

ORDINANCE #2019-5, LICENSING FOR FOOD AND LODGING ESTABLISHMENTS

1.00 PURPOSE, APPLICABILITY AND AUTHORITY.

1.01 Purpose.

This ordinance establishes standards and regulations for operating, designing, constructing and maintaining food establishments and lodging establishments.

1.02 Applicability.

This ordinance applies to all food establishments and lodging establishments located within Anoka County.

1.03 Authority.

This ordinance is adopted under authority contained in Minn. Stat. Chap. 145A and Minn. Stat. Chap. 157.

2.00 GENERAL PROVISIONS.

2.01 Food Establishment Definition.

As used in this ordinance, the term **food establishment** has the meaning given in Minn. Stat. §157.15 for food and beverage service establishment.

2.02 Lodging Establishment Definition.

As used in this ordinance, the term **lodging establishment** includes the meanings given for lodging establishment, hotel, motel, resort and boarding establishment in Minn. Stat. §157.15.

2.03 Administrative Procedures.

All provisions in the Anoka County Administrative Procedures Ordinance apply to this ordinance.

2.04 Ordinance Administration.

The Anoka County Public Health and Environmental Services Department will administer this ordinance.

2.05 Ordinance Compliance Required.

No person may cause or permit a food establishment or a lodging establishment to be located, constructed, altered, extended, converted, or operated except in full compliance with the provisions in this ordinance and plan review as required under Minn. Stat. § 157.16, Subd. 1.

2.06 Conditions.

Violating any condition imposed by the department on a license, permit, or variance issued under this ordinance is cause for the department to suspend or revoke the license, permit, or variance or to deny renewal of the license or permit.

2.07 License Required.

No person may operate a food establishment or lodging establishment without a license obtained from the department for the applicable license class and license year.

2.08 License Year.

A license year runs from February 1 through January 31.

2.09 Food Establishment License Classes.

The following license classes apply to food establishments:

Class I	Beverage service only.
Class II	Food establishments serving meals, sandwiches, snacks and similar foods only.
Class III	Catering food service.
Class IV	Food establishment serving meals, sandwiches, snacks and similar foods with bar-type beverage service.
Class V	Schools or churches.
Class VI	Special event food stand or temporary food establishment.
Class VII	Mobile food unit, seasonal food stand, or food cart.
Class VIII	Unopened, pre-prepared, pre-wrapped food service only.
Class IX	Limited food service, including catered day care operations, catered satellite operations in industrial settings where the commissary is on the premises, continental breakfasts serving low hazard foods, and concession stands with menus limited to low hazard foods.

2.10 Food Establishment License Fees.

Size and license class determine the applicable license fee for a food establishment.

2.10.1 Size is computed on all areas used for selling, processing, packaging, serving and storing and all other areas used to support the licensed activity at the licensed premises.

2.10.2 Different license class services provided on the same premises, or same license class services physically separated from each other but provided on the same premises, require separate licenses.

2.11 Lodging Establishment License Classes.

The following license classes apply to lodging establishments:

Class I	Hotels.
Class II	Motels.
Class III	Lodging Houses.
Class IV	Resorts.

2.12 Lodging Establishment License Fees.

Number of units and license class determine the license fee for lodging establishments.

- 2.12.1 Number of units is determined by licensed capacity for Class III and by rental units for Classes I, II, and IV.
- 2.12.2 An additional fee for a lodging establishment license is assessed for each public pool at the lodging establishment.
- 2.13 License Displayed.
- At all times, the licensed premises must have on display, in a conspicuous location within the food establishment or lodging establishment, the license for the current license year.
- 2.13.1 For a Class VI food establishment, the license posted must be for the current license period.
- 2.14 Required Equipment.
- Every licensee will provide and maintain equipment necessary for operating the food establishment or lodging establishment.
- 2.14.1 The equipment must be designed, constructed, located, installed and maintained so as to allow full compliance with the provisions in this ordinance.
- 2.15 Inspection Reports.
- The department will provide an inspection report to the licensee or the individual present at the food establishment or lodging establishment who is responsible for its operation at the time of the inspection.
- 2.16 Inspection Frequency.
- At a minimum, inspections will occur in accordance with the schedule specified in Minnesota Statutes §157.20 based upon establishment risk.

3.00 STANDARDS ADOPTED.

- 3.01 The Food Code.
- 3.01.1 Minn. Rules Pts. 4626.0010 through 4626.1855, which relate to food establishments, are adopted by reference and made a part of this ordinance as if fully stated in the ordinance.
- 3.01.2 The Minnesota Department of Health retains exclusive authority for the Certification of food protection managers under Minnesota Statutes §157.16 subd. 2(a) and Minnesota Rules parts 4626.0033 subp. G, H, I, J, K, L, M, N, and O.
- 3.02 Amendments to the Food Code.
- Minn. Rules Chap. 4626, as adopted by reference, is amended as follows:
- 3.02.1 Minn. Rules Pt. 4626.1715 B. is amended to read: A person may appeal the denial, revocation or refusal to renew a variance by requesting a hearing in writing in accordance with the Anoka County Administrative Procedures Ordinance. The person must make the request for a hearing within 30 days after the department action at issue is taken.
- 3.02.2 Minn. Rules Pt. 4626.1760 is amended to read: An applicant will submit a written application on a form provided by the Department for a food establishment license in

accordance with requirements in the Anoka County Administrative Procedures Ordinance.

3.03 Requirements for Lodging Establishments.

Minn. Rules Pts. 4625.0100 through 4625.2355, which relate to lodging establishments, are adopted by reference and made a part of this ordinance as if fully stated in the ordinance.

3.04 Amendments to Requirements for Lodging Establishments.

Minn. Rules Pts. 4625.0100 through 4625.2355, as adopted by reference, are amended as follows:

3.04.1 Minn. Rules Pt. 4625.0100, subp. 3, is amended to read: For purposes of this ordinance, the term **commissioner** as used in Minn. Rules Pts. 4625.0100 through 4625.2355 means the Anoka County Public Health and Environmental Services Department.

3.04.2 Minn. Rules Pt. 4625.2300 is deleted in its entirety.

4.00 VIOLATIONS.

4.01 Misdemeanor.

Any person who violates or fails to comply with any provision in this ordinance is guilty of a misdemeanor.

4.01.1 A separate offense is deemed committed on each day during, or on which, a violation occurs or continues.

4.02 Injunctive Relief.

The department, in consultation with the county attorney, may institute appropriate actions or proceedings, including injunctive relief to prevent, restrain, correct or abate a violation or threatened violation of this ordinance.

5.00 AMENDING & REPEALING PRIOR ORDINANCES; EFFECTIVE DATE

This ordinance amends and restates all previous ordinances relating to the authority to issue citations, thereby repealing said prior ordinances, and shall be in full force and effect from and after the time of its passage by the Anoka County Board of Commissioners and publication as required by law.

This ordinance is effective January 1, 2019 or upon passage by the county board whichever is later.

Ordinance #80-7 adopted September 9, 1980

Ordinance #80-8 adopted September 9, 1980

Ordinance #82-3 adopted September 13, 1982

Ordinance #99-1 adopted March 23, 1999

Ordinance #2009-2 adopted October 13, 2009

Ordinance #2018-10 adopted October 9, 2018

Adopted by the Board of Commissioners of Anoka County, Minnesota, the 23rd day of April, 2019.