

Washington County, Minnesota Ordinances

Ordinance No. 215 Food Code Ordinance

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Section 1 Purpose and Authority

1.1
The purpose of this Ordinance is to establish standards and authority to protect the public health, safety, and general welfare of the people of Washington County pursuant to powers granted under Minnesota Statutes Chapters 145A, 157, and 375. These general objectives include the following:

- (1) Prevent foodborne illness.
- (2) Correct and prevent conditions that may adversely affect persons utilizing food establishments.
- (3) Provide a minimum standard for the design, construction, operation, and maintenance of Food Establishments; and
- (4) Meet consumer expectations of the quality and safety of Food Establishments.

1.2

This Ordinance establishes the minimum standards, as defined in the Minnesota Food Code, Minnesota Rules Chapter 4626, and this Ordinance, for the design, construction, operation, and maintenance of Food Establishments located in Washington County so that health and safety hazards are minimized. Whenever, and if, this Ordinance conflicts with other applicable laws, regulations, and Ordinances, the most restrictive shall prevail.

Section 2 Scope

2.1

This Ordinance shall be applicable to all Food Establishments, as defined in Minnesota Statutes 157.15, Minnesota Rules Chapter 4626.0020, and this Ordinance, which are located in Washington County.

Section 3 Administration

3.1

This Ordinance shall be administered by the Washington County Department of Public Health and Environment hereinafter referred to as the "Department" or the "Health Authority".

3.2

The provisions of the Washington County Administrative Ordinance shall apply as if fully set forth herein, unless specifically altered or exempted in this Ordinance.

Section 4 Definitions

4.1

For the purposes of this Ordinance, definitions of words, phrases, and terms used in this Ordinance shall be those set forth in Minnesota Rules Chapter 4626 and Minnesota Statute 157.15. The following words shall have the following meanings:

(1) Additional Facility

shall mean a location within a Food Establishment, other than the primary food preparation and service area, which is used to prepare or serve food or beverages to the public including but not limited to bar facilities in a Food Establishment, additional kitchen areas or an outdoor bar.

(2) Additional Water Tests

shall mean water samples collected in addition to the Private Well Water Test including quarterly samples or repeat water tests. This does not include false positive follow up tests.

(3) Bed and Breakfast

shall mean a private home where sleeping accommodations are offered for one or more nights for transient use to no more than ten (10) persons and includes a single meal per day served on the premises.

(4) Change or Transfer of Ownership

shall mean a legal transaction whereby the ownership of an establishment is changed from one Person to another Person. This transaction can occur by sale, exchange, repossession, or other legal means.

(5) Day Care Center

shall mean any adult or child-care facility which meets the requirements for licensing by the Minnesota Department of Human Services under Minnesota Rules Chapter 9503.

(6) Clean

shall mean free from insects, vermin, and debris and free from physical, chemical, and microbial substances discernable by ordinary sight or touch, by ultraviolet light, or by artificial light.

(7) Code

shall mean the Minnesota Food Code (Minnesota Rules, Chapter 4626).

(8) County

shall mean Washington County.

(9) County Board

shall mean the Washington County Board of Commissioners.

(10) Department

shall mean the Washington County Department of Public Health and Environment and shall be synonymous with the term "Health Authority".

(11) Equipment Remodeling

shall mean the replacement or installation of equipment that does not result in a change to the food types or risk category.

(12) Extensive Remodeling

shall mean construction of a new Food Establishment, remodeling of a Food Establishment, or the replacement or installation of equipment that results in a change in risk category.

(13) Health Authority

shall mean the Washington County Department of Public Health and Environment, its Director or other designated agent. The term Health Authority is synonymous with "Department".

(14) Minor Remodeling

shall mean remodeling of a Food Establishment, or the replacement or installation of equipment to facilitate the preparation of new food types but does not change the risk category.

(15) Private Well Water Test

shall mean a water sample collected pursuant to the Safe Drinking Water Act.

(16) Risk Categories

shall be defined as in Minnesota Statute 157.20.

(17) Sanitary Survey

shall mean a water safety inspection conducted pursuant to the Safe Drinking Water Act.

(18) Variance

shall mean a modification or variation to the requirements of this Ordinance where it is determined that, by reason of exceptional circumstances, the strict enforcement of the Minnesota Food Code and this Ordinance would cause unnecessary hardship.

Section 5 Licensing and Fees

5.1

No Person shall operate a Food Establishment, as defined in Minnesota Rules Chapter 4626.0020, unless a license for the current year of the applicable type shall have been obtained pursuant to this Ordinance from the Health Authority.

5.2

Only a Person who complies with the requirements of this Ordinance shall be entitled to receive a license. Licenses shall not be transferable as to Person or place. The original copy of all licenses obtained for a Food Establishment shall be conspicuously located for public inspection.

5.3

Fees for licenses, plan reviews, sampling, and other program services shall be established by the County Board of Commissioners. Additional fees shall be charged for each Additional Facility which is separate, distinct, or unique from the central or main Food Establishment, as determined by the Health Authority.

5.4

All outstanding fees shall be paid in full before the issuance of a renewal license.

5.5

Food Establishments that Change or Transfer Ownership or otherwise begin operations at various times during the year shall have their license fees prorated as follows:

- (1) Seventy-Five percent (75%) of the total required license fees for establishments beginning operations on or after April 1 but before July 1;
- (2) Fifty percent (50%) of the total required license fees for establishments beginning operations on or after July 1 but before October 1;
- (3) Twenty-five percent (25%) of the total required license fees for establishments beginning operations on or after October 1 but before December 31.

This proration of license fees is applicable only to the total required license fee. It does not include any required plan review fees or water sampling fees. This proration of fees does not apply to Food Establishments defined as Seasonal Establishments, Seasonal Temporary Food Stands, Mobile Food Units, Food Carts, or Special Event Food Stands.

5.6

If the Health Authority receives plans and specifications for a Food Establishment less than thirty (30) calendar days before construction or Extensive Remodeling begins, fifty percent (50%) of the original plan review fee will be assessed for a late fee.

5.7

Licenses are valid through December 31, annually, except those establishments whose licensing period is defined on the license at time of issuance. License renewal applications shall be received by the Health Authority by December 1 of each year or before opening, whichever is later.

5.8

The application for licenses shall be made on forms furnished by the Health Authority and shall set forth the general nature of the business, the location, and other information as the Health Authority may require. The issuance of such licenses and their maintenance, termination, and administration shall be in accordance with and subject to all conditions of the Washington County Administrative Ordinance relative to the general requirements for licenses in Washington County.

5.9

Late fees for Food Establishment licenses, including Seasonal Establishments, shall be assessed as described in the Administrative Ordinance. Late fees for Special Event Food Stands, Mobile Food Unit, Food Cart, Seasonal Permanent Food Stand, and Seasonal Temporary Food Stands will be assessed as follows:

Thirty dollars (\$30.00) if the Health Authority receives the license application three calendar days or less before the first day of operating.

Section 6 Exemptions from this Ordinance

6.1

This Ordinance shall not apply to the Food Establishments listed in Minnesota Statute 157.22.

6.2

Upon request, the Health Authority may provide guidelines, recommendations, technical assistance, and education to exempt organizations for the purpose of providing safe food. If an exempt organization requests a plan review from the Health Authority, appropriate fees will be assessed to the exempt organization.

Section 7 Inspections

7.1

The Health Authority shall inspect licensed Food Establishments as frequently as necessary to ensure compliance with this Ordinance, but not less than the minimum frequency established by Minnesota Statutes 157.20.

7.2

The Health Authority shall have the right to enter and have access to the establishment at any time during the conduct of business. No persons shall interfere with or hinder the Health Authority in the performance of its duties or refuse to permit the Health Authority to make such inspections.

7.3

The Health Authority 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 Health Authority as a result of the pre-licensing inspection have been made to the satisfaction of the Health Authority.

7.4

The Health Authority shall document the findings of the inspection in a report which will include but not be limited to code violations, corrective actions, and compliance dates and provide a copy of the completed report to the licensee or to the person in charge.

7.5

All Licensees, owners, or operators of Food Establishments which has received an inspection report giving notification of one or more violations of this Ordinance shall correct or remove each violation in a reasonable length of time determined by the Health Authority. The length of time for the correction or removal of each such violation shall be noted on the inspection report. The failure to remove or correct each such violation within the time period noted on the inspection report shall constitute a separate violation of this Ordinance.

Section 8 Standards for Health and Safety

8.1

Minnesota Rules 4626, the Minnesota Food Code with the exception of sections 4626.0033 subp. G through O, and Minnesota Statute 157, with the exception of section 157.16, in effect on the effective date of this Ordinance, and all future revisions thereof, are hereby adopted by reference and made part of this Ordinance.

8.2

Whenever a Food Establishment is constructed or remodeled or whenever an existing structure is converted to use as an establishment which would be licensed under the provisions of this Ordinance, properly prepared plans and specifications for each construction, remodeling or conversion shall be submitted to the Health Authority for review and approval at least thirty (30) calendar days prior to the time that construction, remodeling, or conversion is begun. The plans and specifications shall indicate the proposed layout; mechanical, plumbing, and electrical specifications; construction materials and location; and equipment specifications and menu. The plans and specifications, along with the plan review fee, shall be submitted in the form requested by the Department. The facility shall be constructed and finished in accordance with the approved plans.

8.3

An "Employee Health" sign provided by the Health Authority relating to Minnesota Rules 4626.0040 shall be posted in a location in the establishment where employees are required to report at the beginning of their shift.

Section 9 Variances

9.1

A Variance from provisions of this Ordinance that are incorporated by reference into this Ordinance from MN Rules Chapter 4626 may be granted pursuant to the criteria and procedures in MN Rules 4636.1690 to 4626.1715 or MN Rules 4626.0415. A Variance from provisions of this Ordinance that are not adopted by reference from MN Rules Chapter 4626 may be granted pursuant to the criteria and procedures in the Washington County Administrative Ordinance.

Section 10 Enforcement

10.1

Any person who violates a provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

10.2

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

10.3

The Department of Public Health and Environment may, in lieu of or in addition to issuance of a citation or other enforcement action, order the Licensee, owner, or operator to appear for a compliance meeting at a Washington County Government office at the time and date prescribed by the Department. The Licensee, owner, or operator must be given written notice at least 24 hours in advance of the compliance meeting and such notice shall specify the Ordinance violations to be discussed. Failure to appear shall constitute a violation of this Ordinance as described in section 10.1.

10.4

Citations may be issued by the Department and the Department may deny, suspend, summarily suspend, or revoke licenses in accordance with the Washington County Administrative Ordinance.

Section 11 Severability

11.1

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

Section 12 Effective Date

12.1

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