

FOOD SERVICE ORDINANCE
PRAIRIE ISLAND SIOUX COMMUNITY

REVISED OCTOBER 1, 1992

Section 1. Definitions:

For the purpose of this Ordinance:

- (A) "Council" means the governing body Community Council elected or selected to office by the members of the Prairie Island Community as their official representatives.
- (B) "Environmental Health Advisor" means the U.S. Public Health Service Sanitarian or his designee.
- (C) "Director" means the duly appointed health director or his/her designee.
- (D) "Food Service Establishment" means a unit or location where food is processed and intended for individual consumption usually for retail sale. The term includes any such place whether consumption is on or off the premises. This term includes home kitchens that prepare food for sale.
- (E) "Retail Food Establishment" means a unit or location in which food is manufactured, cut, mixed, ground, packaged, and processed for sale or distribution to consumers.
- (F) "Retail Food Outlet" means a unit or location at which food is offered for sale or distributions with no cutting, mixing, grinding, packaging, or processing.
- (G) "Temporary Food Service Establishment" means a food service establishment that operates at a fixed location for a period of not more than fourteen (14) consecutive days in conjunction with a single event or celebration.

Section II Food Service Permits:

A. No person shall operate a food service establishment who does not have a valid FOOD SERVICE PERMIT issued to him/her by the Director subject to the approval of the Council. Only a person who complies with the requirements of this Code shall be entitled to receive or retain such a permit. Permits are not transferable. A valid permit shall be posted in every food service establishment.

- 1. Permanent, non-temporary commercial food service establishments operating in the Prairie Island Sioux Community must possess an unsuspended,

unrevoked FOOD SERVICE PERMIT from the Director. Food Service permits will be issued as follows:

- a. All permanent facilities must meet the general requirement of the 1976 edition of the Food and Drug Administration's Food Service Sanitation Manual or the 1982 edition of the Food and Drug Administration's Retail Food Store Sanitation Code, whichever is applicable.
- b. The Environmental Health Advisor shall submit a completed food service establishment inspection report to the Health Director.
- c. Subject to the approval of the Council, the Director shall issue a FOOD SERVICE PERMIT if the following conditions are met:
 1. A score of at least "75" out of a perfect "100" was recorded on Form FDA 2420 or Form FDA 3079, and
 2. There were no "critical item" deficiencies noted on Form FDA 2420 or DFA Form 3079.
- d. Subject to the final approval of the Council, Food Service permits shall be issued for a twelve (12) month period following approval by the Director. Renewal of the permit is to be accomplished by notifying the Director, who will then request the Environmental Health Advisor to inspect the premises.
- e. Food Service permits shall be displayed in a conspicuous location within food service establishments.

B. No person shall operate a temporary food service establishment who does not have a valid TEMPORARY FOOD SERVICE PERMIT issued to him/her by the Health Director, subject to the approval of the Council. Only a person who complies with the requirements of this ordinance shall be entitled to receive or retain such a permit. Permits are not transferable.

1. Temporary food service establishments, operating in the Prairie Island Sioux Community, must possess an unsuspended, unrevoked TEMPORARY FOOD SERVICE PERMIT from the Health Director subject to the approval of the Council. Temporary Food Service Permits will be issued as follows:

- a. All temporary facilities must meet the general requirement of the Prairie Island Sioux Community Temporary Food Service Guidelines which are adopted by the enactment of this Ordinance and shall be incorporated herein [see attachment].

b. Subject to the approval of the Council, the Director shall issue a TEMPORARY FOOD SERVICE PERMIT to the operator of a temporary food service facility if the operator of said establishment has reviewed the Temporary Food Service Guidelines and signed an agreement to comply with these guidelines.

c. Subject to the approval of the Council, temporary food service permits shall be issued for a period of time as designated by the Health Director.

d. Temporary Food Service Permits shall be prominently displayed within the food service establishment.

C. One copy of each of the following references shall be on file in the office of the Director: Food Service Sanitation Manual, the Retail Food Store Sanitation Code, and the Temporary Food Service Guidelines.

D. All food service employees will be required to obtain and possess a current FOOD HANDLER CERTIFICATE. The FOOD HANDLER CERTIFICATE will be issued by the Director, subject to the approval of the Council, and will be valid for one year after issuance.

1. To obtain a FOOD HANDLER CERTIFICATE, the food service employees must attend a Food Service Training Session, sponsored by the Prairie Island Health Department and conducted by the IHS Environmental Health Advisor.

2. Food Service Training Sessions will be presented on a quarterly schedule as published by the Health Director.

3. Copies of all FOOD SERVICE PERMITS, TEMPORARY FOOD SERVICE PERMITS, and FOOD HANDLER CERTIFICATES will be maintained by the Health Director of the Prairie Island Sioux Community or his/her designee.

Section III: Inspections:

A. The Prairie Island Tribal Council delegates inspection authority of all food service establishments throughout the Prairie Island Sioux Community to the Health Director and Environmental Health Advisor.

B. Inspections shall be conducted at least annually of all permanent, non-temporary food service establishments by the Environmental Health Advisor or his designee. Findings shall be reported utilizing the Food Service Establishments Inspection Report Form FDA 2420 or Form FDA 3079. Commercial establishment reports will be sent to

the owner/operator of the facility, the Chairman of the Prairie Island Tribal Council, and the Health Director of Prairie Island Sioux Community.

C. Spot check inspections will be conducted periodically of temporary food service establishments by the Director or his designee. Each facility will be inspected at least once during its operation.

D. The issuance of a FOOD SERVICE PERMIT or TEMPORARY FOOD SERVICE PERMIT carries with it the implied consent that the Director, Environmental Health Advisor, or their designee shall have, at all time, the right of proper entry upon any and all parts of the premises of any place in which such entry is necessary to carry out the provisions of this ordinance.

Section IV: Termination of Permits:

If any individual or party, subject to the jurisdiction of the Prairie Island Sioux Community, who also operates a food service establishment required to possess a FOOD SERVICE PERMIT or TEMPORARY FOOD SERVICE PERMIT, violates the aforementioned provisions, such violations shall constitute grounds for termination of that person's permit to trade within the boundaries of the Prairie Island Sioux Community by the Health Director, subject to the approval of the Council.

Section V: Effective Period of Ordinance:

A. This ordinance shall be in full force and effect immediately after its adoption and, at that time, all ordinances and parts of ordinances that conflict with this ordinance are hereby repealed.

B. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected hereby.

C. Any part of this ordinance may be amended by the Prairie Island Tribal Council by a majority vote.

Adopted by Tribal Council Resolution 92-102, passed on October 1, 1992.

TEMPORARY FOOD SERVICE GUIDELINES

A temporary food service means a facility that operates at a fixed location in conjunction with a single event such as a pow wow, fair, carnival, or other celebration.

I. LOCATION:

- A. Temporary food stands must not be less than 100 feet from a building housing animals or other sources of odors, flies or insect infestations.
- B. Toilet facilities must be located within 400 feet.

II. CONSTRUCTION:

- A. Each facility must have a roof made of wood, canvas, or another approved material that protects the interior of the establishment from splash, dust, and inclement weather.
- B. Barrels and other containers which have been used for the storage of toxic products shall not be used as a cooking device.
- C. All means of cooking at counters, grills, barbecue pits and other types of cooking must be in an enclosed area effectively separated, so as not to be accessible to the public, by using fence, rope or similar means.

III. WATER SUPPLY:

- A. A portable water supply from an approved source must be provided on the premises for use in food preparation, utensil-washing and employee handwashing.
- B. Temporary restaurants which do not have water under pressure are required to provide food grade water containers which are smooth, easily cleanable and have a tight fitting cover. Containers must be cleaned and sanitized in an approved manner prior to each day's operation.
- C. An electric or gas heating device is required to heat water for handwashing and utensil washing.
- D. Water hoses must be of food grade material, i.e., clear plastic or of nontoxic material approved by the USDA, FDA and NSF. Water supplies that are connected to hoses shall be protected by an approved backflow prevention device.
- E. All nonperishable food must be stored in its original container a minimum of 6 inches above the floor of the temporary restaurant.

F. Nonperishable food which is not stored in its original container must be stored in an approved food grade covered container, and if the food item is not readily recognizable, must be labeled for content.

G. Sugar, cream, mustard, ketchup and similar products shall be served from individual packages of approved dispensers unless they are served by food service employees.

H. Items such as pickles, onions and relish shall be served by food service employees unless individually packaged.

I. Plastic squeeze bottles, pumps and similar types of dispensers must be fabricated so as to be smooth, easily cleanable and capable of being completely disassembled for washing, rinsing and sanitizing.

J. Live animals shall be excluded from the operational area of the food service facility.

IV. REFUSE:

A. Garbage and refuse shall be routinely removed from the immediate area around the facility to prevent the attraction of flies and the creation of odor and nuisance problems.

B. Durable waste containers of sufficient size and number lined with plastic bags and tight-fitting lids will be provided by the operator of the facility. These containers must be covered at all times. The containers will be emptied as often as necessary to avoid creating a nuisance. When dumpsters are used for daily storage, plastic bags shall be used and tightly closed prior to storage in dumpsters.

V. WASHING AND CLEANING AIDS:

A. All washing aids such as brushes, dish mops and dish cloths used in dishwashing shall be maintained in a clean and sanitary condition. Counter cloths must be stored in an approved sanitizing solution, i.e. 100 ppm chlorine bleach solution (1/4 ounce bleach per gallon of water).

B. An approved test kit must be used for measuring the level of sanitizer in solution.

C. Floor cleaning aids such as mops, brooms and buckets should not be stored in food preparation areas.

VI. TOXIC PRODUCT USE:

A. Toxic products must not be used in a way that contaminates food, equipment or utensils or in a way that constitutes a hazard to employees or other persons, or in a way other than in full compliance with the manufacturer's label.

B. Toxic products shall not be stored above food, food equipment, utensils or single-service articles.

Incorporated into the Prairie Island Food Service Ordinance adopted by Resolution No. 92-102 and attached thereto.