

Program Policies

October 1995 - Revised March, 1996 - Revised April 1998 - Revised October 2001 - Revised May 2003 - Revised September 2010 - Revised September 2011 - Revised January 2015 - Revised December 2016 - Revised January 2018 - Revised January 2019 – Revised January 2020

Definitions:

1. **Board** shall mean the Brown-Nicollet Community Health Board acting under the provisions of Minnesota Statutes, Chapter 145A, as the Board of Health.
2. **Category A site** means any manufactured home park or recreational camping area that meets one or more of the following conditions:
 - a. has a public swimming pool;
 - b. draws its drinking water from a surface water supply; or
 - c. has 50 or more sites.
3. **Category B site** means any manufactured home park or recreational camping area that is not a category A site.
4. **Certified Food Protection Manager** shall mean an individual who has a valid Minnesota food manager's certification under Minnesota Rules, Part 4626.0033, or an individual who is certified under Minnesota Rules, Parts 4626.2005 to 4626.2020.
5. **Hazard Analysis and Critical Control Point (HACCP) Plan** shall mean a written document that delineates the formal procedures for following the HACCP principles developed by the National Advisory Committee on Microbiological Criteria for Foods.
6. **Manufactured Home Park** means any site, lot, field or tract of land upon which two or more occupied manufactured homes are located, either free of charge or for compensation, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of the manufactured home park.
7. **Person In Charge** shall mean the individual present at a Food and/or Beverage Establishment who is responsible for the operation at the time of inspection.
8. **Priority 1 Item** means a provision in the Minnesota Food Code whose application contributes directly to the elimination, prevention, or reduction to an acceptable level of

hazards associated with foodborne illness or injury, and there is no other provision that more directly controls the hazard.

A priority 1 item includes an item with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, and handwashing.

9. **Priority 2 Item** means a provision in the Minnesota Food Code whose application supports, facilitates, or enables one or more priority 1 items.

A priority 2 item includes an item that requires the purposeful incorporation of specific actions, equipment, or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling.

10. **Priority 3 Item** means a provision of the Minnesota Food Code that is not designated as a priority 1 item or a priority 2 item.

A priority 3 item includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures, facilities or structures, equipment design, or general maintenance.

11. **Recreational Camping Area** means any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents or recreational camping vehicles free of charge or for compensation.

Recreational camping area excludes children's camps, industrial camps, migrant labor camps, as defined in Minnesota Statutes and state commissioner of health rules, United States Forest Service camps, state forest service camps, state wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landing, temporary holding areas for self-contained recreational camping vehicles created by and adjacent to motor sports facilities, if the chief law enforcement officer of an affected jurisdiction determines that it is in the interest of public safety to provide a temporary holding area, and a privately owned area used for camping no more than once a year and for no longer than seven consecutive days by members of a private club where the members pay annual dues to belong to the club.

12. **Special Event Camping Area** means a recreational camping area which operates no more than two times annually and for no more than 14 consecutive days.

13. **Risk Categories** shall mean as follows:

a. **High Risk Food Establishment** shall mean any public pool, or any food and beverage service establishment, hotel, motel, lodging establishment, or resort that serves potentially hazardous foods that require extensive processing on the premises, including manual handling, cooling, reheating, or holding for service, prepares food several hours

or days before service, serves menu items that epidemiologic experience has demonstrated to be common vehicles of food-borne illness, has a public swimming pool, or draws its drinking water from a surface water supply.

b. **Medium Risk Food Establishment** shall mean any food and beverage establishment, hotel, motel, lodging establishment, or resort that serves potentially hazardous foods but with minimal holding time between preparation and service, or serves food, such as pizza, that require extensive handling followed by heat treatment.

c. **Low Risk Food Establishment** shall mean any food and beverage service establishment, hotel, motel, lodging establishment or resort that is not a high risk or medium risk establishment.

14. **School Food Service** shall mean learning institutions with full kitchens and/or commissaries categorized by the following risk levels:

a. **Low Risk** shall mean a school food service where all food served is prepared off-site.

b. **Medium Risk** shall mean a school food service where the majority of food served is prepared off-site, but provides limited food on-site, such as a salad bar.

c. **High Risk < 100 students** shall mean a school food service where all food served is prepared on-site, and less than one hundred (100) students are served.

d. **High Risk > 100 students** shall mean a school food service where all food served is prepared on-site, and more than one hundred (100) students are served.

e. **High Risk Extended Hours** shall mean a school food service where all food is prepared on-site, and is open more than six (6) hours daily.

15. **Special Event Food Service** means a food and/or beverage service establishment used in conjunction with celebrations and events, and which operates for no more than ten total days within the applicable license period.

16. **Special Event Minimal Handling Food Service** means a food service operation that prepares and sells only hot dogs, nachos, tap or poured beer or wine, and operates no more than ten total days within the applicable license period.

17. **Special Event One Day Food Service** means a food and/or beverage service stand which is used in conjunction with a one day celebration, benefit, or special event. A group may only have one license for the entire year.

18. **Seasonal Permanent Food Service** means a food and/or beverage service stand which is a permanent food service stand or building, but operates for no more than 21 days annually.

19. Seasonal Temporary Food Service means a food and/or beverage service stand that is a food stand which is disassembled and moved from location to location. The food stand must operate for no more than 21 days at any one location unless approved by the licensing agency. For operation more than 21 days an application for a Seasonal Temporary Food Service Variance must be received at time of initial application and approved by the Brown-Nicollet Environmental Health office prior to operation.

20. Time/Temperature Control for Safety Foods means a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.

Educational Requirements

1. Each food establishment subject to the licensing program and requiring a certified food protection manager will have at least one full-time equivalent owner, manager, or operator who is certified as having completed all requirements of a food service training and certification program as prescribed in Minnesota Rules, Part 4626.0033, subparts G, H, I, J, K, L, M, N, and O. The licensee will be responsible for costs incurred for compliance with this policy. The certified individual need not be on the business premises at all times that the business is open to the public.

Rationale: having a knowledgeable person available is critical to the partnership concept of environmental health programming. Certification is proactive, prevention-based and a sound public health principle. Certification gives the establishment management more ownership in their food safety system and policies.

2. Each food establishment licensee must have a Person in Charge (PIC) present during all hours of operation. The PIC must understand and be able to demonstrate knowledge of safe food handling with the following areas of knowledge: personal hygiene, foodborne disease characteristics, transmission factors, time and temperature standards, and proper procedures.

Rationale: requiring a knowledgeable and responsible person to be present in restaurants all hours of operation ensures that procedures will be consistently followed during regular operating conditions and times of crisis as well.

3. Each food establishment requiring a certified food protection manager will have available evidence of having someone who has completed the educational requirements of this policy as noted in #1.

Rationale: making the certification program mandatory by tying it to the licensing program is critical to ensure 100% compliance.

4. Management from each food establishment requiring a certified food protection manager will notify Brown-Nicollet Environmental Health when the certified person leaves or terminates employment with the food establishment. The licensee will designate a new manager, owner or operator to be trained and certified within 60 days.

Rationale: continuity in programming is essential for public health and safety. Training sessions are offered throughout the region periodically.

5. Brown-Nicollet Environmental Health will provide licensed establishments with educational materials on a regular basis and will also provide updates on critical or emerging issues. It will be the responsibility of the establishment owner, manager or operator to be sure that important issues are discussed with establishment personnel.

Rationale: to ensure that an establishment is up-to-date on emerging issues, a good educational program must be in operation year-round. Methodology to distribute bulletins warning of emerging issues must be in place.

6. Food Safety Seminars are available to all county residents, institutions and/or organizations and will be provided upon request.

Rationale: educational opportunities for charities, churches, special events, and other situations where food is served to the public is an important part of a proactive environmental health program.

7. Each licensed swimming pool must employ a certified trained operator as prescribed in Minnesota Rules, Part 4717.0650, subparts 3, 4, and 5. The licensee will be responsible for costs incurred for compliance with this policy. This trained operator or alternate trained operator will be responsible for the direct operation of the pool whenever the pool is open for use.

Rationale: having a certified and knowledgeable operator available is critical to ensuring that the pool is operating safely at all hours of operation. Certification is proactive, prevention-based and a sound public health principle. Certification gives the establishment management more ownership in their pool operation.

8. Each licensed swimming pool will have available evidence of having someone who has completed the educational requirements of this policy as noted in #7. A copy of the trained operator's certificate must be posted at the facility whenever the pool is open for use.

Rationale: making the certification program mandatory by tying it to the licensing program is critical to ensure 100% compliance.

9. Additional staff at licensed swimming pools must be trained to assist with chemical monitoring and pool equipment operation. The certified trained operator will be responsible for training additional staff.

Rationale: having additional staff trained to assist in the operation of the pool will ensure that someone is available to respond to emergency, unsafe and unsanitary conditions any time the pool is open for use.

10. Each establishment licensed as a Hotel/Motel must complete Sex Trafficking Prevention Training as prescribed by Minnesota Statute, Section 157.177.

11. Employees of Hotel/Motel establishments must receive Sex Trafficking Prevention Training within 90 days of hire and then on an annual basis. Management must keep a log indicating which employees have received this training and the date the training was completed. Management must also post the required sex trafficking poster and conduct an ongoing awareness campaign for employees.

Rationale: providing sex trafficking training to employees at Hotel/Motel establishments will provide awareness to what sex trafficking is, help identify activities associated with sex trafficking, and provide effective responses to sex trafficking situations.

12. A responsible attendant or caretaker shall be in charge of every manufactured home park or recreational camping area at all times, who shall maintain the park or area, and its facilities and equipment in a clean, orderly and sanitary condition. In any manufactured home park containing more than 50 lots, the attendant, caretaker, or other responsible park employee, shall be readily available at all times in case of emergency.

Rationale: having an attendant or caretaker will help ensure that all rules and requirements are being met and that someone is available to assist residents in times of need.

Operational Requirements

Meetings

Mandatory meetings may be called by Brown-Nicollet Environmental Health staff to cover significant issues of importance to a number of establishments, such as new programs, licensing changes, or emerging issues. Whenever possible, these meetings will be located at times and distances convenient to a majority of establishments.

Rationale: it is cost-effective to convene the group of license-holders to review important issues. Meetings provide opportunities for efficient communications, as well as an open forum for questions and mutual problem-solving.

Reporting

Establishments must comply with the reporting requirements set forth by this agency including but not limited to:

- Customer Foodborne Illness Reporting

Each licensed Food and/or Beverage Establishment must inform this agency of all reports of Customer Foodborne Illness complaints immediately, by calling the Director's direct line at 507-934-7096. If the report is after hours or voicemail is reached, the establishment is directed to leave a message with the following information: name of the establishment, phone number of the person reporting the complaint, nature and time of complaint. The establishment must also record all complaints of Customer Illness on the provided Customer Complaint Log, maintain current and retain on file for one year. Calls to the Director's phone are received 24/7, and a call back to the establishment will be made as soon as possible.

- **Employee Illness Reporting for Food and/or Beverage Establishments**

Each licensed Food and/or Beverage Establishment must inform this agency of all reports of Employee Illness as written in the Minnesota Food Code. Establishments must report this information to this agency within 24 hours, maintain a current Employee Illness Log and retain this log on file for one year.

- **Employee Illness Reporting for Public Swimming Pools**

Each licensed public swimming pool must monitor and record all reports of employee illness associated with vomiting and diarrhea. Each site must maintain an Employee Illness Log and retain this log on file for one year. This information must remain confidential between pool manager and reporting employee. Our agency will provide a template for an Employee Illness Reporting Policy and Report Log.

Special Programs

When opportunities arise for pilot programs or experimental projects, all appropriate establishments will be expected to participate. Programs will be designed to be relevant to establishments, to lead to more effective procedures in the future, and to be as non-interruptive and easy as possible for establishment staff.

Rationale: most of the special programs are designed to run via full participation by all establishments. The pilot projects are intended to either streamline or enhance procedures through better education.

Documentation

All licensed establishments must comply with documentation requirements. These include, but are not limited to: sanitizer logs, temperature logs, a record of customer complaints of illness, signed Employee Illness Reporting Agreements, signed Employee Illness Reporting Policy, Employee Illness Logs, daily pool records, clean-up procedures for vomiting and diarrheal events, emergency evacuation plans, sex trafficking training log, and guest registration logs.

Communications

Establishments must make arrangements for language interpretive services if management or staff are not proficient in English during critical interactions with the Environmental Health staff such as plan reviews, inspections, enforcements and education.

Rationale: documentation and communications are essential for meeting operational requirements and assist licensed establishments with maintaining current policies and procedures.

Licensing

Licensing categories are developed and may change over a period of time. They reflect a wide range of licensed establishments.

Categories are used to determine the annual fee required for license by Brown-Nicollet Environmental Health. The fee schedule is determined by type of establishment, the complexity of the operation, number of meals served, number and types of equipment, and public health risk.

As license applications are made available for the next year's license, the Board will consider if the current fee schedule is appropriate. The Board will consider current levels of service, budget constraints, and overall needs of the program as well as services provided. Generally, increases to the fee schedule will be consistent across all categories.

Additional licensing costs will also be reviewed annually by the Board. Examples include: late payment fees, plan review fees, enforcement action fees, inspection, and administration fees.

Inspections:

Frequency

The frequency of inspections for public pools, food and beverage service establishments, hotels, motels, lodging establishments, or resorts shall be based on the risk categories.

- (a) High-risk establishments must be inspected at least once every 12 months.
- (b) Medium-risk establishments must be inspected at least once every 18 months.
- (c) Low-risk establishments must be inspected at least once every 24 months.
- (d) **Risk exceptions.** Mobile food units, seasonal permanent and seasonal temporary food stands, special event camping areas, food carts, and special event food stands are not inspected on an established schedule and therefore are not defined as high-risk, medium-risk, or low-risk establishments.
- (e) **School inspection frequency.** Elementary and secondary school food service establishments must be inspected according to the assigned risk category or by the frequency required in the Richard B. Russell National School Lunch Act, whichever frequency is more restrictive.
- (f) **Manufactured Home Parks and Recreational Camping Area frequency.** Category A sites must be inspected at least once a year. Category B sites must be inspected at least every two years.

Emergencies

In the case of emergencies, special orders/conditions may be established. Examples include but are not limited to the following:

- alternative water supplies
- alternative refrigeration options
- alternative sanitizing procedures
- alternative handwashing procedures/methods
- alternative sheltering areas

Rationale: after storms, floods, fires, power outages, and other emergencies, Brown-Nicollet Environmental Health will help establishments assess options and will assist in allowing businesses to operate whenever possible. Emergencies in other areas have shown that flexibility and resourcefulness can occur; alternatives have been documented that may be adapted after local emergencies.

Plan Reviews

1. A formal Plan Review will take place in the following situations:

- when a new establishment is constructed
- when an existing establishment is reconstructed/remodeled which may include:
 - plumbing is modified
 - walls are moved, constructed or torn down
 - substantial menu changes are planned – requiring equipment changes
 - size of kitchen or seating area is substantially increased
 - additional sites are added to manufactured home parks or recreational camping areas
 - new public pool or pool alteration
- when an establishment is out of operation over 45 days, due to management or ownership changes, the facility must undergo a plan review.
- when a change of management or owner occurs with less than a 45 day interruption of operation, the facility may need to undergo a full plan review.

Rationale: the Brown-Nicollet Environmental Health office and in the case of plumbing changes or public pools, the Minnesota Department of Labor and Industry or Minnesota Department of Health, must be involved with such changes to ensure compliance with current codes and ordinances. The formal plan review process involves analysis of equipment and facilities, to ensure that standards are maintained and involves a fee to ensure that the cost of the plan review process is absorbed by the establishment receiving the oversight, rather than being supported by the overall licensing program.

2. The Plan Review timetable will be as follows:

- Brown-Nicollet Environmental Health will be notified as soon as possible during the planning process.
- Overall plans, blueprints, menus (if applicable), equipment specifications, and establishment plan review application must be received by Brown-Nicollet Environmental Health and plumbing plans must be received by the Minnesota

- Department of Labor and Industry before any construction can begin.
- Brown-Nicollet Environmental Health will review plans within 30 days of their receipt and will make written comments delineating any necessary changes.
 - Any variation from this timetable may result in a construction stop-order and possible penalty fee equal to other enforcement fees.
 - Plan review materials for public pools must be submitted to the Minnesota Department of Health for review.

Rationale: any work started without approval could result in time consuming consultations by staff and expensive changes to the facility.

3. Plan Reviews shall be conducted following guidelines developed by Brown-Nicollet Environmental Health and the Minnesota Department of Health.

Variances

A variance may be granted if it is deemed that the strict enforcement of any provision of the standards of the program Ordinance would cause unnecessary hardship or that strict conformity with the standards would be unreasonable and impractical, or not feasible under the circumstances. The Regulatory Authority may permit a variance upon such conditions as it may prescribe for management consistent with the general purposes and intent of each program Ordinance and of all other applicable state and local regulations and laws. Variance requirements and procedures are listed in all program ordinances as they relate to the regulation of all licensed establishments.

Enforcement Actions

Re-inspection

1. Inspectors may schedule a re-inspection in any of the following situations:
 - Priority 1 and/or Priority 2 violations exist that are not corrected at the time of the routine inspection
 - lack of demonstration of knowledge
 - poor sanitation (a high number of Priority 3 violations)
 - to ensure timely compliance of orders issued
 - pool closure
 - non-compliance with previously issued orders

A re-inspection might not be required

- When the violations are corrected immediately during the inspection.
 - When a Priority 2 and/or Priority 3 violation cannot be corrected immediately, such as repairs to equipment or repairs to the physical facility.
 - When a Priority 2 and/or Priority 3 violation would not have an immediate impact on public health and the correction can be verified at the next annual inspection.
 - When a repair can be provided by some other written form of documentation (i.e. invoice from a repair company).
2. A re-inspection fee will be assessed to partially cover the costs of an additional inspection.

Rationale: the additional cost for re-inspection will be borne by the party responsible for the violation, not by all the licensed establishments as would be the case if there were no re-inspection fee. If this fee is not paid within 30 days an additional charge will be added.

3. Re-inspection dates will be determined based on the nature of the violations and ease of compliance with written orders.

Rationale: violations that may have serious impacts on human health must be corrected quickly; violations necessitating replacement of equipment or construction/remodeling may take time to implement.

4. Re-inspections may be conducted by two inspectors.

Rationale: collaboration will reduce subjectivity; team-inspection may be necessary if the situation warrants.

In-office Hearings

1. In-office Hearings may be scheduled in the following situations:

- violations are repeated for two or more inspections
- violations are repeated over the course of one or more years
- violations are Priority 1 and/or Priority 2 items (but do not pose imminent health threats)
- the inspector feels the necessity for administrative assistance in securing compliance

Rationale: setting the hearing is another tool for securing compliance by establishing a serious tone and provides back-up to the inspector. Establishment management will be asked to justify the lack of compliance to the program director and/or agent for the Board. Mutually acceptable compliance dates will be established in a more formal setting, increasing the likelihood of more timely compliance. Violations and compliance plans will be better documented. If many violations have been found, reviewing the lengthy list may be better accomplished in a more private setting and at a less busy time, at a place and time when all parties can better concentrate on resolving the situation.

A fee will be charged for an In-Office Hearing. If this fee is not paid within 30 days an additional charge will be added.

2. The scheduling of an In-office Hearing will be confirmed in writing, including a list of specific violations. Copies of the letter will be annotated and sent to the District Commissioner, the County Board Chair and/or Chair of the Community Health Board, the County Attorney and other parties as deemed appropriate.

Rationale: annotating the list of those notified about violations may increase compliance; it will also keep elected officials aware of establishment status and will provide documentation of violations in case of the need for further enforcement actions.

3. Officials receiving notice of In-office Hearings may attend the hearing if they so desire.

Rationale: in some cases, attendance will help officials understand the nature of the violations and may add impetus to compliance efforts. However, in some cases, it may be more expedient if such officials choose to be “once-removed” from the enforcement process.

4. Whenever possible, the In-office Hearing will be held at the Brown-Nicollet Environmental Health office; however, in some cases, the hearing can be held at the establishment in question.

Rationale: moving the meeting to the Brown-Nicollet Environmental Health office will underscore the more magisterial nature of the hearing, elevating it slightly from the setting of a regular inspection or less serious re-inspection. Changing this policy can be considered if officials feel a need to see violations.

Suspension of License

Temporary Closure

Licenses may be suspended temporarily by the Environmental Health Director at any time for failure by the holder to comply with the requirements of the program Ordinance or whenever the Environmental Health Director finds unsanitary or other condition(s) which pose a substantial hazard to the public health.

Permanent Closure

For serious or repeated violations of any of the requirements of the ordinance the license may be permanently revoked after an opportunity for a hearing before the Brown-Nicollet Community Health Appeals Board has been provided.

Other Enforcement Options

Other enforcement actions which may be taken:

- Inspection Report Supervisory Review - inspection reports may be marked for Supervisory Review. These reports will be reviewed by the Director and a letter requesting a written plan for compliance will be sent. The response will be reviewed by the Director and Inspector and appropriate actions will be taken which may include acceptance of plan, re-inspection or In-Office Hearing.
- Additional education and/or demonstration of competence for establishment personnel (i.e. staff food safety seminars).
- HACCP plans by food and /or establishment staff to minimize subjectivity in procedures (i.e. standardizing procedures for handling time/temperature control for safety foods or situations where emerging health threats may occur).
- Development and approval by this agency of maintenance schedules by establishment staff

to ensure regular sanitation and routine cleaning (i.e. sanitizing checklists and cleaning calendars).

- Development and approval by this agency of written policies and procedures to ensure uniformity in compliance, (i.e., an incident reporting form for foodborne illness reports).

Rationale: any alternatives that will enable establishment operators to continue operations while minimizing threats to public health should be considered. Flexibility within health and safety parameters is a benefit to the community, the licensing authority, and the business.

Temporary Licenses

Types of Special Event Licenses:

- Special Event Food Service
- Special Event Minimal Handling Food Service
- Special Event One Day Food Service
- Seasonal Temporary Food Service
- Seasonal Permanent Food Service
- Special Event Camping Area

Special Event Food Service Policies

The following requirements must be met prior to approval of all Special Event Food Service Events:

1. Approval of preparation site.
 2. A menu information sheet must be submitted and approved — the menu must not include any home-prepared food.
 3. The hot and cold holding equipment must maintain proper temperature on site, mechanical refrigeration for cold time/temperature control for safety foods is required.
 4. Approval of on-site storage areas — food cannot be stored on the ground.
 5. Approval of handwashing facilities and methods.
 6. Approval of sanitizing procedures for the food stand and for equipment and utensils.
 7. Food stand workers must review educational materials provided by the county.
- All food stands, if used in conjunction with celebrations and special events and operate for no more than ten total days within the applicable license period, must hold a Special Event Food Service license, even if the normal site of operation would be exempt from licensing and even if the primary site is already licensed.

Rationale: it is important for the Brown-Nicollet Environmental Health office to have a file with the menu and food preparation information in advance so that food safety directive and education can be provided to the licensee.

- Special Event Food stands with minimal food handling that prepare and sell only hot dogs, nachos, tap or poured beer or wine will be charged a reduced license fee.

Rationale: the risk of potential food safety problems is minimal at these types of stands so inspection, education, and consultation services are less intensive than at regular food stands.

- Special Event One Day Food Service used in conjunction with a **one day** celebration, benefit or special event will be charged a reduced license fee. Individuals or groups may only have **1** One Day license for the entire calendar year.

Rationale: the number of days that this type of stand is in operation reduces inspection, education, and consultation services. This license only allows for one day of operation for the entire calendar year compared to ten days of operation with the traditional Special Event Food Service license.

Seasonal Temporary Food Service Policies

The following requirements must be met for a Seasonal Temporary Food Service license:

1. Approval of preparation site - a formal plan review must be completed and plans approved prior to the construction of any new Seasonal Temporary Food Service Stand.
2. A menu information sheet must be submitted and approved; the menu must not include any home-prepared food.
3. The hot and cold holding equipment must maintain proper temperature on site, mechanical refrigeration for cold time/temperature control for safety foods is required.
4. Approval of on-site storage areas - food cannot be stored on the ground.
5. Approval of handwashing facilities and methods.
6. Approval of sanitizing procedures for the food stand and for equipment and utensils.
7. Food stand workers must review educational materials provided by the county.

Rationale: It is important for the Brown-Nicollet Environmental Health office to have a file with the menu and food preparation information in advance so that food safety directive and education can be provided to the licensee.

- All Seasonal Temporary Food Services operating in Brown, Nicollet, Cottonwood or Watonwan Counties must have a license issued by either:
 - a) the Brown-Nicollet Environmental Health Office
 - b) the Minnesota Department of Agriculture, or
 - c) the Minnesota Department of Health

Rationale: Many temporary food stands travel to several events throughout the year. If applicable, the county will need to provide thorough inspection, education and consultation.

Seasonal Permanent Food Service Policies

The following requirements must be met for a Seasonal Permanent Food Service license:

1. Approval of preparation site - a formal plan review must be completed and plans approved prior to the construction of any new Seasonal Permanent Food Service stand.

2. A menu information sheet must be submitted and approved - the menu must not include any home-prepared food.
3. The hot and cold holding equipment must maintain proper temperature. On-site mechanical refrigeration for cold time/temperature control for safety foods is required.
4. Approval of on-site storage areas - food cannot be stored on the ground.
5. Approval of handwashing facilities and methods.
6. Approval of sanitizing procedures for the food stand and for equipment and utensils.
7. Food stand workers must review educational materials provided by the county.

Rationale: It is important for the Environmental Health office to have a file with the menu and food preparation information in advance so that food safety directive and education can be provided to the licensee.

- All food and beverage establishments that are permanent food service stands or buildings, which operate for no more than 21 days annually, (4-H, etc.) must have a Seasonal Permanent Food Stand license issued by:
 - a) the Brown-Nicollet Environmental Health Office, or
 - b) the Minnesota Department of Agriculture

Rationale: many permanent food stands have several events throughout the year. If applicable, the county will need to provide thorough inspection, education and consultation.

- All food and beverage establishments that are permanent food service stands or buildings, which operate for no more than 21 days annually, must hold a Seasonal Permanent Food Service license even if the normal site of operation would be exempt from licensing and even if the primary site is already licensed (4-H, etc.).

Rationale: it is important for the Environmental Health office to have a file with the menu and food preparation information in advance so that food safety directive and education can be provided to the licensee.

Seasonal Food Service Variance (SFSV) – a variance applied for the operation of a Seasonal Temporary Food Service to operate beyond 21 days at any one location. An additional application form and fee will be required for this variance and approval of variance is necessary prior to operation.

Special Event Camping Area Policies

The following are requirements that must be met for a Special Event Camping license:

1. Recreational camping vehicles and tents, including attachments, must be separated from each other and other structures by at least seven feet.
2. A minimum area of 300 square feet per site must be provided and the total number of sites must not exceed one site for every 300 square feet of usable land area.
3. Each site must abut or face a driveway or clear unoccupied space of at least 16 feet in width, which space must have unobstructed access to a public roadway.

4. If no approved on-site water supply system is available, hauled water may be used, provided that persons using hauled water comply with Minnesota Rules, parts 4720.4000 to 4720.4600.
5. Nonburied sewer lines may be permitted provided they are of approved materials, watertight, and properly maintained.
6. If a sanitary dumping station is not provided on site, arrangements must be made with a licensed sewage pumper to service recreational camping vehicle holding tanks as needed.
7. Toilet facilities must be provided consisting of toilets connected to an approved sewage disposal system, portable toilets, or approved, properly constructed privies.
8. Toilets must be provided in the ratio of one toilet for each sex for each 150 sites.
9. Toilets must be not more than 400 feet from any site.
10. If a central building or buildings are provided with running water, then toilets and handwashing lavatories must be provided in the building or buildings that meet the requirements of this subdivision.
11. Showers, if provided, must be provided in the ratio of one shower for each sex for each 250 sites. Showerheads must be provided, where running water is available, for each camping event exceeding two nights.
12. Central toilet and shower buildings, if provided, must be constructed with adequate heating, ventilation, and lighting, and floors of impervious material sloped to drain. Walls must be of a washable material. Permanent facilities must meet the requirements of the Americans with Disabilities Act.
13. An adequate number of durable, covered, watertight containers must be provided for all garbage and refuse. Garbage and refuse must be collected as often as necessary to prevent nuisance conditions.
14. Campgrounds must be located in areas free of poison ivy or other noxious weeds considered detrimental to health. Sites must not be located in areas of tall grass or weeds and sites must be adequately drained.
15. Campsites for recreational vehicles may not be located on inclines of greater than eight percent grade or one inch drop per linear foot.
16. A responsible attendant or caretaker must be available on site at all times during the operation of any special event recreational camping area that has 50 or more sites.
17. A formal plan review must be completed and plans approved prior to the implementation of any new Special Event Camping Area.

Other Temporary Food Service Operations:

Church Functions: The preparation and/or service of food to the members or public on the grounds of an established community church.

*Example: A church prepares and serves food in its church building, an associated building or on the church grounds. This is a Church Function. **No food license is necessary.***

Private Party: The preparation, transportation and/or service of food to a private party, with no remuneration for services.

Example: An organization holds a luncheon for its members. The meal is prepared and

*served by its members. It is not advertised to the public. **This is a Private Event. No license is required.***

Catering: Food establishments that prepare, transport, or serve food under contract in support of an event such as a reception, party, luncheon, conference; ceremony or trade show must be licensed. All caterers operating in Minnesota, including those based in neighboring states, must operate in compliance with the Minnesota Food Code.

Example: An organization holds a luncheon for its members. The meal is prepared by a person under contract. This is a Catered Event. The person receiving payment must hold a Catering License.

1. A person providing catering services to a private party in the counties must be licensed by the health department having jurisdiction for the location of the main base of operation for the caterer.

Rationale: this will ensure that all caterers are licensed and provided with education, consultation and inspection services. The counties will honor licenses from the base of operation; thus multiple licenses will not be required.

2. No home-prepared food will be allowed. Food must be prepared at a licensed facility.

Rationale: this will ensure that proper equipment and work surfaces are used; and will minimize potential contamination by family members, pets, and domestic equipment failures as would be the case if home-prepared food was allowed.

3. Catering licenses are required for establishments which have on-site dining facilities and also provide and/or serve food for other locations.

Rationale: the license fee will help cover the additional environmental health services necessary to monitor this addition to the regular business. This ensures fairness to establishments who do not cater by helping keep overall fees lower.

The following requirements must be met prior to approval for a catering license:

1. Approval of preparation site - inspection of facility used for food preparation.
2. Approval of menu of catered food items - the menu must not include any home-prepared food.
3. The hot and cold holding equipment used to transport food and to maintain its temperature at the catering site must be approved for use.
4. The facility where food is prepared must have adequate and approved storage areas. Food, equipment and supplies cannot be stored in homes.
5. The vehicle used for transporting food products must be approved by the jurisdictional health department.
6. The licensed caterer must attend and pass an approved food safety certification course.
7. Each catered event must be staffed by either a Certified Food Protection Manager or a

“Person In Charge”.

Minnesota Department of Health Licensed Mobile Food Units

Any food vendor, present at any event within Brown, Nicollet, Cottonwood or Watonwan counties, operating with a Mobile Food Unit license issued by the Minnesota Department of Health will be charged an Inspection Fee if that vendor is present and inspected at an event in Brown, Nicollet, Cottonwood or Watonwan Counties.

Home-prepared Food

The following policy has been in place for several years with regard to the sale of home-prepared food items at events, such as: celebrations, special events, bake sales and natural disasters.

Commercial Businesses

Individuals or firms selling food for profit are prohibited from selling food products that are made in a home. The only exceptions are foods that are prepared in a home that has a separate approved and licensed facility.

Non-Profit Organizations

Any non-profit organization will be allowed to sell the following home-prepared food items: double crust fruit pies, cakes, breads, rolls, cookies and other food items that are not considered time/temperature control for safety foods.

Rationale: the sale of these products has long been accepted in Minnesota as an acceptable form of fund-raising. The public enjoys these items: people enjoy making them too. Following these guidelines will help ensure that the home-prepared food will be produced safely.

The sale of home-prepared time/temperature control for safety food is prohibited. “Time/temperature control for safety food” means food that is in a form capable of supporting:

- the rapid and progressive growth of infectious or toxigenic microorganisms
- any food of animal origin that is raw or heat-treated
- a food of plant origin that is heat-treated or consists of raw seed sprouts cut melons
- garlic and oil mixtures

Both commercial and non-profit food handlers must follow acceptable food handling and transportation practices to protect food from potential contamination. It is strongly suggested that groups explore the possibility of using space in an approved facility to eliminate the use of individual homes as the preparation site.