishment that comes within the jurisdiction of this ordinance until approval is given by the Department for such sale or use.

Subsection 14. "Employee" shall mean any person working in a food establishment under the direction of the licensee.

Subsection 15. "Equipment" shall mean stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, freezers, ice machines, microwave ovens, sinks, dishwashing machines, steam tables, fixed and mobile manufacturing, processing, packaging, storing, and conveying equipment, and similar items other than utensils used in the operation of a food establishment.

Subsection 16. "Examine" shall mean the testing and analysis of food for the purpose of determining compliance with the standards of this ordinance.

Subsection 17. "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 18. "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 19. "Food Establishment" shall mean any building, room, stand, enclosure, vehicle, space, area, or other place wherein food is stored, prepared, manufactured, processed, wrapped, canned, packed, bottled, transported, distributed, sold or offered for sale or served in any way with or without charge, except private homes.

Subsection 20. "Food Vehicle" shall mean any food establishment consisting of a mobile vehicle or pushcart which hauls any food for the purpose of delivery or sale.

Subsection 21. "Garbage" shall mean discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

Subsection 22. "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 23. "Home-prepared Food" shall mean any food which has been processed, prepared, or stored in an unlicensed food establishment or private home.

Subsection 24. "Law" shall include all federal, state, and local statutes, ordinances, and regulations.

Subsection 25. "Licensee" shall mean the person who has been licensed by the Department to establish, operate, and/or maintain a facility or activity regulated by this ordinance.

Subsection 26. "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 27. "Packaged" shall mean bottled, canned, cartoned, or securely wrapped.

Subsection 28. "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 29. "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 30. "Potentially Hazardous Food" shall mean any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, mollusk, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. This term does not include foods which have a pH level of 4.6 or below or a water activity (aW) value of 0.85 or less.

Subsection 31. "Putrescible Material" shall mean solid waste which is capable of becoming rotten and which may reach a foul state of decay or decomposition.

Subsection 32. "Reconstituted Food" shall mean dehydrated food products recombined with water or other liquids.

Subsection 33. "Refuse" shall mean putrescible and nonputrescible solid wastes, except body wastes, and including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes.

Subsection 34. "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 Federal Food, Drug, and Cosmetic Act, United States Code, title 21, Section 321, they are "safe" only if they are used in conformity with regulations established pursuant to the Act, as provided by United States Code, title 21, Section 348 or 376. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in United States Code, title 21, Section 321, and are used in

conformity with all applicable regulations of the U.S. Food and Drug Administration.

Subsection 35. "Sanitization" shall mean bactericidal treatment by a process approved by the Department 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 36. "School" shall mean a public school as defined by Minnesota Statutes Section 120.05.

Subsection 37. "Sealed" shall mean free of cracks or other openings that permit the entry or passage of moisture.

Subsection 38. "Single-Service Articles" shall mean cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, placemats, napkins, doilies, wrapping materials, toothpicks, and similar articles which are meant for one-time, one-person use and then discarded.

Subsection 39. "Smooth" shall mean having an even surface, free of cracks, chips, open seams, rust, corrosion, breaks, pits, checks, and ridges.

Subsection 40. "Tableware" shall mean multi-use eating and drinking utensils, including flatware.

Subsection 41. "Temporary Food Establishment" shall mean a food establishment operating for a temporary period of fourteen (14) days or less, including, but not limited to, a fair, carnival, circus, community celebration, or public exhibition.

Subsection 42. "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 43. "Wholesome" shall mean sound, healthful, clean, unadulterated, and in all ways fit for human food and human consumption.

SECTION IV LICENSE AND FEES

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

When more than five (5) food vehicles are operated by the same person in the same business in the County, the licensee may obtain a fleet license therefore in lieu of a separate license for each vehicle. If such fleet license is suspended or revoked, such suspension or revocation shall affect every vehicle licensed thereunder.

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 cities 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. 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 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. Fee Exemption. Food services in school lunch rooms shall be required to apply for and obtain a license to operate and are subject to all other requirements of this ordinance. Food services in school lunch rooms are not required to pay a license fee.

Subsection 5. License Application. The application for such licenses shall be made on forms furnished by the Department and shall set forth the general nature of the business, the location, and other information as the Department 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 Ramsey County Administrative Ordinance, unless otherwise provided herein.

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.

A. 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 following minimum frequency for establishments with levels of risk as defined by Minnesota Statutes 157.01, subdivision 2:

1. High-risk establishments shall be inspected at least once every eight (8) months.
2. Medium-risk establishments shall be inspected at least once every twelve (12) months.
3. Low-risk establishments shall be inspected at least once every sixteen (16) months.

B. Levels of risk.

1. "High-risk establishment" means any food establishment that: (a) serves potentially hazardous foods which require extensive processing on the premises, including manual handling, cooling, reheating or holding for service; (b) prepares foods several hours or days before service; (c) serves menu items that epidemiologic experience has demonstrated to be common vehicles of food-borne illness; or (d) has an on-site sewage disposal system.

2. "Medium-risk establishment" means any food establishment that: (a) serves potentially hazardous foods but with minimal holding between preparation and service; (b) serves low-risk foods that may or may not be potentially hazardous but require extensive handling, such as baked goods and pizzas; or (c) serves large volumes of food even though the food-borne illness risk is low.

3. "Low-risk establishment" means any food establishment that is not a high-risk or medium-risk establishment.

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.

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. Examination, Embargo, Condemnation, and Tagging.

A. Samples of food may be collected without cost and examined by the Department as often as may be necessary.

B. The Department may condemn and forbid the sale of, or cause to be removed or destroyed, any food which is determined by the Department to be unwholesome or adulterated; prepared, processed, handled, packaged, transported, or stored in a unwholesome manner; unfit for human consumption; or otherwise prohibited by law.

C. The Department may embargo food, equipment and utensils which do not meet the requirements of this ordinance. Food, equipment, utensils, or clothing shall be released from the embargo upon notification to the Department by the licensee of modification of such equipment or utensils to meet the requirements of this ordinance and after inspection and approval of such utensils and equipment by the Department.

D. The Department 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.

E. The Department 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 Department.

Subsection 7. Construction Plan Review Required.

A. All persons who construct, extensively remodel, expand, or convert buildings or facilities for use as food establishments, shall conform and comply in their construction or alteration with the requirements of this ordinance. A complete set of plans and specifications for such construction or alteration shall be filed by its owner in the office of the Department, and shall show layout; arrangement; mechanical, plumbing and electrical specifications; construction materials of work areas; and location, size and type of equipment and facilities.

B. 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 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.

C. If 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 one (1) 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.

Subsection 2. Multiple Violations. The Department may issue orders to summarily close any food establishment for any two (2) of the following reasons:

A. More than one (1) violation within thirty (30) days of holding potentially hazardous food between 50 degrees F. (10 degrees C.) and 135 degrees F. (57 degrees C.) unless the practice in question complies with an approved quality assurance plan which includes a time element.

B. More than one (1) violation within thirty (30) days of failure to provide mechanical refrigeration or hot food holding equipment adequate to maintain required food temperatures.

C. Presence of potentially hazardous food in either refrigeration equipment at 55 degrees F. (13 degrees C.) or higher, or in hot food holding equipment at 135 degrees F. (57 degrees C.) or lower.

D. Lack of an approved handwashing facility in the food preparation area.

E. Lack of an approved and operable utensil washing system, or lack of an approved, sanitizing chemical on the premises.

F. An infestation of cockroaches to the extent that six (6) or more live cockroaches are observed in the food preparation area, six (6) or more cockroaches are trapped within a 24-hour period in the food preparation area, or the presence of one (1) cockroach in food which is present as a result of the operation of the food establishment.

G. An infestation of rodents to the extent that one (1) live mouse or rat is observed in the food establishment, or the accumulation of fresh mouse droppings in more than one (1) location in either the food preparation or food storage areas, or the presence of fresh rat droppings in one (1) location in the food preparation or food storage areas, or the presence of gnawed or rodent contaminated (urine stained) food product.

H. Evidence of flies breeding in the food establishment as indicated by the presence of eggs or maggots.

I. An inspection score of fifty (50) or less on a rated inspection as measured by the rating system approved by the Minnesota Department of Health.

Subsection 3. 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 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 the Director of the Department or his/her designated agent. The Director or his/her designated agent shall render a written decision within two (2) County business days after the conclusion of the hearing.

SECTION VII FOOD SOURCES AND SUPPLIES

Subsection 1. General. Food shall be in sound condition, free from adulteration, spoilage, filth, or other contamination and shall be safe for human consumption. Food shall be obtained from sources that comply with all laws relating to food and food labeling and approved by the Department. The use, storage, or serving of food in hermetically sealed containers not prepared in a food processing plant licensed by the U.S. Department of Agriculture, U.S. Food and Drug Administration, or Minnesota Department of Agriculture, and other home-prepared food is prohibited.

Subsection 2. Dairy Products.

A. Fluid milk and fluid milk products used or served shall be pasteurized and shall meet the Grade A quality standards as established by law. Fluid milk and fluid milk products shall be served to the consumer in the individual, unopened, commercially-filled, original containers in which they were received from the distributor, or served from a mechanically-refrigerated, bulk container equipped with a sanitary dispensing device. Milk containers which are served to the consumer shall not be larger than one (1) pint. Where a bulk dispenser for milk and milk products is not available and portions of less than one-half (1/2) pint are required for mixed drinks, cereal, or dessert service, milk and milk products may be poured from a commercially-filled container of not more than one-half (1/2) gallon capacity. Non-dairy creaming or whitening agents shall be provided in an individual service container or drawn from a refrigerated dispenser designed for such service. Dry milk, dry milk products, and non-dairy product substitutes may be used in instant dessert and whipped products, or for cooking, baking, manufacturing, and processing purposes only.

B. All frozen dairy foods, such as, but not limited to, ice cream, frozen custards, ice milk, milk sherbet, fruit or ice sherbet, yogurt, and frozen malted milk shall meet applicable State laws, rules and regulations.

C. A variance for dispensing of milk or milk products to the consumer in food establishments such as a day care center, bed and breakfast, or children's camp may be granted to permit milk to be poured from a commercially-filled container of not more than one (1) gallon capacity into the drinking vessel.

Subsection 3. Shellfish. Fresh and frozen shucked shellfish (oysters, clams, or mussels) shall be packed in nonreturnable packages identified with the name and address of the original shell stock processor, shucker-packer, or repacker, and the interstate certification number issued according to law. Shell stock and shucked shellfish shall be kept in the container in which they were received until they are used. Each container of unshucked shell stock (oysters, clams, or mussels) shall be identified by an attached tag that states the name and address of the original shell stock processor, the kind and quality of shell stock, and an interstate certification number issued by the State or foreign shellfish control agency. The licensee shall keep the tags at the food establishment for a period of not less than ninety (90) days after the shell stock is served.

Subsection 4. Meat, Poultry, and Eggs.

A. All meat and meat products received, kept, or used in any manner in any food establishment shall be officially identified as

having been inspected for wholesomeness by the U.S. Department of Agriculture, and such products upon which any official identification is lost by reason of the processing thereof shall be identified by the name and location of the processor thereon.

B. All poultry and poultrymeat products shall be clean, wholesome, free from spoilage and adulteration, and shall be processed in a food establishment meeting the requirements established by law. Only clean whole eggs, with shell intact and without cracks or checks, or pasteurized liquid, frozen, or dry eggs or pasteurized dry egg products shall be used, except that hard-boiled, peeled eggs, commercially prepared and packaged may be used. Provided that liquid, frozen, dry eggs and egg products may be used for cooking, baking, manufacturing, and processing purposes only.

Subsection 5. Lubricants. Only food grade lubricants shall be used on equipment designed to receive lubrication of bearings and gears on food-contact surfaces.

SECTION VIII FOOD PROTECTION

Subsection 1. General. Food shall be protected from potential contamination including dusts, insects, rodents, and other vermin; unclean equipment, work surfaces, utensils and facilities; unnecessary or improper handling; coughs and sneezes; flooding, drainage and overhead leakage or drippage; and utensils or equipment which have not been sanitized. Adequate and approved protection of all food shall be provided after delivery and while being stored, prepared, displayed, served, or sold in food establishments or while being transported.

Subsection 2. Emergency Occurrences. In the event of a fire, flood, power outage, or similar events that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the licensee shall immediately contact the Department. Upon receiving notice of this occurrence, the Department may take whatever action that it deems necessary to protect the public health.

Subsection 3. Temperature Maintenance.

A. The internal temperature of all potentially hazardous foods shall be maintained at 40 degrees F. (4.4 degrees C.) or below, or 150 degrees F. (66 degrees C.) or above, except during immediate preparation. Potentially hazardous foods requiring refrigeration after preparation shall be rapidly cooled to an internal temperature of 40 degrees F. (4.4 degrees C.) or below within four hours after removal from the heating or hot holding device. Potentially hazardous

frozen foods shall be stored at an internal temperature of 0 degrees F. (-18 degrees C.) or below.

B. Adequate, properly designed, and conveniently located mechanical refrigeration or hot food storage units shall be provided to ensure the maintenance of potentially hazardous food at required temperatures. Each unit shall be provided with a numerically scaled temperature indicating device accurate to ± 2 degrees F. (± 1 degree C.) located to measure the air temperature in the warmest part of the refrigeration unit or coldest part of the hot food storage unit. Temperature indicating devices shall be securely fastened and located to be easily readable.

C. A metal stem-type, numerically-scaled thermometer, accurate to ± 2 degrees F. (± 1 degree C.) or a thermocouple shall be provided, maintained and used to assure the attainment and maintenance of proper internal temperatures of all potentially hazardous foods. A thermocouple may be required by the Department when the temperature of potentially hazardous food cannot be adequately measured with a metal stem-type thermometer.

D. Potentially hazardous frozen foods shall be thawed in one of the following methods:

1. In a mechanically refrigerated unit at a temperature not to exceed 40 degrees F. (4 degrees C.); or
2. Under potable running water at a temperature of 70 degrees F. (21 degrees C.) or below, with sufficient water velocity to agitate and float off loose food particles in the overflow, and allowing the water to discharge directly to the drain; or
3. In a microwave oven only when the food will be immediately transferred to a conventional cooking device as part of a continuous cooking process, or when the entire, uninterrupted cooking process takes place in the microwave oven; or
4. As part of the conventional cooking process.

E. Poultry, poultry stuffing, stuffed meats and stuffings containing meat shall be cooked to heat all parts of the food to at least 165 degrees F. (74 degrees C.) with no interruption of the cooking process.

F. Pork and any food containing pork must be cooked to heat all parts of the food to at least 150 degrees F. (66 degrees C.) , or if cooked in a microwave oven, to at least 170 degrees F. (77 degrees C.).

G. Beef roasts shall be cooked according to the following requirements:

1. When beef roasts under ten pounds in weight are cooked in a still dry heat oven, the oven shall be preheated to and held at an air temperature of at least 350 degrees F. (177 degrees C.) throughout the process. If cooked in a convection oven, the oven shall be preheated to and held at an air temperature of at least 325

degrees F. (163 degrees C.) throughout the process.

2. When beef roasts of ten pounds or greater in weight are cooked in a dry heat oven, the oven shall be preheated to and held at an air temperature of at least 250 degrees F. (121 degrees C.) throughout the process.

3. In order to meet the public health requirements for the processes in items 1 and 2, the following table lists the minimum internal temperature of the beef roast for the minimum time the roast needs to be held at such temperature:

Minimum Holding Times for Beef Roasts
At Various Internal Temperatures

Minimum internal temperature (° F.)	Minimum holding time (minutes)
130	121
131	97
132	77
133	62
134	47
135	37
136	32
137	24
138	19
139	15
140	12
141	10
142	8
143	6
144	5

4. If cooked in a microwave oven, beef roasts shall be cooked to an internal temperature of at least 145 degrees F. (63 degrees C.).

H. Potentially hazardous foods that have been cooked and then refrigerated, shall be reheated as rapidly as possible, but in no case more than two (2) hours, to 165 degrees F. (74 degrees C.) or higher throughout before being served or before being placed in a hot food storage unit. Steam tables, bain maries, warmers, and similar hot food storage units are prohibited for the rapid reheating of potentially hazardous foods.

SECTION IX FOOD STORAGE, PREPARATION, AND SERVICE

Subsection 1. General. Food shall be prepared or processed with the

least possible manual contact and in such a manner as to prevent cross-contamination of products. Suitable utensils or equipment shall be used which prior to use have been cleaned, rinsed and sanitized to prevent cross-contamination. Raw fruits and vegetables shall be thoroughly washed with potable water before being prepared, cooked or served. Once food has been served to a consumer, it shall not be served again, except that packaged food other than potentially hazardous food that is still packaged in its original container and is in sound condition, may be re-served. All employees shall handle soiled equipment or utensils in a manner that minimizes contamination of their hands. Mollusks and crustacea, if served on the shell, must be served in the original shell. Re-use of such shells for food service is prohibited.

Subsection 2. Condiment Dispensing.

Condiments, seasonings and dressings shall be provided in individual packages or from approved containers or dispensers. Original condiment containers shall not be refilled.

Subsection 3. Dispensing Utensils. To avoid unnecessary manual contact with food or ice, suitable dispensing utensils or equipment shall be used by employees or provided to consumers who serve themselves. Between uses during service, dispensing utensils shall be stored:

- A. in the food or ice at the proper temperature with the dispensing utensil handle extended out of the food or ice; or
- B. clean and dry in an approved location; or
- C. in a running water dipper well.

Subsection 4. Display Equipment. Food on display shall be protected from consumer contamination by the use of packaging or by use of easily cleanable food shields, display cases, or by other effective means. Adequate and sufficient hot or cold food facilities shall be available to maintain the required temperature of potentially hazardous food on display.

Subsection 5. Re-Use of Tableware. Soiled tableware and single-service utensils, except beverage cups and glasses, shall not be re-used by self-service consumers returning to the service area for additional food. The licensee shall post a notice at the self-service food display to notify consumers of the requirements of this subsection.

Subsection 6. Food Transportation. The requirements of temperature, storage, display, and protection against contamination as contained in

this ordinance shall apply in the transporting of food from a food establishment or other location to another food establishment or other location for delivery, service, or catering operations.

Subsection 7. Storage.

A. Food, whether raw or prepared, if removed from the container or package in which it was obtained shall be stored in a clean, covered container except during necessary periods of preparation or service. Food shall not be added to a container in use until the container has been cleaned and sanitized. Container covers shall be impervious and nonabsorbent, except that clean linens or napkins may be used for lining or covering bread or roll serving containers. Solid cuts of meat shall be protected by being covered in storage, except that sides, quarters, or primal cuts of meat may be hung uncovered on clean hooks of approved construction if no food product is stored beneath the meat.

B. Containers of food shall be stored a minimum of six (6) inches above the floor in a manner that protects the food from splash and other contamination, and that permits easy cleaning of the storage area. Containers may be stored on approved dollies, racks, or pallets, provided such equipment is easily movable and constructed to allow for easy cleaning.

C. Food and containers of food shall not be stored under exposed or unprotected sewer lines or similar sources of potential contamination. The storage of food in toilet rooms or vestibules is prohibited.

D. Food not subject to further washing or cooking before serving shall be stored in a way that protects it against cross-contamination from food requiring washing or cooking.

E. Packaged food shall not be stored in contact with water or undrained ice. Wrapped sandwiches shall not be stored in direct contact with ice. Ice intended for human consumption shall not be used for cooling stored food, food containers, or food utensils.

F. Bulk foods, such as, but not limited to, cooking oil, legumes, tubers, grains, syrup, salt, sugar, or flour and related derivative products not stored in the product container or package in which it was obtained, shall be stored in a container identifying the food by common name. The identification shall be placed on the side of the container in English and any other language commonly used by the employees of the establishment.

Subsection 8. Ice. All ice shall be manufactured only from potable water which has been obtained from an approved water supply. Ice shall be handled and transported in single-service containers or

utensils which have been sanitized. Buckets, scoops, and containers, unless they are single-service articles, shall be made of a smooth, impervious material, designed to facilitate cleaning, and kept clean at all times. If ice-crushers are used, they shall be easily cleanable, maintained in a clean and sanitized condition, and covered when not in use. Ice for consumer use shall be dispensed with approved scoops or tongs from a protected storage device, or through automatic single-service ice dispensing equipment, or be prepackaged and portion controlled. Ice dispensing utensils shall be stored on a clean surface or in the ice with the handle of the dispensing utensil extended out of the ice. Between uses, ice transfer receptacles shall be stored in a way that protects them from contamination.

SECTION X SANITARY FACILITIES AND CONTROLS

Subsection 1. Water Supplies. Adequate potable water for the needs of the food establishment shall be provided at all times. All water shall be drawn from the public community water supply system when available. When the public community water supply system is not available, a public non-community water supply located on the premises may be used if the operation, location and construction are in accordance with the rules of the Minnesota Department of Health pertaining to public water supply and well water.

Subsection 2. Plumbing. Plumbing shall be sized, installed, and maintained to carry adequate quantities of water to all locations throughout the establishment, prevent contamination of the water supply, and convey sewage and liquid wastes to the sewage system so that it does not contaminate food, utensils or equipment, or create an unsanitary condition or nuisance. Food service equipment such as refrigerators, ice makers and storage bins, and steam tables shall not be directly connected to the sewer. All new plumbing and all plumbing reconstructed or replaced after adoption of this ordinance shall be designed, constructed and installed to conform with the Minnesota Plumbing Code.

Subsection 3. Handwashing Facilities.

A. Every food establishment, other than food vehicles handling only prepackaged food or which transport meat in the manner provided by State law or regulation, shall be provided with adequate and approved handwashing facilities. Handwashing facilities shall be conveniently located and accessible to employees at all times in all areas where food is prepared or served, where utensils and equipment are cleaned or sanitized, in or immediately adjacent to toilet

facilities, or other areas as may be designated by the Department. Sinks used for food preparation or for washing equipment or utensils shall not be used for handwashing.

B. Each handwashing facility shall be provided with hot and cold running water tempered by means of a mixing valve or combination faucet. Any self-closing or metering faucet used shall be designed to provide a flow of water for at least fifteen (15) seconds without the need to reactivate the faucet. Steam-mixing valves are prohibited. The maximum temperature of water from the faucet shall not exceed 130 degrees F. (54 degrees C.), except that the maximum temperature in a food establishment utilizing a hot water sanitizing dishwashing machine that was installed prior to the adoption of this ordinance shall not exceed 140 degrees F. (60 degrees C.) from the faucet.

C. Each handwashing sink shall be maintained with dispensable soap, a fingernail brush, single-service towels or heated air hand-drying devices, and a sign stating the requirement for employees to wash their hands. Common towels are prohibited. Heated air hand-drying devices shall not be installed in food preparation or utensil washing areas.

D. Where toilet facilities are provided for consumers, a handwashing facility shall be provided in compliance with this subsection, except a fingernail brush shall not be required.

Subsection 4. Sewage Disposal. All sewage, including liquid waste, shall be disposed in a public sewerage or an approved on-site sewage disposal system. Non-water-carried sewage disposal facilities are prohibited, except as permitted by the Department because of special situations. When an individual sewage disposal system is permitted, it shall be designed, located, constructed, operated and maintained in compliance with regulations of the Minnesota Pollution Control Agency. Food vehicles may dispose of their liquid waste into receptacles carried on the vehicle for that purpose. This waste shall be discharged into the public sewerage system or other approved sewage disposal system 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 5. Toilet Facilities.

A. Every food establishment, except a food vehicle, shall be provided with conveniently located and approved toilet facilities for employees which are kept clean, in good repair, and free from flies, insects, and offensive odors. Separate employee toilet facilities shall be provided for each gender when five or more employees may be on duty at any one time.

B. Toilets shall be of a sanitary design and readily cleanable. Receptacles for waste materials shall be provided; shall

be easily cleanable, nonabsorbant, and leak-proof; shall be kept clean; and shall be covered in toilet rooms for women. An adequate supply of toilet tissue shall be provided at each toilet at all times.

C. The doors of all toilet rooms shall be completely enclosed and self-closing. Mechanical ventilation shall be installed and used to provide a minimum of at least ten (10) changes of air per hour.

D. When toilet facilities are provided for consumers, the facilities shall meet the requirements of this subsection.

Subsection 6. Poisonous or Toxic Materials.

A. Only those poisonous or toxic materials necessary for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents shall be present in the food establishment.

B. Containers of poisonous or toxic materials shall be prominently and distinctly labeled, according to requirements in Code of Federal Regulations, title 7, section 162.10, and Minnesota Statutes, section 18B.14, for easy identification of contents.

C. Poisonous or toxic materials consist of the following categories:

1. insecticides and rodenticides, and
2. detergents, sanitizers, related cleaning or drying agents, caustics, acids, polishes, and other chemicals.

Materials in each of these two categories shall be stored and physically located separate from each other, and shall not be stored above food, food equipment, utensils, or single-service articles. Toxic materials shall be obtained, identified, stored, and used only in such manner and under such conditions as will not contaminate food or constitute any other hazard to man. The Department shall have the right to designate the proper storage of toxic materials.

D. Sanitizers, cleaning compounds, or other compounds intended for use on food-contact surfaces shall not be used in a way that leaves a toxic residue on such surfaces or that constitutes a hazard to employees or other persons. Poisonous or toxic materials shall not be used in a way that contaminates food, equipment, or utensils, nor in a way other than in full compliance with the manufacturer's labeling.

E. Personal medications and first aid supplies shall be stored to prevent them from contaminating food and food-contact surfaces.

SECTION XI DISEASE PREVENTION AND CONTROL

Subsection 1. Prohibited Persons. No person, while infected with a disease in a communicable form that can be transmitted by foods or who

is a carrier of organisms that cause such a disease or while afflicted with a boil, an infected wound, or an acute respiratory infection, shall work in a food service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons.

Subsection 2. Procedure When Infection Is Suspected. When the Department has reasonable cause to suspect possibility of disease transmission from any food service establishment employee, the Department shall require an illness or morbidity history of the suspected employee or make such other investigation as may be indicated and take appropriate action. The Department may require any or all of the following measures:

A. The immediate exclusion of the employee from all work activity in food-service establishments.

B. The immediate closure of the food-service establishment concerned until, in the opinion of the Department, no further danger of disease outbreak exists.

C. Restriction of the employee to an area of the establishment where there would be no danger of transmitting disease.

D. Adequate medical examinations and laboratory tests of employee(s) to confirm the presence or absence of communicable disease. Such examinations and tests shall be conducted without expense to the Department.

Subsection 3. Cleanliness.

A. All employees shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices during all periods of duty.

B. Hair nets, caps, or other effective and approved hair restraints shall be used to prevent contamination of food, utensils, and equipment. Hair spray is not an acceptable hair restraint.

C. Employees shall keep their fingernails clean, trimmed, and free of polish or other coatings. Employees engaged in handling or preparing food, or cleaning utensils or equipment, shall keep their hands and arms free of all jewelry and watches, except that a plain wedding band may be worn.

Subsection 4. Handwashing. All employees shall thoroughly wash their hands, including fingernails, and exposed portions of their arms with soap, warm water, and a fingernail brush in an approved handwashing facility before starting work; after smoking, eating, drinking, or using the toilet; and as often as may be necessary to keep them clean. No employees shall resume work after visiting the toilet room without first washing their hands.

Subsection 5. Tobacco. Employees shall not use tobacco in any form except in designated locations which have been approved by the Department for smoking.

Subsection 6. Employee Dining Area. No persons shall consume food, including beverages, except in designated dining areas. An employee dining area shall not be so designated if consuming food there may result in contamination of other food, equipment, utensils, or other items needing protection.

SECTION XIIEQUIPMENT AND FACILITIES PROVIDED

Subsection 1. General. Every food establishment shall have equipment, applicable to the operation therein conducted, which is so designed, constructed, installed, located, and maintained as to permit full compliance with the provisions of this ordinance.

Subsection 2. Sanitary Design and Construction of Equipment and Utensils.

A. All new and replacement equipment and utensils shall be of such material, workmanship, and design as to be smooth; easily cleanable; resistant to wear, denting, buckling, pitting, chipping and crazing; and capable of withstanding scrubbing, scouring, repeated corrosive action of cleaning compounds, and other normal conditions and operation. Utensils shall be constructed of commercial, food-grade, non-toxic materials. Food contact surfaces which come in contact with food debris shall be readily accessible for cleaning and inspection. All equipment installed or placed in service after the adoption of this ordinance shall comply with the following standards of NSF International or equivalent when applicable:

- Standard No. 1- Soda Fountain and Luncheonette Equipment, June, 1984;
- Standard No. 2- Food Service Equipment, November 1987;
- Standard No. 3- Spray Type Dishwashing Machines, June, 1982;
- Standard No. 4- Commercial Cooking and Hot Food Storage Equipment, June, 1986;
- Standard No. 5- Commercial Hot Water Generating Equipment, November, 1983;
- Standard No. 6- Dispensing Freezers, February, 1989;
- Standard No. 7- Food Service Refrigerators and Storage Freezers, May, 1990;
- Standard No. 8- Commercial Powered Food Preparation Equipment, November, 1985;

Standard No. 12- Automatic Ice Making Equipment, November, 1984;
Standard No. 13- Refuse Compactors and Compactor Systems, May, 1985;
Standard No. 18- Manual Food and Beverage Dispensing Equipment, November, 1990;
Standard No. 20- Commercial Bulk Milk Dispensing Equipment and Appurtances, November, 1985;
Standard No. 21- Thermoplastic Refuse Containers, May, 1985;
Standard No. 25- Vending Machines for Food and Beverages, November, 1990;
Standard No. 26- Pot, Pan and Utensil Washers, December, 1980;
Standard No. 29- Detergent and Chemical Feeders for Commercial Spray Type Dishwashing Machines, June, 1982;
Standard No. 35- Laminated Plastics for Surfacing Food Service Equipment, May, 1985;
Standard No. 36- Dinnerware, November, 1990;
Standard No. 37- Air Curtains for Entranceways in Food Establishments, November, 1985;
Standard No. 51- Plastic Materials and Components Used in Food Equipment, May, 1978;
Standard No. 59- Food Carts, June, 1986; and
Criteria C-2 - Special Equipment and/or Devices, November, 1983.

B. Used equipment which has met or exceeded the requirements of NSF International under earlier standards may be installed when such equipment is in good repair and does not constitute a health hazard as determined by the Department. Equipment in use at the time of adoption of this ordinance which does not fully meet the above requirements may be continued in use only if it is in good repair, is capable of being maintained in a sanitary condition, has food-contact surfaces that are nontoxic, and is approved by the Department.

Subsection 3. Location and Installation of Equipment.

A. All equipment shall be installed and maintained to facilitate its cleaning, and the cleaning of all adjacent areas, and shall be kept in good repair.

B. All equipment shall be located and installed to ensure a flow pattern of food from the time of delivery through preparation and service which minimizes the potential for cross-contamination and improper handling of the food. Handwashing sinks, chef sinks, utility sinks, refrigeration equipment, hot food storage equipment, preparation and processing tables shall be convenient and adequate as approved by the Department for the purpose for which they were designed. Equipment shall not be located under exposed or unprotected

sewer lines, open stairwells, or other sources of contamination. This requirement does not apply to automatic fire protection sprinkler heads.

C. Aisles and working spaces between equipment and walls shall be unobstructed and of sufficient width to permit employees to perform their duties readily without contaminating food or food-contact surfaces by clothing or personal contact. All movable storage equipment such as pallets, racks and dollies shall be positioned to provide accessibility to working areas. Pallets shall be used only when the establishment receives delivery of supplies on pallets and proper pallet handling equipment is available for proper cleaning of all areas under and around the pallets. Pressurized tanks and compressed gas cylinders shall be secured in an approved manner to prevent them from falling.

SECTION XIII CLEANING, SANITIZATION AND STORAGE OF EQUIPMENT AND UTENSILS

Subsection 1. General. All utensils and equipment shall be thoroughly cleaned, and food contact surfaces of utensils and equipment shall be stored in such a manner as to be protected from contamination.

Subsection 2. Cleaning Frequency.

A. Tableware shall be washed, rinsed, and sanitized after each use.

B. To prevent cross-contamination, kitchenware and food-contact surfaces of equipment shall be washed, rinsed, and sanitized after each use and following any interruption of operations during which time contamination may have occurred.

C. Where equipment and utensils are used for the preparation of foods on a continuous or production-line basis, utensils and food-contact surfaces of equipment shall be washed, rinsed, and sanitized at intervals throughout the day and on a schedule based on food temperature, type of food, and amount of food particle accumulation as approved by the Department.

D. The food-contact surfaces of kettles, grills, griddles, and similar cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once a day; except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits, food debris, and other accumulated soil.

E. Non-food-contact surfaces of equipment shall be cleaned as

often as is necessary to keep the equipment free of accumulation of dust, dirt, food particles, and other debris.

Subsection 3. Oven Utensils and Equipment. Utensils and equipment which routinely go into ovens for baking purposes and which are used for no other purpose shall not be required to be sanitized, provided, such utensils and equipment are kept clean.

Subsection 4. Wiping Cloths. Cloths used for wiping food spills on tableware, such as plates or bowls being served to the consumer, shall be clean, dry and used for no other purposes. Moist cloths used for wiping food spills on kitchenware and food-contact surfaces of equipment shall be clean, rinsed frequently in an approved sanitizing solution, and used for no other purpose. These cloths shall be stored in sanitizing solution between uses. Moist cloths used for cleaning non-food-contact surfaces of equipment such as counter, dining table tops, and shelves must be clean, rinsed, and used for no other purpose. These cloths must be stored in an approved sanitizing solution between uses.

Subsection 5. Mechanical Cleaning and Sanitizing.

A. Cleaning and sanitizing may be done by spray-type or immersion utensil washing machines or by any other type of machine or device if it is demonstrated that it thoroughly cleans and sanitizes equipment and utensils, and meets the requirements set forth in the NSF International Standard No. 3. These machines and devices shall be properly installed, maintained in good repair, and operated in accordance with manufacturers' instruction. Utensils and equipment placed in the machine shall be exposed to all washing cycles. Automatic detergent dispensers, wetting agent dispensers, and liquid sanitizer injectors shall be properly installed and maintained.

B. Drainboards shall be provided and be of adequate size for the proper handling of soiled utensils prior to washing and of cleaned utensils following sanitization and shall be so located and constructed as not to interfere with the proper use of the dishwashing facilities. This does not preclude the use of easily movable dish tables for the storage of soiled utensils or the use of easily movable dish tables for the storage of cleansed utensils following sanitization.

C. Equipment and utensils shall be flushed or scraped and, when necessary, soaked to remove gross food particles and soil prior to being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Equipment and utensils shall be placed in racks, trays, or baskets, or on conveyers, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse water and that permits free

draining.

D. Utensil washing machines using chemicals for sanitization may be used provided that:

1. Water temperatures, addition of chemicals, and chemical sanitizers used are in conformance with Standard No. 29 of NSF International identified in Section XII.

2. A test kit or other device that accurately measures the parts per million concentration of the sanitizing solution shall be available and used as often as necessary to assure maintenance of the required concentration.

3. Containers for storing the sanitizing agent shall be installed in such a manner as to ensure the operators maintain an adequate supply of sanitizing compound.

4. A visual or audible warning device shall be provided for the operator to easily verify when the sanitizing chemical is depleted.

E. Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water shall be kept clean and water shall be maintained at not less than the temperature specified under NSF International Standard No. 3 under which the machine is evaluated as required under Section XII of this ordinance. A recirculating line shall be provided between the water heater and the dishwashing machine if the Department deems it necessary in order to maintain required temperatures. A pressure gauge shall be installed with a valve immediately adjacent to the supply side of the control valve in the final rinse line provided that this requirement shall not pertain to a dishwashing machine with a pumped final rinse.

F. All utensil washing machines shall be cleaned at least once per day or more frequently as required to maintain the machine in a clean and sanitary condition.

Subsection 6. Manual Cleaning and Sanitizing.

A. For manual washing, rinsing and sanitizing of utensils and equipment, a sink with not fewer than three (3) compartments shall be provided and used. Sink compartments shall be large enough to permit the accommodation of equipment and all utensils, and each compartment of the sink shall be supplied with hot and cold potable running water. Fixed equipment and equipment too large to be cleaned in sink compartments shall be washed manually or cleaned through pressure-spray methods.

B. Integral drain boards of adequate size shall be provided at each end for proper handling of soiled utensils prior to washing and for cleaned utensils following sanitizing, and shall be located so as not to interfere with the proper use of the utensil washing facilities.

C. Equipment and utensils shall be preflushed or prescraped

and, when necessary, presoaked to remove gross food particles and soil.

D. Except for fixed equipment and utensils too large to be washed and sanitized in sink compartments, manual washing, rinsing and sanitizing shall be conducted in the following sequence:

1. Sinks shall be cleaned prior to use.
2. Equipment and utensils shall be thoroughly washed in the first compartment with a detergent solution of at least 100 degrees F. (38 degrees C.) that is kept clean.
3. Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment.
4. Equipment and utensils shall be sanitized in the third compartment in an approved manner.

E. The food contact surfaces of all equipment and utensils shall be sanitized by one of the following methods:

1. Immersion for at least one-half (1/2) minute in clean, hot water at a temperature of at least 170 degrees F. (77 degrees C.).
2. Immersion for at least one (1) minute in a clean solution containing at least 50 parts per million but no more than 200 parts per million of free available chlorine as a hypochlorite and at a temperature of at least 75 degrees F. (24 degrees C.).
3. Immersion for at least one minute in a clean solution containing at least 12.5 parts per million but not more than 25 parts per million of available iodine with a pH which the manufacturer has demonstrated to be effective and at a temperature of at least 75 degrees F. (24 degrees C.).
4. Immersion in a clean solution containing any other chemical sanitizing agent approved by the Department that will provide at least the equivalent bactericidal effect of a solution containing 50 parts per million of free available chlorine as a hypochlorite at a temperature of at least 75 degrees F. (24 degrees C.) for one minute.
5. Equipment too large to sanitize by immersion shall be rinsed, sprayed, or swabbed with an approved chemical sanitizing solution with the concentration which will provide at least the equivalent bactericidal effect of other methods listed in this subsection.

F. When hot water is used for sanitizing, the following facilities shall be provided and used:

1. An integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170 degrees F. (77 degrees C.), and
2. A numerically scaled indicating thermometer, accurate to ± 3 degrees F. (± 2 degrees C.) convenient to the sink for frequent checks of water temperature, and

3. Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.

G. When chemicals are used for sanitization, they must not have a concentration higher than the maximum concentration recommended by the manufacturer. A test kit or other device that accurately measures the parts per million concentration of the solution shall be provided and used.

Subsection 7. Equipment and Utensil Storage.

A. Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination. Spoons, knives, and forks shall be touched only by their handles. Cups, glasses, bowls, plates and similar items shall be handled without contact with inside surfaces or surfaces that contact the user's mouth.

B. Utensils shall be air dried before being stored or shall be stored in a self-draining position.

C. Cleaned and sanitized utensils and equipment shall be stored at least six (6) inches from the floor in a clean, dry location in a way that protects them from contamination by splash, dust, leakage and other means. The food-contact surfaces of fixed equipment shall also be protected from contamination. Equipment and utensils shall not be placed under exposed sewer and water lines, except for automatic fire protection sprinkler heads.

D. Glasses and cups shall be stored inverted. Other stored utensils shall be covered or inverted, wherever practical. Facilities for the storage of knives, forks, and spoons, shall be designed and used to present the handle to the employee and consumer.

Subsection 8. Single-Service Articles. Single-service articles shall have been manufactured, packaged, transported, stored, handled, and dispensed in a sanitary manner. Single-service articles shall not be re-used.

Subsection 9. Prohibited Storage Area. Food equipment, utensils, or single-service articles shall not be stored in toilet rooms or vestibules.

SECTION XIV GARBAGE AND REFUSE DISPOSAL

Subsection 1. Containers. All garbage and refuse prior to disposal shall be kept in leakproof, nonabsorbent, insect-proof, rodent-proof and fire-proof containers. Containers shall be kept covered with tight-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. Containers designed with drains shall have drain plugs in place at all times except during cleaning.

Subsection 2. Storage Areas. All garbage and refuse rooms, enclosures, areas, and containers 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. Exterior garbage and refuse storage containers shall be stored on or above a sealed concrete surface.

Subsection 3. Disposal. All garbage and refuse shall be disposed of with sufficient frequency of not less than once per week and in an approved manner as to prevent a nuisance.

Subsection 4. Recyclable Materials. The requirements of this section shall apply to all materials stored for recycling.

Subsection 5. Recycling. Effective January 1, 1994, 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 K.

SECTION XV 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. Opening to the outside shall be effectively protected against the entrance of rodents. All outside openings, including pass-through windows, shall be protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other approved 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 in good repair. Screening materials shall not be less than sixteen (16) mesh to the inch.

Subsection 3. Chemical Control. Pesticides, if used, shall be applied according to the manufacturer's directions by a pest control operator licensed by the Minnesota Department of Agriculture. Only pesticides approved for use in food establishments, such as pyrethrins as the active ingredient, shall be used. Pesticides shall not be applied when food or utensils are exposed. Intermittent spray dispensers and vaponas strips shall not be used.

Subsection 4. Integrated Pest Management. In the interest of protecting the environment, public health, and safety, food establishments shall control insects, rodents, and other vermin through integrated pest management methods. These methods shall include proper building construction, facility maintenance, and sanitation of the premises to prevent insect and rodent harborage. A licensee shall not rely on the use of pesticides alone for insect and rodent control.

SECTION XVI CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES

Subsection 1. Floors.

A. The floor surfaces of all food preparation, food storage,

equipment and utensil washing, and food serving areas, wait stations, dressing rooms, toilet rooms and vestibules, janitorial areas, walk-in refrigeration, kitchens, and bars shall be constructed of smooth, nonabsorbent, easily cleanable materials which resist the wear and abuse to which they are subjected, such as ceramic tile, quarry tile, or terrazzo. The juncture between walls and floors shall be coved.

B. All floors shall be kept clean and in good repair. The use of sawdust and similar material is prohibited. 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.

C. 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. All floor drains shall have a grating in place and secured to prevent the entrance of rodents.

D. Mats and duckboards shall be of nonabsorbent, non-wood, grease resistant materials of such size, design, and construction as to facilitate their being easily cleaned. Mats and duckboards shall be allowed only if they are in good repair and maintained in a clean condition. Duckboards shall not be used 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, nonabsorbent, washable surfaces to the highest level reached by splash, spray or abuse, but not less than eight (8) feet above the floor. Wall finishes shall be resistant to the wear and abuse to which they are subjected, such as ceramic tile; one-eighth (1/8) inch minimum thickness fiberglass reinforced plastic panels; stainless steel; or sealed, epoxy-painted concrete block, except fiberglass reinforced plastic shall not be permitted behind high heat-producing cooking equipment. Ceilings of such rooms shall be easily cleanable and nonabsorbent. The walls and ceilings of such rooms shall be finished in a light color.

Subsection 3. Attachments. Light fixtures, vent covers, wall-mounted fans, decorative materials, and similar equipment attached to walls and ceilings shall be easily cleanable, and shall be kept clean and in good repair.

Subsection 4. 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 walls, under floors, or above ceilings whenever possible. Exposed lines or pipes shall be installed in a manner that does not obstruct or prevent the easy cleaning of food equipment, floors, walls and ceilings.

SECTION XVII 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 and utensil washing areas shall be illuminated with not less than seventy (70) foot-candles of light. At least thirty (30) foot-candles of light shall be provided on all other surfaces and equipment. In storage areas, a minimum of twenty (20) foot-candles of light measured at thirty (30) inches from the floor shall be provided. Subdued lighting in dining rooms, bars, and public access areas is permissible, provided that lighting meeting the above requirements is available during cleaning.

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 or 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 XVIII VENTILATION

Subsection 1. Installation. All rooms shall have sufficient tempered 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 Uniform Building Code, the Minnesota Uniform Mechanical Code, and the Minnesota Uniform Fire Code.

Subsection 2. Maintenance. All ventilation equipment and facilities, including intake and exhaust air ducts, shall be maintained to prevent the entrance of dust, dirt, vermin, and other contaminating materials.

All ventilation equipment and facilities shall be free of encrusted grease deposits and other accumulated soil and cleaned on a regular basis to bare metal.

Subsection 3. Operation. All ventilation systems shall be operated as designed at all times while the equipment being ventilated is in use. Ventilation systems equipped with filters shall not be operated with the filters removed.

SECTION XIX 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, food storage, and utensil washing areas is prohibited. The walking and driving surfaces of all exterior areas where food is served must be kept clean, properly drained, and finished so as to facilitate maintenance and minimize dust.

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 Department, such an area may be located in a packaged goods storeroom or employee toilet room. The use of handwashing, utensil washing, 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 physically separated from any living or sleeping quarters.

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 licensee. 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 or deaf persons shall be

permitted in dining areas.

Subsection 5. Dressing Areas. 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 located at least six (6) inches above the floor 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 and approved dressing rooms or in food storage rooms or areas containing only completely packaged food or packaged single-service articles, provided the employees' clothing and other belongings are not stored on, above, or by containers of food or 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. A separate room shall be provided for laundry facilities except that such operations may be conducted in storage rooms if properly segregated from packaged food or packaged single-service articles.

Subsection 8. Linen and Clothes Storage.

A. Clean clothes and linens shall be stored in a clean place at least six (6) inches above the floor and protected from contamination until used.

B. Soiled clothes and linens shall be stored in nonabsorbent containers or washable laundry bags in an approved location 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.

Subsection 1. General. Temporary food establishments and food vehicles shall comply with all applicable provisions of this ordinance and shall be operated in an approved manner. The Department may waive specific requirements for physical facilities, when in the opinion of the Department suitable substitutes which comply with the requirements of this section are provided and will not result in an imminent health hazard. The Department may limit the sale or giving away of some or all potentially hazardous foods. Before commencing operations of any kind, the licensee shall notify the Department that such food establishment is ready for final inspection, and the Department may make an inspection and issue a report thereon. No temporary food establishment or food vehicle shall commence operations until the requirements of this ordinance have been met in accordance with the reports and orders of the Department.

Subsection 2. Restricted operations. If necessary to protect the public health, the Department may impose additional requirements to protect against health hazards related to the conduct of the operation and prohibit the sale or giving away of some or all potentially hazardous food. A temporary food establishment shall be located where it is protected from odors and possible contamination; e.g. toilets, animal pens, garbage collection sites. It shall be protected from dust and windblown particulates by location, treatment of ground surfaces, or by having the temporary food establishment enclosed.

Subsection 3. Floors. The floor of a temporary food establishment shall be equivalent to solid concrete, asphalt, vinyl flooring, or sealed wood. The interior floor of a food vehicle shall be equivalent to noncorrosive metal or be surfaced with vinyl flooring.

Subsection 4. Walls or enclosures. A temporary food establishment or food vehicle shall be protected during adverse weather by its construction or location. If it cannot be protected, all food preparation and service activities shall cease during periods of adverse weather. Interior surfaces shall be finished with smooth, durable, nonabsorbant, easily cleanable materials that resist wear.

Subsection 5. Equipment and Utensils.

A. Food service equipment shall comply with the applicable standards of NSF International. Mechanical refrigeration shall be provided and used for potentially hazardous food. Each refrigerator shall be provided with a thermometer accurate to ± 2 degrees F. (± 1 degree C.).

B. Charcoal grills shall contain a hinged lid.

C. A mechanical exhaust system shall be installed in a food

vehicle when grease-laden cooking vapor or condensation is generated in the cooking process. Ventilation systems shall be operated as designed at all times while the cooking equipment is in use.

D. Single service, disposable eating and drinking utensils shall be used unless approved, permanent dishwashing facilities are available. Washed and sanitized utensils which are transported to the location for food preparation or service shall be covered with plastic wrap or placed in a covered container to prevent contamination. When approved, permanent dishwashing facilities are not available, a sufficient number of utensils shall be provided to prevent their reuse.

Subsection 6. Food Handling and Storage

A. All food shall come from approved, commercial sources. Home-prepared food and food stored in a residence is prohibited. Food shall be stored in an approved location.

B. Potentially hazardous food shall be maintained at 40 degrees F. (4 degrees C.) or below, or 150 degrees F. (66 degrees C.) or above at all times, including transportation. Previously cooked food which is reheated shall be reheated to an internal temperature of at least 165 degrees F. (74 degrees C.) throughout before being served. Heated food which is left over at the end of the day shall be discarded.

C. Ice shall be obtained from an approved, commercial source. Home-prepared ice shall not be used. Ice shall be obtained only in chipped, crushed, or cubed form and in single-use safe plastic or wet-strength paper bag, filled and sealed at the point of manufacture. Ice shall be stored in its original container until it is dispensed in a way that protects its from contamination.

Subsection 7. Customer and Employee Safety.

A. Customers shall be protected from food preparation and cooking areas by means of an impervious shield or by separation distances.

B. A fire extinguisher with a minimum 2A 10 B-C rating shall be present at a temporary food establishment if required by the fire marshal. The fire extinguisher shall be fully charged, located in a readily accessible location, and inspected and approved by a qualified person within the preceding twelve (12) months.

Subsection 8. Sanitary facilities.

A. Potable water shall be obtained from an approved public water supply. Water shall not be provided from a residential well. Potable water, if not provided under pressure at the temporary food establishment, shall be transported and stored in an approved, cleanable, covered container containing a spigot. The container shall

be washed and sanitized before use.

B. A food vehicle which is required to have a water system shall be equipped with a potable water storage tank and a water heater tank, both of which can be drained and are sufficiently sized to meet water demand. The potable water storage tank shall be corrosion resistant, nontoxic, and free of seams. The entire water system shall be sanitized each year before the vehicle is put into service. When in operation, a food vehicle may be directly supplied with potable water from an approved, external water system. The connecting hose shall be capped and otherwise protected when it is disconnected so that it will be protected from contamination.

C. An approved handwashing facility shall be provided within a temporary food establishment or a food vehicle. An approved handwashing facility shall consist of dispensable soap, a fingernail brush, paper towels, and running water discharged from a faucet or spigot into a waste line or approved holding vessel. The Department may approve alternative handwashing facilities when limited or no food preparation will be conducted within the temporary food establishment or food vehicle. Alternative handwashing facilities, when approved, shall consist of paper towels and a spray bottle containing 100 to 200 parts per million of available chlorine, or moist towelettes.

D. Wastewater shall be discharged directly into an approved sanitary sewer system or to a holding tank which will subsequently be discharged into a sewer system. Ground surface discharge is not permitted. Discharge lines and connections shall not be compatible with the water supply connections. The holding tank shall be at least fifteen percent (15%) larger than the fresh water storage tank.

Subsection 9. Lighting. All interior lights shall be shielded to prevent breakage. Lights used at night shall not attract flying insects.

SECTION XXI 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 XXII 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 XXIII EMERGENCY FIRST AID FOR CHOKING

Any food service establishment which is not a temporary food establishment shall post a chart illustrating the use of an emergency first aid procedure approved by the Department 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 XXIV INDUSTRY SELF-SURVEY AND TRAINING RESPONSIBILITY

Subsection 1. Self-Inspection Program. 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 Department.

Subsection 2. Manager Certification.

A. The Department shall require a licensee to maintain in employment at least one owner, manager, or sanitation supervisor who spends a substantial amount of his or her working hours at that establishment, and who has successfully completed a food service manager certification program or has successfully passed a written examination conducted by the Department with a score of seventy-five percent (75%) or greater.

B. The certificate issued by the Department to verify compliance with this subsection shall be conspicuously displayed to the public.

C. The food service manager certification program required by this subsection shall be approved by the Director of the Department or his/her designated agent. In order for a certification program to be approved, the program shall require that the individual can demonstrate, through passing a written examination, knowledge and proficiency in the prevention of food-borne illness, proper preparation and handling of food products, and approved food sanitation practices and techniques which are in compliance with the requirements of applicable state regulations and this ordinance.

D. The certification required by this subsection shall be valid for a period of three (3) years after the date of passing the written examination. Certification may be renewed under procedures approved by the Director of the Department.

E. The licensee shall employ at least one (1) person meeting the requirements of this subsection no later than July 1, 1994. A new food establishment or a new owner shall employ at least one person meeting the requirements of this subsection prior to opening for business. A licensee who no longer employs a certified food manager shall have another employee meeting the requirements of this subsection certified within forty-five (45) days after the employment termination of the certified food manager.

F. This subsection shall not apply to temporary food establishments and food establishments which serve beverages only.

Subsection 3. Sanitation Policies. 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.

SECTION XXV SEPARABILITY

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

SECTION XXVI 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 XXVII EFFECTIVE DATE

This ordinance shall be effective on September 1, 1993.

