

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

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

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

Section 1. That Section 186.40 of the above-entitled ordinance be amended to read as follows:

186.40. "Regulatory authority" defined for the code. Wherever the term "regulatory authority" is used in the Minnesota Food Code, it shall be held to mean the ~~environmental health division of the city department of regulatory services~~ Minneapolis Health Department.

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**AN ORDINANCE
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CITY OF
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By: Lilligren

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

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

Section 1. That Section 188.10 of the above-entitled ordinance be amended to read as follows:

188.10. Authority. This chapter is adopted pursuant to Minnesota Statutes 1998, Chapter 144, 145, 145A, and 157, and related rules; and a delegation agreement authorized by Minnesota Statute 145A.07 between the Minnesota Department of Health and the City of Minneapolis authorizing the Environmental Health Division of the Minneapolis Health Department to inspect and regulate food, beverage and lodging establishments.

Section 2. That Section 188.20 of the above-entitled ordinance be amended to read as follows:

188.20. ~~Manager of the environmental health division~~ Environmental Health Division of the Minneapolis Health Department to enforce. This title shall be enforced by ~~the manager of the city's environmental health division of the department of regulatory services or the manager's authorized representatives~~ Minneapolis Health Department.

Section 3. That Section 188.50 of the above-entitled ordinance be amended to read as follows:

188.50. Notice to remove or destroy unwholesome food. ~~The manager of~~ environmental health division, upon discovering and determining that any food as herein defined which is offered or held for sale within the city is adulterated, decayed, diseased, unwholesome or for any cause unfit for human food, shall at once give the person in charge thereof notice to at once remove the same out of the city or to such

place in the city as the ~~manager of~~ environmental health division may designate or destroy the same as directed by the ~~manager of~~ environmental health division.

Section 4. That Section 188.60 of the above-entitled ordinance be amended to read as follows:

188.60. Embargo and detention. The ~~manager of~~ environmental health division may attach a tag or issue a written notice of embargo or detention and thereby embargo any food, clothing, equipment, utensil or thing which by reason of origin, dirt, filth, extraneous matter, insects, temperature, corrosion, open seams, chipped or cracked surfaces is unfit for use. Such tag shall be printed as follows:

MINNEAPOLIS ENVIRONMENTAL HEALTH DIVISION HELD FOR INVESTIGATION

DATE _____

SANITARIAN _____

It shall be unlawful for any person to remove such tag from any food, utensil and the like or to remove or use such food, equipment, clothing and the like to which a tag has been attached or to remove, sell, give away, or otherwise dispose of any food covered by written notice of embargo or detention except by direction of the ~~manager of~~ environmental health division.

Section 5. That Section 188.70 of the above-entitled ordinance be amended to read as follows:

188.70. Authority to inspect. The ~~manager of~~ environmental health division, or ~~its agent- agents or designee designees~~ of, after proper identification, shall, at all reasonable times, have the right to enter into and upon premises and inspect any food establishment, vehicle, food manufacturing establishment or other business required to have or possessing a food license as set forth by this chapter, and it shall be unlawful for any person in any way to obstruct or hinder or refuse to permit the ~~manager of environmental health or the manager's authorized representatives- environmental health division~~ to inspect such premises.

Section 6. That Section 188.80 of the above-entitled ordinance be amended to read as follows:

188.80. Inspection of premises. The environmental health ~~specialist/sanitarian~~ division shall inspect and examine every public and private market, stall, shop, store, warehouse, storehouse, cart, wagon, sleigh or other vehicle in, on or about which any such meat, fish, oysters, birds or fowls, vegetables, fruit, market or other provisions are kept, held or offered for sale as human food, as to the sanitary condition, cleanliness

and wholesomeness of such places and vehicles for keeping human food for sale or other disposition or storage, and shall see to it that they are constantly maintained in a clean, wholesome and thoroughly sanitary condition. In case the inspector shall find any such place or vehicle to be in an unclean or unwholesome condition, the inspector shall notify the person in charge thereof to put it in a clean, wholesome and sanitary condition.

Section 7. That Section 188.90 of the above-entitled ordinance be amended to read as follows:

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

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

Section 8. That Section 188.100 of the above-entitled ordinance be amended to read as follows:

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

Section 9. That Section 188.130 of the above-entitled ordinance be amended to read as follows:

188.130. Vehicles for peddling food. (a) *Sanitation.* All vehicles used for transporting or peddling fruits, vegetables, milk, meat, poultry or other like produce or provisions shall at all times be kept free from dirt, dust, grease and other hurtful and contaminating substances and in a clean and sanitary condition.

(b) *Other use of vehicles.* No peddler doing business in the city and using a vehicle for the transporting or peddling of fruits, vegetables, produce or other provisions shall use or permit or cause to be used such vehicle for the hauling or conveyance of junk, junk materials, scrap, garbage, refuse or any decayed animal or vegetable matter or other unclean and unwholesome substance or thing whatever.

(c) *Inspection by environmental health division.* The ~~manager of~~ environmental health division, or ~~agent thereof;~~ its agents, shall inspect all vehicles used for transporting or peddling fruit, vegetables, milk, meat, poultry or other like produce or provisions, and shall condemn and destroy any food found thereon to be unsound, unwholesome or unfit for human consumption.

Section 10. That Section 188.170 of the above-entitled ordinance be amended to read as follows:

188.170. Short-term food permits and seasonal short-term food permits. Short-term food permits for the sale of food and drink for a period of no more than three (3) times annually, for no more than ten (10) total days, at community celebrations, circuses, and other like and similar occasions, may be issued upon proper application and the payment of a fee as established in Appendix J, License Fee Schedule. A seasonal short-term food establishment permit may be issued upon proper application and payment of a fee as established in Appendix J, License Fee Schedule. In the case of a short-term permit or a seasonal short-term food establishment, no more than two (2) food stands shall be allowed to operate per permit. The operation of short-term food establishments and seasonal short-term food establishments must be in conformity with the provisions of this chapter. The application for a short-term food permit will be considered late if not received by the ~~department of licenses and consumer services~~ licensing official ten (10) or more days prior to the date of the event. A late fee equal to fifty (50) percent of the application fee will be charged to the applicant and must be received by the ~~department of licenses and consumer services~~ licensing official before the short-term permit is granted. A short-term food permit with more than ten (10) food vendors at an event may request a permit based on cost of inspection as determined by the ~~manager of~~ environmental health division. Notwithstanding any other ordinance provision, the short-term food permit application and the seasonal short-term food

establishment application shall be reviewed by the ~~department of licenses and consumer services~~ licensing official and approved or denied by the ~~director of licenses and consumer services, or the director of licenses and consumer services' designee~~ licensing official, with notice of the decision given to the council member representing the affected ward.

Section 11. That Section 188.180 of the above-entitled ordinance be amended to read as follows:

188.180. License application. Any person desiring a food license shall file with the ~~department of licenses and consumer services~~ licensing official a written application for such license, giving in such application the full name, place, date of birth and address of the owner or proprietor of the building, shop, stall, vehicle, stand or place where such food establishment is to be conducted and for which a license is desired, the location of the building or buildings, and the part or portion thereof intended to be used in the conduct of such business and under such license. If the applicant is a partnership or firm, the name, place and date of birth, residence address of all partners or persons interested therein; if a corporation, the state of incorporation, the name, place and date of birth, of all persons named in the corporation, and shall state whether or not any person named in the application has ever been convicted of any crime. Such application shall also indicate the source of funds used to begin operation of the food establishment and all documentary proof and evidence thereof including leases, contracts, purchase agreements, and financial statements. Such application shall also contain the kind, name, and location of every business or occupation applicant has been engaged in during the preceding ten (10) years, and the street address at which the applicant has lived during the preceding ten (10) years. The applicant shall state in such application the nature of the business to be conducted. If the applicant proposes to operate more than one (1) of such businesses, the applicant shall so state in the application and shall describe the part or portion of the building or place wherein the applicant proposes to conduct each of such businesses. If a license is granted, the part or portion of said building used as a food establishment shall conform to and the equipment and operation be in accordance with the provisions of this chapter.

Section 12. That Section 188.190 of the above-entitled ordinance be amended to read as follows:

188.190. Health inspection, recommendation required; license issuance or denial. Upon the filing of the application for a license hereunder it shall be referred to the ~~manager of environmental health~~ division for investigation, report and recommendation. After the report and recommendation of the ~~manager of environmental health~~ division have been received by the ~~director of licenses and~~

~~consumer services~~ licensing official, the license may be granted or denied pursuant to section 259.30.

Section 13. That Section 188.210 of the above-entitled ordinance be amended to read as follows:

188.210. Application for additional vending machines. After a vending machine license has been issued, upon a written application to the ~~department of licenses and consumer services~~ licensing official and payment of the fee provided in section 188.250 of this Code for each additional machine, the licensee may receive licenses for additional machines over and above the number stated in the original application. The application for such license shall state the desired additional number, the date and number of the original license, the street address of the property or place wherein the additional machines are intended to be installed and shall be signed in the manner required for an original application.

Section 261.35 regarding the new business surcharge shall not apply to a food shelf application. If a machine is replaced or vandalized, a replacement decal may be issued at a cost as established in Appendix J, License Fee Schedule.

Section 14. That Section 188.220 of the above-entitled ordinance be amended to read as follows:

188.220. Change of vending machine location. In case a licensee changes or removes a vending machine from the location in which it is authorized by the license or permit to be located, and installs the same in a new location, such new location shall be reported in writing to the ~~department of licenses and consumer services~~ licensing official within thirty (30) days after such change or removal.

Section 15. That Section 188.230 of the above-entitled ordinance be amended to read as follows:

188.230. Labeling of vending machines. Every vending machine licensed hereunder shall bear an emblem or tag securely fastened to the front surface of the machine in a conspicuous place, bearing the expiration date of the license and the registration number assigned to such licensee. No person shall install, use or operate a greater number of vending machines than that for which the person has been granted a license and paid the fees. The ~~department of licenses and consumer services~~ licensing official and the environmental health division shall have the right to inspect the licensee's books and records to determine compliance with this section. Each owner shall clearly identify each vending machine or bank of interconnected vending machines operated by the owner with the owner's current telephone number in such a manner that

the information can be easily read without moving the machine or machines. The absence of such an owner's label will constitute a violation of this chapter.

Section 16. That Section 188.240 of the above-entitled ordinance be amended to read as follows:

188.240. Impounding nonconforming machines. Any vending machine found without the proper license tag or emblem or owner's label thereon shall be impounded by the ~~department of licenses and consumer services~~ licensing official and any such impounded machine may be reclaimed by the owner thereof within thirty (30) days from the date of impounding and upon the payment to the city of costs sufficient to defray the expense of impounding and storage, and any reclaimed machine shall not be used except upon compliance with the terms of this chapter. If such machine is not reclaimed within the thirty (30) days above specified, it may be destroyed or disposed of by the police department according to law.

Section 17. That Section 188.370 of the above-entitled ordinance be amended to read as follows:

188.370. Submission, approval of plans. When a food establishment is altered or newly constructed, plans or suitable drawings and specifications shall be submitted to the ~~manager of environmental health~~ division and such plans and specifications must be approved before such work is begun. Plans and specifications shall be in sufficient detail so that an accurate and complete appraisal can be made as to compliance with the provisions of this chapter. Failure to submit plans for approval may result in the closing down of operations until plans have been approved. New risk 1 licensees or risk 2 licensees shall be required to complete a process review. The applicable plan review fees are contained in Appendix J.

Failure to pay the fee at the time of submitting the plans will result in a delay of the plan review approval process.

Section 18. That Section 188.470 of the above-entitled ordinance be amended to read as follows:

188.470. Itinerant food establishments. An itinerant food establishment conducting an unrestricted operation shall comply fully with the provisions of this chapter. When restricted operations are conducted the ~~manager of environmental health~~ division may accept modified physical facilities, may prohibit the sale of certain potentially hazardous foods and may augment requirements when ~~in the opinion of the manager~~ such action is necessary in the interest of public health.

Section 19. That Section 188.480 of the above-entitled ordinance be amended to read as follows:

188.480. Limited mobile food vehicle vending. It shall be unlawful to open, to operate any limited mobile food vending or mobile food manufacturing vehicle in the city, unless it is licensed, operated and conducted in accordance with the following conditions:

- (1) The licensee must sell only prepackaged, nonperishable or self-limiting packaged confections as approved by the ~~manager~~ of environmental health division, except there may be issued up to fifteen (15) food licenses for operation of mobile food manufacturing vehicles for the sale of popcorn and soft drinks.
- (2) Licensee shall not park his vehicle within thirty (30) feet of an intersection.
- (3) Licensee shall not park in such a manner so as to create a traffic hazard.
- (4) Sales by licensee shall be made on the curbside only and the vehicle shall be parked within one (1) foot of the curb.
- (5) No waste liquids, garbage, litter or refuse shall be dumped on city sidewalks, streets, or lawn areas, or in city gutters or drains. When leaving a sales area, licensee or employees shall pick up all litter resulting from the business sales and shall deposit such litter in a city environmental health division approved covered garbage receptacle located on the vehicle. The receptacle shall be easily accessible for customer use. Licensee shall be responsible for all litter and garbage left by customers.
- (6) Hours of operation for such vehicles shall be limited to the hours between 9:00 a.m. and 10:00 p.m..
- (7) Licensee shall be in conformance with applicable city ordinances regarding noise control and vehicle identification.
- (8) Licensee shall not be allowed to operate on and within the area bounded by the following streets: Commencing at the intersection of Second Avenue North and Washington Avenue; thence southwesterly along Second Avenue North to Ninth Street North; thence southerly and southeasterly along Ninth Street North to LaSalle Avenue; thence southwesterly and southerly along LaSalle Avenue to Grant Street; thence easterly along Grant Street to Portland Avenue; thence northeasterly along Portland Avenue to Ninth Street South; thence southeasterly along Ninth Street South to Chicago Avenue; thence

northeasterly along Chicago Avenue to Washington Avenue; thence northwesterly along Washington Avenue to the point of beginning.

- (9) Licensee shall provide proof of liability insurance in the amount of one hundred thousand dollars (\$100,000.00) for individuals or three hundred thousand dollars (\$300,000.00) for any single incident. Certificate of insurance shall be delivered to appropriate city officials prior to issuance of a license.
- (10) Licensee shall not operate any such business within two thousand (2,000) feet of any city, county, or state fair, carnival, circus, festival or civic event that is licensed or sanctioned by the city council except when licensee has obtained a temporary food permit from the ~~director of licensing and consumer services~~ licensing official as being a participant under the auspices and control of such event.
- (11) Notwithstanding the limitations in subsection (1), licenses may be issued under this section for the sale of prepackaged perishable foods from nonmotorized carts operating exclusively on park board property with the approval of the park board. Each applicant for a license under this subsection shall include in the application a proposed operating location or route. The construction and dimensions of each cart, and all food and beverage items sold from such carts, shall be subject to the approval of the ~~manager of environmental health~~ division. Each mobile food cart shall meet National Sanitation Foundation (NSF) standards for food storage preparation and dispensing. Each cart shall be stored, cleaned and serviced on a daily basis at a permanent location in the City of Minneapolis licensed as a food distributor or manufacturer. All other provisions of this section, except subsection (1), shall apply to a license issued under this subsection.

This shall not be interpreted to prohibit food catering.

Section 20. That Section 188.485 of the above-entitled ordinance be amended to read as follows:

188.485. Mobile food vehicle vendors. (a) No person shall operate a mobile food vehicle in the city without a valid license required under this section. To the extent authorized in any such license granted under the provisions of this section, the licensee may conduct such licensed business on the public sidewalk or curbside on the street notwithstanding the provisions of sections 188.10, 427.110, 427.130, 478.85, 478.90(a, u, w, and y), 478.350, 478.370, 430.30, 439.30, and 549.160 of this Code.

(b) *Plan submission.* Application for a mobile food vehicle license shall be made at the ~~department of licenses and consumer services~~ licensing division before beginning the construction of a mobile food vehicle vending operation. The ~~director of licenses and consumer services~~ licensing official may require such information on the application as ~~the director~~ it deems reasonable and necessary, including but not limited to, the following information:

- (1) Name and address of the applicant.
- (2) Name and address of the approved commercial supply source and affiliated licensed food establishment in the city. If the licensed food establishment is not owned or operated by the applicant, the applicant shall provide written proof of consent from the establishment's owner to use the facility for food preparation, storage, and cleaning.
- (3) A description of the preparation methods and food product offered for sale, including the intended menu, display, and distribution containers.
- (4) The anticipated volume of food to be stored, prepared, and sold.
- (5) Plans and specifications for the mobile food vehicle, including the proposed layout, photographs, mechanical schematics, construction materials, finish schedules, equipment types, manufacturers, model numbers, locations, dimensions, weight of vehicle per wheel, performance capacities, power source, installation specifications, and information on any custom fabricated equipment.
- (6) Valid copies of all necessary licenses or permits required by state or local health and transportation authorities.
- (7) A signed statement that the licensee shall hold harmless the city, any applicable special service district, and their officers and employees, and shall indemnify the city, any applicable special service district, and their officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license. Licensee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect permittee, property owners, city, and the district from all claims for damage to property or bodily injury, including death, which may arise from operations under the license or in connection therewith. Such insurance shall provide coverage of not less than one million dollars (\$1,000,000.00) per occurrence. The policy shall further provide that it may not be cancelled except upon thirty (30) days written notice filed with the ~~director~~

~~of licenses and consumer services~~ licensing official. No license issued pursuant to the provisions of this section shall be valid at any time the insurance required herein is not maintained and evidence of its continuance filed with the ~~director of licenses and consumer services~~ licensing official.

- (8) The proposed locations for conducting business according to subsection (c) below. No application will be accepted for a license operating location on a public sidewalk or private parking lot where a current license has been issued or a complete application is pending. If the proposed location is on a public sidewalk, the applicant shall submit a signed statement that the licensee shall hold harmless the adjacent property owner(s) for any claims for damage to property or injury to persons which may be occasioned by any activity carried on or under the license. If the proposed location is private property, the applicant shall provide written consent from the property owner. If the proposed location is on or within two hundred (200) feet of park board property, the applicant shall provide written consent in the form of a permit, agreement, or other required written authorization from the park board.
- (9) Each year at the time of filing the application for such a license, the applicant shall pay to the city finance officer a sum as established in Appendix J, License Fee Schedule.

(c) *Location review and restrictions.* Proposed operating locations shall be reviewed as follows:

- (1) The ~~department of licenses and consumer services~~ licensing official shall maintain a list of eligible operating locations that is available for review by the public. The ~~director of licenses and consumer services~~ licensing official shall refer the subject of mobile food vendors in general to Downtown Business Improvement Special Service District ("the district"), which shall report its advisory recommendations concerning the potential locations of mobile food vendor sites on the public sidewalks within the boundaries of the district in section 465.10.
- (2) Upon receipt of a complete application for a license, the license shall be referred to the director of public works for approval or disapproval. The use of the license operating location for mobile food vending must be compatible with the public interest in use of the sidewalks and streets as public right-of-way. In making such determination, the director of public works shall consider the width of the sidewalk, the method of placing the

vehicle, the weight that can be supported by the paving at the proposed location, the proximity and location of existing street furniture, including but not limited to, utility poles, parking meters, bus shelters, benches, street trees, newsracks, as well as, the presence of bus stops, truck loading zones, taxi stands, valet parking zones, or other approved sidewalk cafes or mobile food vehicles to determine whether the requested location would result in pedestrian or street congestion.

- (3) The director of public works shall not approve a location on a sidewalk where a mobile food vehicle would substantially impair the structural capacity of the sidewalk, movement of pedestrians or vehicles, or pose a hazard to public safety. The director shall not approve any location which is adjacent to a bus stop, taxi stand, or handicap loading zone, within thirty (30) feet of an intersection, within three (3) feet of a curb, or directly in front of a property entryway. Pedestrian walkways of no less than six (6) feet must be maintained on the service side of the mobile food vehicle.
- (4) No mobile food vehicle vendor application will be accepted for a license operating location on a public sidewalk where a restaurant, with direct access to the sidewalk, is adjacent or within one hundred (100) feet on the same block face. This requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.
- (5) Ingress and egress to private property shall be through existing driveway openings only.
- (6) Parking on streets is permitted when in compliance with all ordinances, regulations, parking zones and posted signage. Sales by the licensee shall be made on the curbside only and the vehicle shall be parked within one (1) foot of the curb. No mobile food vendor shall operate from the public right-of-way where a restaurant, with direct access to the sidewalk, or a permitted sidewalk café is within one hundred (100) feet on the same block face. This requirement may be waived if the licensee furnishes written consent from the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.
- (7) Parking at a metered space is allowed as indicated above and subject to the following conditions:

- a. Licensee shall only operate at an operational metered space and shall park in such a manner so as to only occupy the designated parking space.
- b. Licensee shall comply with all posted requirements and fees in accordance with subsection (a).
- c. Parking at a designated short-term metered space is not permitted.
- d. When any portion of the mobile food vehicle, including any trailer, extends into an adjacent parking space, then that space shall be considered occupied by the mobile food vehicle and the licensee must comply with all posted meter requirements.
- e. No mobile food vehicle, including any trailer, shall occupy more than two (2) metered parking spaces. Trailers may be detached from the vehicle while in operation.
- f. No mobile food vehicle shall be allowed to operate at a metered space where a bicycle lane exists between the parking space and the parking meter.
- g. No mobile food vehicle shall be allowed to operate at a hooded metered space or a parking meter that is temporarily out of service.
- h. Licensee is prohibited from reserving a metered parking space by blocking, barricading, hooding, signing, or in any other manner preventing another vehicle from occupying the space.
- i. No mobile food vehicle vendor shall operate from the public right-of-way within one hundred (100) feet on the same block face of a licensed sidewalk cafe. This requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.
- j. No mobile food vehicle vendor shall operate from a public right-of-way within one hundred (100) feet on the same block face, where a restaurant with direct access to the sidewalk. This requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.

- (8) The approved operating locations shall be indicated on the license and shall include the area of the mobile food vehicle. The license must be prominently displayed on the vehicle.
- (9) If the requested operating location is denied, the applicant may select an alternate location, which shall also be referred to the director of public works for review.
- (10) The city shall not approve more than one (1) mobile food vehicle per private parking lot, which must remain in compliance with the zoning code, including the off-street parking requirements for the host parking lot. The vehicle shall not block required drive aisles.
- (11) Licensee shall not operate any such business within five hundred (500) feet of any city, county, or state fair, carnival, circus, festival or civic event that is licensed or sanctioned by the city council, or similar event authorized by a permit issued by the park board, except when the licensee has obtained a temporary food permit from the ~~director of licensing and consumer services~~ licensing official as being a participant under the auspices and control of such event, and, if applicable, written consent in the form of a permit, agreement, or other required written authorization from the park board.
- (12) Licensee shall not operate any such business within five hundred (500) feet of a controlled entrance to a regional sports arena or facility, except when the licensee has obtained written permission from the owner and furnished such written permission to the ~~director of licensing and consumer services~~ licensing official at least fifteen (15) days in advance of such use.
- (13) Licensee shall not operate any such business within two hundred (200) feet of park board property without written consent in the form of a permit, agreement, or other required written authorization from the park board.

(d) *Approved food and beverage list.* The ~~manager of~~ environmental health division shall maintain a record of approved food and beverage items which may be prepared and sold by mobile food vehicle vendors. Requests to have a food or beverage item considered for approval shall be submitted in writing to the ~~manager of~~ environmental health division, ~~who~~ that shall determine whether the food or beverage item is capable of preparation and service from the mobile food vehicle based on the equipment being used and the design and construction of the vehicle.

(e) *Form and condition of license.* In addition to naming the licensee, showing the approved operating location site diagram, and any other information deemed appropriate by the ~~director of licenses and consumer services~~ licensing official, the mobile food vehicle vending license shall contain the following conditions:

- (1) Each mobile food vehicle vending license shall expire on April first of each year.
- (2) The license shall not be transferrable from person to person or from place to place without approval of the ~~director of licenses and consumer services~~ licensing official.
- (3) The approved operational location may be changed, either temporarily or permanently, by written notice of the ~~director of licenses and consumer services or their designee~~ licensing official.
- (4) The license is valid for one (1) vehicle only.
- (5) There shall be issued to each approved licensee a suitable decal that shall be permanently and prominently affixed to the vehicle.

(f) *Restrictions.* The mobile food vehicle shall comply in all respects with all requirements of state law, including but not limited to Minnesota Rules Chapter 1315, Chapter 1346, and Chapter 4626, and any requirements found in any other law, statute, rule, resolution, ordinance, or regulation of any kind and the following:

- (1) All equipment must meet applicable National Sanitation Foundation (NSF) food service equipment standards.
- (2) All foods, beverages, and ice must be obtained from an approved commercial source. Food cannot be stored in a home.
- (3) Any food preparation or food storage done off-site must be accomplished at a city licensed food establishment location. Food cannot be prepared or stored in a home.
- (4) Hours of operation shall be limited to the hours between 6:00 a.m. and midnight. The hours of operation for mobile food vehicles located within three hundred (300) feet of a residential building or a mixed use building with a residential component shall be limited to the hours between 7:00 a.m. and 10:00 p.m. No approved mobile food vehicle shall be left unattended nor remain at an authorized operating location outside of these allowed hours of operation.

- (5) Every approved mobile food vehicle vendor shall operate for a minimum of one hundred fifty (150) days during the license term. This condition may be waived for mobile food vehicle vendors located outside the Central Business District.
- (6) No mobile food vehicle vendor shall use or maintain any outside sound amplifying equipment, televisions or similar visual entertainment devices, lights, or noisemakers, such as bells, horns, or whistles.
- (7) All waste liquids, garbage, litter and refuse shall be kept in leak proof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of at the licensed food establishment. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles, or any other place except the licensed food establishment. The garbage receptacle shall be easily accessible for customer use. The licensee shall be responsible for all litter and garbage left by customers.
- (8) The mobile food vehicle shall not have a drive-through.
- (9) The ~~manager of~~ environmental health division may summarily close any licensed food establishment, including a mobile food vehicle, pursuant to section 188.580
- (10) A mobile food vehicle vendor shall obey any lawful order of a police officer, traffic control agent, or ~~regulatory services~~ other city inspector to move to a different authorized location to avoid congestion or obstruction of the street or sidewalk.
- (11) The mobile food vehicle shall comply with the provisions of section 466.280 and 536.20 relative to signage and advertising on the vehicle.
- (12) No mobile food vehicle shall use external signage, bollards, seating, or any other equipment not contained within the vehicle.
- (13) Any power required for the mobile food vehicle shall be self-contained, screened from view, and shall not use utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from an adjacent property only when the owner provides written consent. No power cable or equipment shall be extended at grade across any city street, alley, or sidewalk.

- (14) The height of the mobile food vehicle, including all accessory equipment, shall not exceed ten (10) feet for operation on a public sidewalk or thirteen (13) feet, six (6) inches for operation on a street or parking lot. The director of public works may reduce the allowed maximum height on a public sidewalk in a particular location in consideration of existing right-of-way obstructions, including trees.
- (15) No mobile food vehicle shall be kept, stored, or maintained on a residentially zoned property in violation of any ordinance or regulation.

(g) *License adverse action.* An application or approved license may be denied, revoked, suspended, or not renewed, after notice and an opportunity for a hearing thereon, for any of the following reasons:

- (1) The application contains material omissions or false, fraudulent, or deceptive statements.
- (2) The vehicle is operated in such a manner as constituting a public nuisance per this Code or state statutes.
- (3) The proposed operation is in violation of any federal, state, or local laws including, but not limited to, the provisions of this Code pertaining to food, fire prevention, and health or safety.

The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.

(h) *Effective date.* This section shall become effective on May 1, 2010.

Section 21. That Section 188.500 of the above-entitled ordinance be amended to read as follows:

188.500. Unpackaged processed food. (a) Unpackaged processed food, except readily perishable food as defined in section 186.50 of this Code, may be displayed and sold in bulk in self-service containers if all of the following conditions are satisfied:

- (1) Each self-service container has a tight-fitting lid which is kept in a closed position at all times except during customer service.
- (2) Each self-service container has a utensil with a handle for dispensing the product.

(3) Self-service containers, lids and utensils are constructed of nontoxic materials and provide for easy cleaning and proper repair.

(4) Self-service containers, lids and utensils are maintained in a sanitary condition and in a manner that prevents spoilage and infestation.

(b) Unpackaged processed food may be displayed and sold in bulk in other than self-service containers if all the following conditions are satisfied:

(1) The food is served by an employee of the food establishment directly to a consumer.

(2) The food is displayed in clean, sanitary and covered or otherwise protected containers.

(c) All policy statements or guidelines relating to the distribution of bulk foods shall be filed by the ~~manager of~~ environmental health division with the city clerk prior to its effective date. A public hearing before the appropriate committee of the city council shall be held if requested by an interested party.

Section 22. That Section 188.510 of the above-entitled ordinance be amended to read as follows:

188.510. Sidewalk cart food vendors. Notwithstanding the provisions of sections 188.110, 188.480(8), 427.110 and 427.130 of this Code, licenses may be issued pursuant to section 259.30 for sidewalk cart food vendors for the sale of specified food and beverage items from mobile pushcarts on the public sidewalks, which shall be operated and conducted in accordance with the following conditions:

(1) Each sidewalk cart shall be separately licensed and may operate only at the location specified in the license, except as permitted in subsection (20). However, in the event a licensee holds licenses for more than one (1) location, the licensee may place any of the licensee's licensed carts at any location for which the licensee holds a license. No licensee may trade carts or locations with another licensee; however, should a licensee apply for and be granted a different location for a cart during the licensing year and chooses to surrender the original location for that cart, the fee for such midseason cart location transfer shall be the fee indicated in section 188.250 of this Code for transfer alone.

(2) Application procedure:

a. Each applicant shall file an application with the ~~department of licenses and consumer services~~ licensing official on forms provided by the

~~department official~~. In addition to the requirements of section 188.180 of this Code, the ~~director of licenses and consumer services~~ licensing official may require such information on the application as the ~~director official~~ considers reasonable and necessary.

- b. No application for a single license or for the first of several licenses shall be accepted for filing unless the applicant files therewith plans and specifications for the cart which have been approved by the ~~manager of environmental health~~ division. Provided, however, that if the cart is not ready and available for inspection sixty (60) days after the application is filed, the applicant's proposed operating location shall be available to other applicants, and the applicant shall be required to select a new location.

No application from a single applicant for licenses beyond a first license shall be accepted for filing unless the applicant possesses sidewalk carts ready and available for inspection for each location beyond the first location. A single applicant, for the purposes of this section, shall mean an individual person, or any member of that person's immediate family and shall also include a corporation and any corporation with substantially the same ownership or ownership by persons of the immediate family of the stockholders of that corporation or partnership.

- c. Each applicant shall include in the application a proposed operating location. The proposed location shall be referred to the director of public works for the approval or disapproval. The director of public works shall not approve a location where a sidewalk cart would substantially impair the movement of pedestrians or vehicles, or pose a hazard to public safety. Further, the director of public works shall not approve any location which is adjacent to a bus stop, taxi stand, or handicap loading zone, within fifty (50) feet of an intersection, within three (3) feet of a curb, or directly in front of a commercial entryway. If the applicant's proposed location is disapproved, the applicant shall be so notified, and the applicant may select an alternate location, which shall also be referred to the director of public works for approval or disapproval. A holder of a valid license for the previous license year may renew that license and thereby reserve that location for another license year. Any license not renewed by April fifteenth shall cause that location to become available to other applicants. Licenses may be renewed between April first and April fifteenth by the payment of a late fee in addition to the license fee. All licensees shall be notified of the

availability of locations which have been vacated or for which licenses have not been renewed. The notification shall include a due date for applicants for these locations and a date upon which a lottery will be held to choose among multiple applicants.

- d. The director of public works shall refer the subject of sidewalk cart food vendors on the Nicollet Mall to the advisory board provided for in Minnesota Statutes, Section 430.101, subdivision 3. The advisory board shall report its recommendations concerning the number and location of sidewalk cart sites on the Nicollet Mall to the director of public works. The director of public works shall review the board's report and prepare a list of approved locations on the Nicollet Mall. The list shall be available in the ~~department of licenses and consumer services~~ office of the licensing official to any applicant or interested person.
 - e. No location which has been chosen in a previous application shall be available for selection.
- (3) All sidewalk cart food vendor licenses shall expire on April first of each year subject to renewal year to year thereafter.
- (4) No sidewalk cart shall have dimensions exceeding four (4) feet in width, eight (8) feet in length and eight (8) feet in height. However, a cart may be equipped with an awning which overhangs by not more than twelve (12) inches in any direction. Each sidewalk cart shall be self-propelled and capable of being moved and kept under control by one (1) person traveling on foot. A special license may be granted to a handicapped person to operate a sidewalk cart propelled by electric motor, provided that the applicant shall meet all other conditions for a license.
- (5) Location restrictions:
- a. Sidewalk cart food vendors may operate only within the area bounded by the following: Commencing at the intersection of Third Avenue North and the Mississippi River, thence southeasterly along the Mississippi River to Interstate 35 West, thence southerly along Interstate 35 West to Interstate 94, thence westerly and northerly along Interstate 94 to Glenwood Avenue, thence easterly to Tenth Street, thence northerly to Third Avenue North, thence northeasterly to the point of beginning or the sidewalk abutting the south side of Vineland Place between Lyndale Avenue South and Bryant Avenue South.

- b. A sidewalk cart food vendor licensed under this section may operate on privately or publicly owned property, within the boundaries described in subparagraph (1) above, with the express written consent of the property owner, and the approval of the director of public works.
- (6) A sidewalk cart food vendor license shall not be transferable from person to person or from place to place without approval of the ~~director of licenses and consumer services~~ licensing official.
- (7) Every licensee shall maintain a permanent location within the City of Minneapolis for the storage and preparation of food and beverages carried by the licensee's sidewalk carts, and for the cleaning and servicing of those carts. Such permanent location shall comply in all respects with the requirements of the Minneapolis Food and Beverage Ordinances, and shall be separately licensed as a food distributor. Each sidewalk cart shall return to the permanent location at least once daily for cleaning and servicing.
- (8) Each sidewalk cart shall meet National Sanitation Foundation (NSF) standards for food storage, preparation and dispensing. Toilet facilities shall be required at the permanent location but not on each cart.
- (9) Each cart shall carry adequate hand-washing facilities for the employees of the licensee. A waste retention tank with fifteen (15) percent larger capacity than water supply tank shall be provided.
- (10) All waste liquids, garbage, litter and refuse shall be kept in leakproof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of at the permanent location. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles or any other place except at the permanent location. When leaving the sales area the licensee or his employees shall pick up all litter resulting from his business and shall deposit such litter in an approved container located on his cart.
- (11) The ~~manager of~~ environmental health division shall publish, and may from time to time amend, a list of approved food and beverage items which may be sold by sidewalk cart food vendors. No items of any kind, other than approved food and beverage items, shall be sold or dispensed from sidewalk carts.

- (12) There shall be issued to each licensee a suitable decal for each licensed pushcart. Every pushcart licensed under this chapter shall at all times have the decal permanently and prominently fastened on the pushcart.
- (13) Affixed permanently and prominently to each pushcart shall be a sign no smaller than twelve (12) inches by twelve (12) inches displaying the name, address and telephone number of the pushcart owner.
- (14) Each licensee shall provide proof of liability insurance in the amount of one hundred thousand dollars (\$100,000.00) for individuals, three hundred thousand dollars (\$300,000.00) for any single incident and ten thousand dollars (\$10,000.00) for property damage. A certificate of insurance shall be delivered to the ~~director of licenses and consumer services~~ licensing official prior to issuance of a license. The city shall be named an additional insured.
- (15) No sidewalk cart operator shall use lights or noisemakers, such as bells, horns or whistles, to attract customers. A sidewalk cart operator may use battery-operated lights with protective shielding for the purpose of illuminating food and utensils.
- (16) No sidewalk cart shall operate before 7:00 a.m. or after 11:00 p.m. on any day.
- (17) No sidewalk cart shall operate, park, stand or stop in any street or alley except to cross at designated street crossings.
- (18) The city council shall establish a reasonable fee, not to exceed two hundred fifty dollars (\$250.00) per year, to be charged to each sidewalk cart food vendor not located on a specially assessed mall, to defray the cost of cleanup and maintenance and other policing in connection with the operation of the food cart.
- (19) Any sidewalk cart operator who shall fail to operate at any licensed location for thirty (30) consecutive days between May first and October first shall forfeit that location. The ~~department of licenses and consumer services~~ licensing official shall notify all licensees of the vacation of said location and shall set a date for a lottery, if necessary, to choose among multiple applicants.
- (20) Notwithstanding other provisions of this section, a licensed sidewalk cart may operate at an indoor location other than its normal sidewalk location,

with the approval of the environmental health division and the consent of the property owner, during the following times:

- a. Between October first and April thirtieth.
- b. Between May first and October first only during periods of inclement weather.

All other conditions and restrictions of this section shall continue to apply to a sidewalk cart operated at an indoor location under this subsection.

Section 23. That Section 188.520 of the above-entitled ordinance be amended to read as follows:

188.520. Indoor food cart vendors. (a) A food license may be issued pursuant to section 259.30 for the operation of a food cart on indoor private property in accordance with the provisions of this section.

(b) Application for an indoor food cart license shall be made upon forms provided by the ~~division of licenses and consumer services~~ licensing official and shall require information necessary to verify that the terms and conditions of this section have been met.

(c) Each food cart shall be separately licensed and may operate only at the location specified in the license. A license may allow for reasonable movement within a designated area of a building, provided that the food cart is at all times readily observable by city inspectors in the course of their inspection duties. Every location for an indoor food cart shall comply with all applicable provisions of building and fire codes, including those relating to ingress, egress, and passageway clearance.

(d) Each food cart license holder shall have the written consent of the property owner to its operation at the licensed location.

(e) All indoor food cart licenses shall expire on April first of each year.

(f) The provisions of subsections 188.510(4), (6), (7), (8), (9), (10), (11), (12), (13), (15), and (17) relating to sidewalk food carts shall also apply to indoor food carts, and such provisions are incorporated herein as though fully set forth in writing. However, the ~~manager of~~ environmental health division may adopt regulations authorizing dimension limitations for indoor food carts that exceed the limitations in subsection 188.510(4) for sidewalk food carts.

(g) No license shall be issued for an indoor food cart in a skyway.

(h) A sidewalk food cart operating indoors pursuant to subsection 188.510(20) shall pay only the license fee for sidewalk food carts and shall be exempt from the license fee for indoor food carts.

(i) No application for a license shall be accepted for filing unless applicant files therewith plans and specifications for the cart that have been approved by the ~~manager~~ of environmental health division.

(j) The license fee for indoor food carts shall be as established in Appendix J, License Fee Schedule.

Section 24. That Section 188.530 of the above-entitled ordinance be amended to read as follows:

188.530. Kiosk food cart vendors. (a) Notwithstanding the provision of sections 188.450 and 188.510(7), a food license may be issued pursuant to section 259.30 for the operation of a food cart in a kiosk on private property in accordance with the provisions of this section.

(b) Application for a kiosk food cart license shall be made upon forms provided by the ~~department of licenses and consumer services~~ licensing official and shall require information necessary to verify that the terms and conditions of this section have been met.

(c) Each food cart shall be separately licensed and may operate only at the location specified in the license. The food cart must at all times be readily observable by city inspectors in the course of their inspection duties. Every location for an indoor food cart shall comply with all applicable provisions of building and fire codes, including those relating to ingress, egress and passageway clearance.

(d) Each food cart license holder shall have the written consent of the property owner to its operation at the licensed location.

(e) All kiosk food cart licenses shall expire on April first of each year.

(f) The provisions of subsections 188.510(4), (6), (8), (9), (10), (11), and (12) of this Code, relating to sidewalk food carts shall also apply to kiosk food carts, and such provisions are incorporated herein as though fully set forth in writing. However, the ~~manager~~ of environmental health division may adopt regulations authorizing dimension limitations for kiosk food carts that exceed the limitations in subsection 188.510 (4) for sidewalk food carts.

(g) The menu for kiosk food cart vendor shall be limited to espresso-type drinks and other non-potentially-hazardous foods as determined by the ~~manager of~~ environmental health division.

(h) Fully operational and stocked toilet facilities and lavatory must be convenient to employees and be available at all hours of operation of the kiosk.

(i) The manager of environmental health division shall publish and may amend from time to time a set of guidelines relative to the servicing and maintenance of a kiosk food cart vendor.

(j) No application for a license shall be accepted for filing unless applicant files therewith plans and specifications for the cart which have been approved by the ~~manager of~~ environmental health division.

(k) The annual license fee for each kiosk cart food vendors license shall be those fees described in section 188.250 of this Code.

(l) Each application for a kiosk cart food vendors license shall comply with the site plan review standards as described in section 530.10 of this Code.

(m) All kiosks licensed under this chapter shall be designed to be directly accessible from a motor vehicle so that items sold are passed directly from a service window to the driver of the waiting motor vehicle.

Section 25. That Section 188.540 of the above-entitled ordinance be amended to read as follows:

188.540. Regulations of outdoor areas in retail food establishments. The following regulations shall apply to all outdoor areas in retail food establishments which do not hold on-sale liquor, wine, or beer licenses, including establishments holding sidewalk cafe permits:

(1) Every outdoor area must be approved as part of the original licensed premises or by the granting of an application for expansion of the licensed premises.

(2) Entertainment:

a. No food establishment shall conduct entertainment, including nonlive entertainment such as radio, taped music, and television, in an outdoor area without approval of the city council.

- b. In the downtown and eastbank commercial district described in section 362.430 of this Code, the city council may approve any forms of entertainment unless otherwise prohibited by law.
 - c. Outside the downtown and eastbank commercial district described in section 362.430 of this Code, the city council may approve only those forms of entertainment which would be authorized under a class E on-sale liquor, wine, or beer license.
 - d. Regardless of the forms of entertainment authorized for an outdoor area, the city council may further restrict the days, hours, nature, volume, and other aspects of entertainment in any outdoor area, including a prohibition against all forms of nonlive music, radio, television, and other entertainment, to protect the safety, repose, and welfare of residents, businesses and other uses near the establishment.
 - e. The city council may authorize an establishment to conduct entertainment not otherwise allowed under its license in an outdoor area by permit temporarily for special events. Application for such permit shall be filed with the ~~department of licenses and consumer services~~ licensing official on a form prescribed by the ~~director~~ official. The fee for a temporary entertainment permit shall be as established in Appendix J, License Fee Schedule.
- (3) All new and remodeled outdoor areas shall be handicap accessible. All existing outdoor areas shall comply with building codes relating to handicap accessibility. No outdoor area shall reduce existing handicap accessibility.
- (4) The city council may restrict the hours of operation of an outdoor area based upon proximity of the area to residential dwelling units, and upon considerations relating to the safety, repose, and welfare of residents, businesses, and other uses near the establishment.
- (5) The city council may require that access to and egress from an outdoor area only be through the door connecting it to the remainder of the premises, or to property controlled by the licensee.
- (6) The licensee shall be responsible for picking up trash and litter generated by the operation of the outdoor area within a reasonable distance from the area.

- (7) The city council may review the operation of any outdoor area in connection with the renewal of the license for the establishment, or at any other time for good cause. Violation of the terms and conditions of this section shall be grounds for revocation, suspension, or refusal to renew the license for that portion of the licensed premises pertaining to the outside area.
- (8) All special restrictions relating to the hours of operation and types of entertainment in an outdoor area shall be endorsed on an addendum to the license certificate and posted in the establishment with the license certificate.
- (9) For those establishments located in the Central Commercial District, as defined in section 360.10, the licensee shall not serve or permit any beverage in an original container manufactured from glass in an outdoor area after 9:00 p.m.

Section 26. That Section 188.560 of the above-entitled ordinance be amended to read as follows:

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

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

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

All establishments (except short-term food establishments and those exempted pursuant to rules adopted under the authority of the ordinance) shall maintain up-to-date written policies and guidelines on the premises. These policies and guidelines shall have been approved by the ~~manager of~~ environmental health division and shall govern

food handling and preparation, sanitation practices and techniques, personal hygiene including handwashing techniques, the prevention of food borne illness through proper receiving, storage, preparation, cooling and reheating of foods, and other related matters.

Section 27. That Section 188.570 of the above-entitled ordinance be amended to read as follows:

188.570. Notification requirements for implementation of Minnesota Rules 4626.0410, Time As Public Health Control. A food establishment intending to use the procedures provided under Minnesota Rules 4626.0410 must submit written notification of its intention to use said procedures, and receive approval from the ~~manager of~~ environmental health division prior to implementing the provisions of Minnesota Rules 4626.0410.

Section 28. That Section 188.580 of the above-entitled ordinance be amended to read as follows:

188.580. Emergency closure of licensed food establishment. (a) *Summary closure conditions.* The ~~manager of~~ environmental health division may summarily close any licensed food establishment for the following reasons:

- (1) Any one of the following conditions exist on, or result from, the operation of the licensed premises:
 - a. Evidence of a sewage backup in a food establishment to such an extent that the floor in food preparation, storage or warewashing areas has been flooded.
 - b. No potable hot or cold water under pressure to a food establishment to such an extent that handwashing, warewashing, food preparation, or toilet facilities are not operational.
 - c. A lack of electricity or gas service to a food establishment to such an extent that handwashing, warewashing, food preparation, or toilet facilities are not operational.
 - d. Evidence of an ongoing food-borne illness caused by the operation of the establishment.
 - e. More than one violation within thirty (30) days of holding potentially hazardous foods between fifty (50) degrees Fahrenheit and one hundred thirty (130) degrees Fahrenheit.

- f. Lack of an accessible, previously approved handwashing facility in the food preparation area, or three (3) violations within thirty (30) days for improper maintenance of approved handwashing facilities, such as lack of soap or single-service hand towels.
 - g. Lack of an approved and presently operable dishwashing system on-premises, where food preparation utensils and/or reusable eating utensils are used as part of the business.
 - h. The presence of gnawed or rodent contaminated (urine stained) food product.
 - i. An infestation of rodents to such an extent that one (1) live mouse or rat is observed within the premises of the food establishment or there is the accumulation of fresh mouse droppings in more than one (1) location in either the food preparation or storage areas, or the presence of fresh rat droppings in one (1) location in the food storage or preparation areas.
 - j. An infestation of cockroaches in the premises to such an extent that six (6) or more live cockroaches are observed in the food preparation area or storage area, or there is the presence of one (1) cockroach in food caused by the operation of the food establishment.
 - k. The presence of flies breeding in the licensed food establishment as shown by the presence of eggs or maggots.
 - l. The presence of any condition that poses an imminent risk of substantial harm to the public health, safety or welfare.
- (2) Lack of a license required by Title 10, Chapter 188 of the Minneapolis Code of Ordinances.

(b) *Procedure for emergency closure.*

- (1) *Order to be issued.* If the ~~manager of~~ environmental health division ~~or the manager's agent~~, following an on-site inspection determines that any of the grounds for emergency closure exist in a licensed food establishment, an order for emergency closure may be summarily issued on such form as the ~~manager of~~ environmental health division shall promulgate. Such order shall: Identify the licensed food establishment; describe the specific grounds upon which the closure is based; state by what time the patrons must vacate; state that a hearing on the emergency closure can be requested by owner or manager by informing the ~~manager of~~

environmental health division ~~or the manager's agent~~; and be signed by ~~the manager of an~~ environmental health division representative. Such order shall be served on the owner, manager or apparent person in charge of the premises who shall thereupon close the premises, which shall remain closed pending either approval of the ~~manager of~~ environmental health division of the abatement of the condition(s) giving rise to the emergency closure, or final order of the ~~manager of~~ environmental health division after hearing as provided in subsection (2) below.

(2) *Hearing.* Upon written request, a hearing to consider whether the establishment may reopen, and the conditions, if any, to be imposed for such reopening, shall be commenced no later than three (3) business days after receipt of the written request. The ~~manager of~~ environmental health division, ~~or the manager's agent~~, shall render a written decision within two (2) business days after conclusion of the hearing.

(c) *Violation.* Any of the following is punishable as a misdemeanor:

(1) Failure of the owner, manager or apparent person in charge to close a licensed food establishment and/or vacate the patrons from the establishment after service of an order for emergency closure.

(2) Failure of any person to leave a licensed food establishment subject to an order for emergency closure upon being ordered to leave by the ~~manager of~~ environmental health division ~~or the manager's agent~~.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 10, Chapter 190 of the Minneapolis Code of Ordinances relating to Food Code: Meat and Meat Products.

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

Section 1. That Section 190.10 of the above-entitled ordinance be amended to read as follows:

190.10. Inspection required. No person shall bring or cause to be brought into the city or hold or have possession of or expose or offer for sale or sell for human food in the city, any carcass, part of carcass, meat or meat products of any pig, lamb, calf, cattle, swine, sheep or goats, unless the same shall have been duly and properly inspected before and at the time of and after the slaughter thereof and passed and found to be sound, healthful, wholesome and fit for human food and properly marked, stamped, tagged or certified to, all in conformity with and in the manner prescribed by the "Regulations Governing Meat Inspection of the United States Department of Agriculture," issued by the United States Department of Agriculture July 15, 1914, and designated for purposes of identification as B. A. I. Order 211, and the amendments to said regulations from time to time made and issued by the United States Department of Agriculture, which said regulations and amendments are hereby referred to and made a part of this chapter as fully and to the same extent as if herein set forth at large; or unless such carcass, part of carcass, meat or meat products shall have been duly inspected by the ~~commissioner of health of the city~~ Minneapolis Health Department or by one or more of the duly appointed, qualified and acting meat inspectors of the ~~department of health~~ Minneapolis Health Department, and found healthful, wholesome and fit for human food, and properly marked, stamped or tagged by the ~~commissioner of health~~ Minneapolis Health Department or by his its meat inspectors, as herein provided.

Section 2. That Section 190.20 of the above-entitled ordinance be amended to read as follows:

190.20. Authority to inspect and condemn. The ~~commissioner of health~~ Minneapolis Health Department shall inspect or cause to be inspected by ~~one or more of the duly qualified inspectors of the department of health~~ all carcasses, parts of

carcasses, meats and meat product of every pig, lamb, calf, cattle, swine, sheep and goat brought into the city for sale, or held, exposed or offered for sale or sold for human food in the city, and shall determine whether or not the same is sound, healthful, wholesome and fit for human food, and the ~~commissioner of health and the inspectors of the department of health~~ shall order and require any and all such carcasses, parts of carcasses, meats or meat products which shall be found to be unsound, unhealthful, unwholesome or not fit for human food, to be at once condemned and destroyed for food purposes by being tanked in a sealed tank or saturated with coal oil or an oil distillate, as directed by the ~~commissioner of health or one of the inspectors making such inspection~~ Minneapolis Health Department. Upon the failure of the owner or person in charge or in possession of any such unsound, unhealthful, unwholesome or unfit carcass, part of carcass, meat or meat products, to remove or destroy the same as directed by the ~~commissioner of health or any of the inspectors~~ Minneapolis Health Department, the ~~commissioner of health~~ Health Department shall forthwith cause the same to be removed from the city or to be destroyed by being tanked in a sealed tank or saturated with coal oil or oil distillate.

Section 3. That Section 190.30 of the above-entitled ordinance be amended to read as follows:

190.30. Stamping of wholesome meat. All such carcasses, parts of carcasses, meats and meat products of any pig, lamb, calf, cattle, swine, sheep or goat brought into the city for sale, or intended or held or exposed or offered for sale or sold for human food in the city, which have not been duly inspected and passed and marked, stamped or certified to as sound, healthful, wholesome and fit for human food in conformity with and in the manner provided by said "Regulations Governing Meat Inspection of the United States Department of Agriculture" shall, upon being inspected by the commissioner of health or by one of the inspectors and found to be sound, healthful, wholesome and fit for human food, be marked and stamped with a rectangular stamp having thereon the words "Approved ~~Division Public Health~~ Minneapolis Health Department, Minneapolis Inspector No. _____" together with the figure denoting the proper number of the inspector using any such stamp. Such marking and stamping shall be done in a manner similar to that required by said regulations B. A. I. Order No. 211 and amendments thereto.

Section 4. That Section 190.40 of the above-entitled ordinance be amended to read as follows:

190.40. Inspection at slaughterhouse. All cattle, swine, sheep and goats whose carcasses, meats or meat products are intended for sale for human food in the city which are slaughtered at slaughterhouses or places other than those operated under the supervision of the United States Department of Agriculture shall, at the time

and immediately before and after slaughter thereof, whenever and wherever it is practicable and possible so to do within or without the city, be inspected by the ~~commissioner of health or by the inspectors of the department of health acting under the supervision and direction of the commissioner of health~~ Minneapolis Health Department, and if found by such inspection to be sound, healthful, wholesome and fit for human food, shall be marked and stamped as provided in section 190.30. All slaughterhouses and places where any such animals intended for sale for human food in the city are slaughtered, shall at all times be kept and maintained in a clean and sanitary condition to be approved by the ~~commissioner of health~~ Minneapolis Health Department.

Section 5. That Section 190.50 of the above-entitled ordinance be amended to read as follows:

190.50. Inspection of meat slaughtered on farms. The carcasses of pigs, lambs, calves, cattle, swine, sheep and goats owned by any farmer and slaughtered on his farm, which can be and are identified as such, and which are shipped or brought into the city for sale as human food, before the same or any part thereof shall be exposed or offered for sale or sold in the city, shall be inspected and approved or disapproved and marked, stamped or tagged as sound, healthful, wholesome and fit for human food by the ~~commissioner of health~~ Minneapolis Health Department or one of the inspectors, at the express office or freight office when shipped into the city by railway, and when brought into the city otherwise than by railway, at some building, market or place in the city provided or designated therefor by the city council or by the ~~commissioner of health~~ Minneapolis Health Department as a place for such meat inspection purposes. All such carcasses of cattle and swine except veal carcasses shall have the head, tongue and lymphatic glands thereof in place and undetached therefrom. No such carcass or carcasses of pigs, lambs, cattle, swine, sheep or goats, or any part or parts thereof, shall be sold, exposed or offered for sale in the city unless and until the same shall have been properly inspected, approved and marked, stamped or tagged as fit for human food by the ~~commissioner of health or by a meat inspector of the department of health duly appointed and qualified to make such inspection~~ Minneapolis Health Department.

Section 6. That Section 190.100 of the above-entitled ordinance be amended to read as follows:

190.100. Application for license. Applications for licenses required by this article shall be made to the ~~department of licenses and consumer services~~ licensing official ~~on forms provided by the director of licenses and consumer services.~~

Section 7. That Section 190.130 of the above-entitled ordinance be amended to read as follows:

190.130. Licensing, marking of vehicles. In addition to the fee required by section 190.120, the licensee shall pay an annual fee as established in Appendix J, License Fee Schedule, for each vehicle used in the licensed business. Each such vehicle shall have attached to it on each side a license plate stating "Wholesale Sausage Manufacturer or Distributor" and giving the serial number of the license. Such license tag shall be attached to the vehicle so as to be conspicuous and legible at all times. It shall be furnished by the ~~department of licenses and consumer services~~ licensing official.

Section 8. That Section 190.200 of the above-entitled ordinance be amended to read as follows:

190.200. Application for license; issuance or denial. Any person desiring a license to engage in the business of selling unpackaged horse meat shall apply to the city council upon a form to be prepared by the ~~department of licenses and consumer services~~ licensing official. The application shall contain the name and address of the applicant; location of proposed place of business; nature of the product to be sold under the license; whether the premises in which the business is to be conducted are separate and distinct from any food or other mercantile establishment; refrigeration provided; character of the material to be sold; nature of handling; character of sales, whether in original packages or otherwise; and such other information as the ~~department of licenses and consumer services and the commissioner of health~~ licensing official and the Minneapolis Health Department may require. The application shall be verified, and receipt for payment of the license fee shall accompany the filing of the application. After filing of the application, it shall be presented to the city council, which may grant or deny the application. No license shall be granted unless approved by the council member of the ward in which the premises described in the application are located.

Section 9. That Section 190.250 of the above-entitled ordinance be amended to read as follows:

190.250. Condition of premises. The premises devoted to the sale of unpackaged horse meat, and operated under a horse meat license, shall be kept clean and sanitary. The premises shall be subject to inspection by the ~~commissioner of health and employees of the department of health~~ Minneapolis Health Department, and shall be equipped, cared for and conducted, as regards preservation of health and prevention and suppression of disease, in substantially the manner required by Chapter 188, so far as the terms of said chapter apply. The ~~commissioner of health~~ Minneapolis Health Department, in writing at any time, may require the owner and holder of any horse meat license to comply with any of the provisions of Chapter 188, and failure to so comply shall be a violation of this article.

Section 10. That Section 190.270 of the above-entitled ordinance be amended to read as follows:

190.270. Inspections. All horse meat stored, offered for sale or sold under any license shall be subject to inspection by the ~~commissioner of health and employees of the department of health~~ Minneapolis Health Department. All health and sanitary regulations prescribed in Chapter 188 shall be observed so far as applicable. In the case of a live animal license, the ~~commissioner of health~~ Minneapolis health Department shall make such inspections of the premises as may be necessary and shall require compliance with the provisions of Chapter 68 of this Code.

Section 11. That Section 190.280 of the above-entitled ordinance be amended to read as follows:

190.280. Original packages for retail. Packaged horse meat purchased by any licensee in an original retail package shall be sold only in such original package. None of the contents shall be removed from the original package on the licensed premises, nor mixed with any other substance and sold as human or animal food. Such packaged horse meat held for retail shall be kept in a separate compartment of a refrigerator, showcase or other container, separate from all other foods or materials and in a manner approved by the ~~commissioner of health~~ Minneapolis Health Department.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 10, Chapter 192 of the Minneapolis Code of Ordinances relating to Food Code: Bread.

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

Section 1. That Section 192.50 of the above-entitled ordinance be amended to read as follows:

192.50. Responsibility for enforcement. It shall be the responsibility of the ~~department of health of the city~~ Minneapolis Health Department to enforce the provisions of this chapter.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 10, Chapter 194 of the Minneapolis Code of Ordinances relating to Food Code: Eggs.

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

Section 1. That Section 194.30 of the above-entitled ordinance be amended to read as follows:

194.30. Invoices required. Every person selling eggs to retailers shall furnish to such retailers an invoice showing his name and address, date of sale and grade of eggs, if officially graded, or words "Ungraded Eggs" if not officially graded. A copy of such invoice shall be kept on file by the person selling, and the retailer, in their respective places of business for a period of sixty (60) days, and shall be available and open for inspection at all reasonable times to the inspectors of the ~~department of licenses and consumer services~~ licensing official.

Section 2. That Section 194.110 of the above-entitled ordinance be amended to read as follows:

194.110. Enforcement of article. The ~~department of licenses and consumer services~~ licensing official shall enforce the provisions of this chapter.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By Lilligren

Amending Title 10, Chapter 196 of the Minneapolis Code of Ordinances relating to Food Code: Water for Drinking and Domestic Purposes.

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

Section 1. That Section 196.10 of the above-entitled ordinance be amended to read as follows:

196.10. Standard of purity required. All water furnished for sale or sold for drinking, household or domestic uses and purposes shall be of the standard of purity, both chemical and bacteriological, adopted by the ~~department of health~~ Minneapolis Health Department, to wit: All well, spring, distilled and artesian well water shall be free from the presence of the colon bacillus and all other pathogenic bacteria; and the composition of all said waters shall be substantially as follows:

	Parts per 100,000	
Total solid residue	20.	60.
Chlorine	0.2	0.5
Free ammonia003	.005
Albuminoid ammonia002	.006
Oxygen absorbed in 10 minutes at 100 degrees C.010	.050
Nitrogen as nitrates	None	.100
Nitrogen as nitrites	None	

Section 2. That Section 196.30 of the above-entitled ordinance be amended to read as follows:

196.30. Materials for delivery containers. All containers in which water is furnished and sold for drinking, household and domestic purposes shall be of stainless steel, monel metal, glass, plastic, coated paper cartons or such other container material or lining as may be approved by the ~~commissioner of health~~ Minneapolis Health

Department. Surfaces in contact with water shall be of a nontoxic material and shall not contribute to the adulteration of the water itself.

Section 3. That Section 196.70 of the above-entitled ordinance be amended to read as follows:

196.70. Inspections. ~~The commissioner of health and assistants and deputies of the commissioner of health~~ Minneapolis Health Department may stop and inspect or cause to be inspected any vehicle or tank thereon used by any person in delivering water for drinking, household or domestic purposes for the purpose of enforcing the provisions of this chapter and may inspect any and all buildings and plants where water is prepared, distilled or bottled for the uses and purposes hereinabove mentioned.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 10, Chapter 198 of the Minneapolis Code of Ordinances relating to Food Code: Soft Drink Manufacture and Storage.

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

Section 1. That Section 198.20 of the above-entitled ordinance be amended to read as follows:

198.20. Application for license. Any person desiring a license under this chapter shall file a written application for such license. The application should state the name and place of residence of the applicant, the name and place of the owner of the premises, and the location of the place where the applicant desires to manufacture or deal at wholesale in such beverages. Upon the filing of such application for a license, it shall be referred to the ~~commissioner of health~~ Minneapolis Health Department for investigation, report and recommendation. After the report and recommendation of the ~~commissioner of health~~ Minneapolis Health Department have been received by the ~~director of licenses and consumer services~~ licensing official, the license may be granted or denied pursuant to section 259.30.

Section 2. That Section 198.50 of the above-entitled ordinance be amended to read as follows:

198.50. Contents and posting of license. Each license shall be conspicuously posted on the licensed premises, and shall state the name of the licensee, the address of the licensed premises, and the date of the last inspection by the ~~commissioner of health~~ Minneapolis Health Department.

Section 3. That Section 198.70 of the above-entitled ordinance be amended to read as follows:

198.70. Sanitary requirements at plant. All establishments licensed hereunder shall conform to the plumbing laws of the state and city and shall be kept clean and sanitary. All floors of the bottling and manufacturing rooms shall be of concrete or tile

and properly trapped and drained and kept in good repair. All walls and ceilings shall be painted and kept clean. All rooms shall be adequately lighted and ventilated and screened during the season of fly prevalence. No substance shall be manufactured or stored in any stable, room used for sleeping or living purposes or in direct communication with any such stable or room, or with a water closet compartment except when such water closet is enclosed with a suitable and properly lighted and ventilated vestibule. There shall be a wash bowl and towel for employees, and after leaving closets, employees shall wash their hands. No cat, dog or other animal shall be allowed in the rooms of the building. Bottles shall not be removed from any dwelling where a communicable disease exists or has existed until permission is given by the ~~commissioner of health or one of the assistants of the commissioner of health~~ Minneapolis Health Department. No person with a communicable disease nor any "disease carrier" shall be employed in an establishment licensed under this chapter.

Section 4. That Section 198.80 of the above-entitled ordinance be amended to read as follows:

198.80. Sanitary methods required. Materials and equipment used for the manufacture of soft drinks shall be kept in a sanitary manner and shall be handled so as to avoid contamination. All water used in the manufacture of soft drinks shall be approved by the ~~commissioner of health or his assistants~~ Minneapolis Health Department. All bottles shall be thoroughly washed and sterilized before filling in a manner approved by the ~~commissioner of health or his assistants~~ Minneapolis Health Department. Brushes must be used in cleaning bottles, and after brushing, the bottles must be rinsed in clean water. Spring stoppers are prohibited. In drawing carbonated water from the carbinator to the bottling table, a blocked tinned pipe must be used. No material or equipment used for the manufacture of drinks shall be composed of or made either wholly or in part of brass, lead, copper or other metallic substances that are or will be affected by a liquid used therein, so that dangerous or deleterious compounds may be formed therein or thereby. No harmful material shall be added to the substance of the drink or incorporated in the bottle or cap.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 10, Chapter 200 of the Minneapolis Code of Ordinances relating to Food Code: Milk and Dairy Products.

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

Section 1. That Section 200.50 of the above-entitled ordinance be amended to read as follows:

200.50. Distributors' licenses. No person shall sell within the city any pasteurized milk or milk products unless such milk or milk products have been pasteurized in a pasteurization plant for which a certificate of inspection has been secured. No person shall process the same within the city without first having obtained a milk pasteurization license.

(a) Application for a milk distributor's license shall be made to the ~~department of licenses and consumer services~~ licensing official. Such application shall be accompanied by the fee or fees herein set forth and established in Appendix J, License Fee Schedule, payable to the city finance officer. The license shall be issued or denied pursuant to section 259.30

(b) When any license is issued for a time less than the full license period, the license fee shall be prorated as provided by law.

(c) The ~~department of licenses and consumer services~~ licensing official shall keep a register of each license issued, the number thereof, the name of the person to whom the same is issued, the date when issued, and date of expiration, the amount paid therefor, and such other data as may be required.

(d) At the time of application for a milk distributor's license, in addition to the regular application form required by the ~~department of licenses and consumer services~~ licensing official, a form prescribed and furnished by the ~~commissioner of health~~ Minneapolis Health Department shall be filled in by the applicant and shall become a part of the permanent records of the health department. Such form shall be submitted to

the ~~department of licenses and consumer services~~ licensing official and forwarded directly, upon submission, to the ~~commissioner of health~~ Minneapolis Health Department.

Section 1. That Section 200.70 of the above-entitled ordinance be amended to read as follows:

200.70. Vehicle licenses. (a) No person shall use or operate on any public highway in the city any vehicle used for the delivery of milk, or its products, or groceries and milk, without first having obtained a license in the manner hereinafter provided, except those vehicles exempt under Minnesota Statutes. This shall not be construed to apply to any retail grocery store vehicle delivering milk, its products, or groceries and milk, to city homes or places of business during the ordinary course of the delivery system operated by the grocery store. The application for such license shall be made to the ~~department of licenses and consumer services~~ licensing official and shall be accompanied by the fee or fees hereinafter set forth, payable to the city finance officer. The license shall be issued or denied pursuant to section 259.30. Licenses shall be transferable from one approved vehicle to another, owned by the same owner, at any time upon the payment of the requisite transfer fee.

(b) No license shall be issued or renewal of an issued license granted unless and until the person applying for such license shall first execute or obtain and file with the ~~department of licenses and consumer services~~ licensing official, for each vehicle, a policy or policies in an insurance company authorized to do business in the State of Minnesota, insuring such person, the lessees or licensees of such person, death of any one person in any one accident, and (subject to said limit for one person) to a limit of not less than fifty thousand dollars (\$50,000.00) for injury or death of two (2) or more persons in any one accident, resulting from the negligent operation, ownership, use or defective condition of any such milk delivery or grocery and milk delivery vehicle. If the licensee operates more than one vehicle he may file one policy of insurance covering all such vehicles, which policy of insurance shall, however, insure or indemnify each vehicle in the amounts hereinabove stated. Every insurance policy or policies insuring milk delivery or grocery and milk delivery vehicles, in addition to the foregoing provisions, shall also contain a provision insuring such person in the sum of at least five thousand dollars (\$5,000.00) against loss or damage to the property of any person or persons in any one accident resulting from the negligent operation, ownership, use or defective condition of any such milk delivery or grocery and milk delivery vehicle.

(c) Whenever any license is issued for a term less than the full license period, the license fee shall be prorated.

(d) At the time any vehicle license is issued, the person to whom the license is so issued shall be furnished by the ~~department of licenses and consumer services~~ licensing official with one decal for each such vehicle, and such decal shall show thereon a number, the name of the city, and the year when such license expires. The licensee shall at all times display such decal conspicuously on the vehicle as prescribed by the ~~city health department~~ Minneapolis Health Department.

(e) The ~~department of licenses and consumer services~~ licensing official shall keep a register of each license issued by said department, the number thereof, the name of the person to whom the same is issued, the date when issued, the date of the expiration of same, the amount paid therefor, and such other data as may be required.

(f) For each milk delivery vehicle the annual license fee shall be as established in Appendix J, License Fee Schedule.

(g) For each grocery and milk delivery vehicle the annual license fees shall be as established in Appendix J, License Fee Schedule.

(h) Every licensee hereunder, and every person delivering milk or groceries and milk, shall display and keep displayed at all times in a prominent place on each outer side of any vehicle used for such deliveries, the name of the licensee which shall be printed in plain letters not less than four (4) inches in height, and keep such printed name in such condition that it may be at all times readily distinguishable. It shall be unlawful to display any name on the outside of the vehicle except that of the licensee and/or his registered trade name.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 10, Chapter 201 of the Minneapolis Code of Ordinances relating to Food Code: Public Markets.

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

Section 1. That Section 201.30 of the above-entitled ordinance be amended to read as follows:

201.30. Farmers market requirements. The holder of a farmers market license issued pursuant to this chapter shall comply with the following requirements:

- (1) A minimum of sixty (60) percent of market vendors at farmers markets held between the eligibility dates set by the Farmers Market Nutrition Program must be agricultural producers.
- (2) Farmers markets may contain a maximum combined total of forty (40) percent of the following market vendor types. A maximum of twenty-five (25) percent of total vendors may be non-food vendors, including craft producers and vendors of services.
 - a. Food market distributors, who when reselling produce may only sell produce that is not in season and not available at the market from agricultural producers.
 - b. Home processors.
 - c. Food market manufacturers.
 - d. Craft producers.
 - e. Vendors of services.
 - f. Plant vendors.

(3) Farmers markets may not contain market vendors of the following types:

- a. Market vendors selling any entity's non-food product as an agent, franchisee, distributor, or licensee; or on consignment; or by any other third-party arrangement.
 - b. Market vendors selling non-food items such as "vintage," "found," "reclaimed" or "recycled" objects, or any other objects not originally manufactured by the market vendor unless those objects have been substantially transformed by the market vendor into objects of dissimilar form or function from the original.
- (4) Upon initial application, renewal application or request by city staff, farmers markets shall provide a set of bylaws, or in the case that the market is sponsored by another organization, a set of approved operating rules along with the bylaws of the sponsoring organization, that address the market's ownership, governance structure, decision-making process, the market vendors' relationship to the market organization and the means by which vendors' interests are represented and protected in the governance of the market.
- (5) Farmers markets shall become authorized to accept FMNP (Farmers Market Nutrition Program), S/FMNP (Senior Farmers Market Nutrition Program), WIC-CVV (Women, Infants and Children Fruit and Vegetable Vouchers), and any other similar food assistance programs as designated by the ~~director of regulatory services~~ licensing official, not including SNAP-EBT (Supplemental Nutrition Assistance Program Electronic Benefits Transfer), within twelve (12) months of licensure.
- (6) Farmers markets shall take place outdoors, with the exception of up to six (6) indoor events per year, as designated on the license application and approved by the appropriate departments in advance of the indoor event or events.

Section 2. That Section 201.70 of the above-entitled ordinance be amended to read as follows:

201.70. License application. Each applicant for a license to operate a farmers market, mini market or produce and craft market shall file an application with the ~~department of licenses and consumer services~~ licensing official on forms provided by the ~~department~~ official. The ~~director of licenses and consumer services~~ licensing official may require such information on the application as the ~~director~~ official considers reasonable and necessary, including:

- (1) The full name, date of birth, and current residence address of the applicant.

- (2) The proposed location of the farmers market, mini market or produce and craft market and the dates and hours of market operations.
- (3) A scaled diagram showing the site plan and layout of the market stalls with an indication of the portion thereof intended to be used in the conduct of such business pursuant to the license.
- (4) A list of all market vendors at the farmers market, mini market or produce and craft market.
- (5) The market manager's name, residence address, and telephone contact number.

Section 3. That Section 201.90 of the above-entitled ordinance be amended to read as follows:

201.90. Duties of market manager. Each licensed farmers market, mini market or produce and craft market shall designate a market manager who is responsible for the supervision, management and control of the licensed market. The market manager shall prepare rules and regulations relative to the care and conduct of said farmers market, mini market or produce and craft market and the placing of vehicles therein, preservation of order, prevention and removal of obstructions and nuisances, removal of vagrants and disorderly persons or persons found loitering therein, and the seizure of unhealthy, unwholesome or noxious substances. The market manager or designee is responsible for the operation of the farmers market, mini market or produce and craft market and must be present when the market is open to the public. The market manager shall:

- (1) Complete an environmental health plan review and pay the applicable plan review fee as indicated in Appendix J, License Fee Schedule.
- (2) Provide fully operational and stocked toilet facilities shall be available to all market customers and market vendors.
- (3) Provide sufficient potable water to meet the needs of each market vendor.
- (4) Ensure that all market vendors of immediately consumable foods are operating from a hard, smooth and easily cleanable surface.
- (5) Ensure prompt removal of all trash and debris from the market and areas of public right-of-way within one hundred (100) feet of the farmers market, mini market or produce and craft market and in accordance with the Code of Ordinances.

- (6) Ensure that all food market manufacturers and food market distributors are licensed prior to vending. Food market manufacturer and food market distributor licenses must be renewed yearly.
- (7) Ensure all agricultural producers and home processors who may be exempt from licensure under Minnesota Statute Section 28A.15 have received approval to operate at farmers, mini and produce and craft markets under such classification. Approval shall be granted by the ~~director of environmental health or the director's designee~~ environmental health division. Such market vendors must renew their registration documentation annually.
- (8) Ensure a current list of all food market vendors selling or sampling food at the farmers, mini or produce and craft market is available to city staff to review at all times during which the market is open and operating.
- (9) Ensure that the market complies with the percentages stipulated to in this chapter for the number of food to non-food market vendors and/or agricultural producers to other market vendor types.
- (10) Ensure all farmers, mini and produce and craft markets and market vendors comply with the Minnesota Food Code (Minnesota Rules, Chapter 4626) and all applicable ordinances.

Section 4. That Section 201.120 of the above-entitled ordinance be amended to read as follows:

201.120. Insurance. A license for a farmers market, mini market and produce and craft market, any ~~part~~ part of which is on a street, sidewalk or other public right-of-way, may be granted only after the applicant has filed with the ~~division of licenses~~ licensing official a liability insurance policy, or evidence thereof, which policy shall provide coverage in the amount of two hundred thousand dollars (\$200,000.00) for one (1) claimant and six hundred thousand dollars (\$600,000.00) for any number of claimants, and shall specifically provide for the payment by the insurance company on behalf of the insureds of all which the insureds shall become obligated to pay by reason of liability, imposed upon them by law for injuries or damages to persons or properties arising out of the activities and operations of the insureds occurring on any public right-of-way pursuant to the provisions of this chapter. The applicant and the city shall be named as joint insureds on the liability policy.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

**Amending Title 10, Chapter 202 of the Minneapolis Code of Ordinances
relating to Food Code: Municipal Market.**

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

Section 1. That Section 202.50 of the above-entitled ordinance be amended to read as follows:

202.50. License application. Each applicant for a license to operate a municipal market shall file an application with the ~~department of licenses and consumer services~~ licensing official on forms provided by the ~~department~~ official. The ~~director of licenses and consumer services~~ licensing official may require such information on the application as the ~~director~~ official considers reasonable and necessary, including:

- (1) The full name, date of birth, and current residence address of the applicant.
- (2) If the applicant is a partnership or firm, the name, place and date of birth, residence address of all partners or persons interested therein; if a corporation, the state of incorporation, the name, place and date of birth, of all persons named in the corporation, and shall state whether or not any person named in the application has ever been convicted of any crime.
- (3) The proposed location of the municipal market and the dates and hours of market operations.
- (4) A scaled diagram showing the site plan and layout of the market stalls with an indication of the portion thereof intended to be used in the conduct of such business pursuant to the license.
- (5) A list of all vendors at the municipal market.
- (6) The market manager's and designee's names, residence addresses, and telephone contact numbers.

Section 2. That Section 202.110 of the above-entitled ordinance be amended to read as follows:

202.110. Duties of market manager. The municipal market shall designate a market manager who is responsible for the supervision, management and control of that market. The market manager shall prepare rules and regulations relative to the care and conduct of the market and the placing of vehicles therein, preservation of order, prevention and removal of obstructions and nuisances, removal of vagrants and disorderly persons or persons found loitering therein, and the seizure of unhealthy, unwholesome or noxious substances. The market manager or designee is responsible for the operation of the municipal market and must be present when the market is open to the public. The market manager shall:

- (1) Complete an environmental health plan review and pay the applicable plan review fee as indicated in Appendix J.
- (2) Provide fully operational and stocked toilet facilities to all market customers and market vendors.
- (3) Provide sufficient potable water to meet the needs of each market vendor.
- (4) Ensure that all market vendors of immediately consumable foods are operating from a hard, smooth and easily cleanable surface.
- (5) Ensure prompt removal of all trash and debris from the market and areas of public right of way within one hundred (100) feet of the municipal market and in accordance with the Code of Ordinances.
- (6) Ensure that all food market manufacturers and food market distributors are licensed prior to vending. Food market manufacturer and food market distributor licenses must be renewed yearly.
- (7) Ensure all agricultural and home processors who may be exempt from licensure under Minn. Statute Section 28A.15 have received approval to operate at the markets. Approval shall be granted by the ~~director~~ of environmental health division ~~or the director's designee~~. Such market vendors must renew their registration documentation annually.
- (8) Ensure a current list of all food market vendors selling or sampling food at the markets is available to city staff to review at all times in which the markets are open and operating.
- (9) Ensure that the market complies with the percentages stipulated to in this chapter for the number of food to non-food market vendors and/or agricultural producers to other market vendor types.

- (10) Ensure all market vendors comply with the Minnesota Food Code (Minnesota Rules, Chapter 4626) and all applicable ordinances.

Section 3. That Section 202.330 of the above-entitled ordinance be amended to read as follows:

202.330. Insurance. A license for a municipal market, any part of which is on a street, sidewalk or other public right-of-way, may be granted only after the applicant has filed with the ~~division of licenses~~ licensing official a liability insurance policy, or evidence thereof, which policy shall provide coverage in the amount of two hundred thousand dollars (\$200,000.00) for one (1) claimant and six hundred thousand dollars (\$600,000.00) for any number of claimants, and shall specifically provide for the payment by the insurance company on behalf of the insureds of all which the insureds shall become obligated to pay by reason of liability, imposed upon them by law for injuries or damages to persons or properties arising out of the activities and operations of the insureds occurring on any public right-of-way pursuant to the provisions of this chapter. The applicant and the city shall be named as joint insureds on the liability policy.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 10, Chapter 204 of the Minneapolis Code of Ordinances relating to Food Code: Environmental Preservation: Environmentally Acceptable Packaging.

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

Section 1. That Section 204.20 of the above-entitled ordinance be amended to read as follows:

204.20. Definition. As used in this chapter, the following terms and phrases shall have the meanings as defined in this section:

- (a) *Packaging* shall mean and include food or beverage cans, glass bottles, or plastic bottles.
- (b) *Environmentally acceptable packaging* shall mean and include any of the following:
 - (1) Returnable packaging: Food or beverage containers or packages, such as, but not limited to, soft drink bottles and milk containers that are capable of being returned to the distributor, such as, but not limited to, dairies and soft drink bottlers, for reuse at least once as a container for the same food or beverage;
 - (2) Recyclable packaging: Packaging that is separable from solid waste by the generator or during collection for the purpose of recycling.
- (c) Food establishment, as used in this chapter, means a "food establishment" as defined in section 188.10 of the Minneapolis Code of Ordinances.
- ~~(d) Director shall mean the Director of Environmental Health of the Regulatory Services Department of the City of Minneapolis or the director's designee.~~

Section 2. That Section 204.40 of the above-entitled ordinance be amended to read as follows:

204.40. Enforcement. The ~~director~~ environmental health division shall have the duty and the authority to enforce provisions of this chapter.

Section 3. That Section 204.50 of the above-entitled ordinance be amended to read as follows:

204.50. Rules and regulations. The ~~director~~ environmental health division may, upon notice and hearing, promulgate such rules and regulations as may be necessary to carry out the purposes of this chapter and protect the health of the public, including the development of exemptions under section 204.70 for packaging for which there is no commercially available alternative. In promulgating such rules, the director shall consider the legislative purposes provided in section 204.10 of this chapter and shall consult with the operators of affected food establishments.

Section 4. That Section 204.60 of the above-entitled ordinance be amended to read as follows:

204.60. Advisory committee on environmentally acceptable packaging. (a) The city council shall, by resolution, establish an advisory committee on environmentally acceptable packaging. The resolution shall provide for the membership, manner of appointment, the committee's charge and its duration. The membership shall be drawn from affected governmental units, business and industry, trade associations, general business organizations, consumer groups, environmental groups and others as determined in the resolution. The advisory committee shall include a member designated by the Hennepin County Board of Commissioners from outside the City of Minneapolis and a member designated by the Association of Metropolitan Municipalities. The charge of the committee shall include the following:

(b) Advising the ~~director~~ of environmental health division on implementation issues.

Section 5. That Section 204.70 of the above-entitled ordinance be amended to read as follows:

204.70. Exemptions. Notwithstanding any other provision to the contrary, this chapter shall not apply to:

(a) Any packaging used at hospitals or nursing homes;

(b) Any packaging which is not environmentally acceptable, but for which there is no commercially available alternative as determined by the ~~director~~ environmental health division by rule promulgated pursuant to section 204.50. In determining whether there are commercially available alternatives, the ~~director~~ environmental health division shall consider the following: (1) the availability of environmentally acceptable packaging for affected products; (2) the economic consequences to manufacturers, suppliers, retailers and other vendors of requiring environmentally acceptable packaging when

available; and (3) the competitive effects on manufacturers, suppliers, retailers and other vendors involved in the sale of product brands or labels available only in packaging that is not environmentally acceptable packaging. Every rule creating an exemption under this paragraph shall be reviewed annually by the ~~director~~ environmental health division to determine whether current conditions continue to warrant the exemption.