



Prairie Island Indian Community Food Service Ordinance¹

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¹ Note of Adoption and Amendment: The Community Council adopted this Food Service Ordinance on October 1, 1992 by Resolution Number 92-102. The Community Council amended this Ordinance on July 3, 2024, by Resolution Number 24-7-3-178, to reformat the Ordinance to increase the usability of this Ordinance and of tribal law, to make substantive changes to the Ordinance, to add Exhibits, and to add Notes of Amendment summarizing the legislative history of this Ordinance. The Notes of Amendment are for convenience only and should not be relied on as mandatory authority.

Section 1. Short Title.¹ This Ordinance shall be known and may be cited as the Prairie Island Indian Community Food Service Ordinance.

Section 2. Statement of Purpose, Findings, and Authority.²

- a. Purpose. Pursuant to the Constitution of the Prairie Island Indian Community, it is the responsibility of the Community Council to protect the health, safety, and welfare of persons within its jurisdiction. The purpose of this Ordinance is to provide for the safe use, preparation, and storage of food in food service establishments operating on the Prairie Island Indian Community Reservation.
- b. Findings. The Community Council finds that it is in the Community’s best interest to regulate the use, preparation, and storage of food items for public consumption on the Prairie Island Indian Community Reservation.
- c. Authority. This Ordinance is enacted by the Community Council as the governing body of the Community and pursuant to the inherent authority of the Community to regulate activities and govern conduct within its jurisdiction.

Section 3. Definitions.³

- a. “Community” means the Prairie Island Indian Community in the State of Minnesota, a federally recognized Indian Tribe.
- b. “Community Council” means the constitutionally authorized governing body of the Community.
- c. “Environmental Health Specialist” means the Indian Health Service/Environmental Health Specialist.
- d. “Environmental Health Survey” means a survey for all other types of facilities not referenced in the Food Establishment Inspection Report definition conducted by the Environmental Health Specialist.
- e. “Food Establishment Inspection Report” means a report for restaurants, bars, and other Food Service Facilities conducted by the Environmental Health Specialist.
- f. “Food Handler Certificate(s)” means a certificate issued by the Indian Health Service or the State of Minnesota that certifies workers in food preparation and handling

¹ Note of Amendment: The Community Council added this Section on July 3, 2024, by Resolution Number 24-7-3-178.

² Note of Amendment: The Community Council added this Section on July 3, 2024, by Resolution Number 24-7-3-178.

³ Note of Amendment: The Community Council amended this Section on July 3, 2024, by Resolution Number 24-7-3-178, for consistency with other Community law and practice under this Ordinance, and to add definitions for “Community,” “Environmental Health Survey,” “Food Establishment Inspection Report,” “Food Handler Certificate(s),” “Food Service Facility(ies)” or “Facility(ies),” “Food Service Permit(s)” or “Temporary Food Service Permit(s),” “Food Service Worker(s),” “Occupational Safety Manager,” “Permanent Food Service Establishment(s),” and “Prairie Island Indian Community Reservation” or “Reservation.” The amendment also deleted the definitions of “Director,” “Retail Food Establishment,” and “Retail Food Outlet.”

procedures that prevent foodborne illnesses, in a form substantially similar to the example attached as Exhibit 1.

- g. “Food Service Establishment(s)” means a unit or location where food is processed and intended for individual consumption usually for retail sale (congregate kitchen, elderly nutrition kitchen, and Treasure Island Resort & Casino kitchens). The term includes any such place whether consumption is on or off the premises. This term includes commercial grade kitchens that prepare food.
- h. “Food Service Facility(ies)” or “Facility(ies)” means the physical site of the Food Service Establishment, whether the structure is permanent, temporary, or mobile, and commercial, industrial, or residential.
- i. “Food Service Permit(s)” or “Temporary Food Service Permit(s)” means a permit issued by the Occupational Safety Manager or their designee in order to prepare and/or sell food on the Prairie Island Indian Community Reservation, in a form substantially similar to the example attached as Exhibit 2.
- j. “Food Service Worker(s)” means any person, whether owner, employee, independent contractor, or volunteer, who prepares or serves food at a Food Service Establishment.
- k. “Occupational Safety Manager” means the duly appointed Occupational Safety Manager or their designee.
- l. “Permanent Food Service Establishment(s)” means a Food Service Establishment that operates at a fixed location for more than fourteen (14) consecutive calendar days in conjunction with a single event or celebration.
- m. “Prairie Island Indian Community Reservation” or “Reservation” means all lands and waters within the exterior boundaries of the Prairie Island Indian Community Reservation, notwithstanding the issuance of any patent, easement, or right-of-way running through the Reservation, ceded lands, and such other lands without such boundaries as may be added by purchase, exchange, transfer, gift, or grant, or which are under the jurisdiction of the Community.
- n. “Temporary Food Service Establishment(s)” 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 4. Applicability. [reserved].⁴

Section 5. Food Service Permits.⁵

- a. Permit Required for Food Service Establishments.

⁴ Note of Amendment: The Community Council added this Section on July 3, 2024, by Resolution Number 24-7-3-178.

⁵ Note of Amendment: The Community Council amended this Section on July 3, 2024, by Resolution Number 24-7-3-178, to be consistent with current practice and to clarify the permit standards.

1. Every Permanent Food Service Establishment or Temporary Food Service Establishment that operates within the Community must have a Food Service Permit, in a form substantially similar to the example attached as Exhibit 2, that is:
 - A. Issued by the Occupational Safety Manager or their designee;
 - B. Not suspended; and
 - C. Not revoked.
 2. Only the person(s) or Food Service Establishment that complies with the requirements of this Ordinance may receive or retain the Food Service Permit. Food Service Permits are non-transferable.
 3. A valid Food Service Permit must be posted in a conspicuous location within every Food Service Establishment.
 4. As a condition of receiving a Food Service Permit, the owner/operator of a Temporary or Permanent Food Service Establishment impliedly consents to entry by the Occupational Safety Manager, Environmental Health Specialist, and their designee(s), at all times and in all parts of the Food Service Establishment (including all Facilities of that Food Service Establishment), to carry out the provisions of this Ordinance.
- b. Food Service Permits for Permanent Food Service Establishments.
1. To receive a Food Service Permit, a Permanent Food Service Establishment must:
 - A. Demonstrate that all permanent Facilities or the Permanent Food Service Establishment meet the general requirements of the 2022 edition of the Food and Drug Administration's ("FDA") Food Code or the most recent FDA version, whichever is applicable; and
 - B. Have a Food Service Establishment Inspection Report completed by the Environmental Health Specialist or their designee.
 2. The Occupational Safety Manager must issue a Food Service Permit for a Permanent Food Service Establishment if all "critical item" deficiencies identified in the Environmental Health Survey have been corrected or are correctable.
 3. A Food Service Permit issued to a Permanent Food Service Establishment under this Ordinance is valid only for one (1) year from the date of its issuance.
 4. To renew a Food Service Permit, the Permanent Food Service Establishment must notify the Occupational Safety Manager, who will then request that the Environmental Health Specialist inspect the premises.
- c. Temporary Food Service Permits for Temporary Food Service Establishments.
1. The Community Council may make and amend guidelines for the operation of a Temporary Food Service Establishment. Guidelines adopted pursuant to this

Ordinance shall be effective upon adoption, unless otherwise provided in the Guidelines, and are attached to this Ordinance as Appendix A.

2. The Occupational Safety Manager must issue a Temporary Food Service Permit to a Temporary Food Service Establishment if:
 - A. The operator of the Temporary Food Service Establishment has reviewed the Community's Temporary Food Service Guidelines and the IHS Temporary Food Service Checklist, attached to this Ordinance as Appendix B;
 - B. All of the Temporary Food Service Establishment's Facilities meet the general requirements of the Community's Temporary Food Service Guidelines; and
 - C. The Occupational Safety Manager specifies the duration of the Temporary Food Service Permit.
3. A Food Service Permit issued to a Temporary Food Service Establishment under this Ordinance is only valid for the specified duration of the date of issuance.

Section 6. Food Handler Certificates.⁶

- a. All Food Service Workers of every Food Service Establishment and Temporary Food Service Establishment on the Reservation must obtain and possess a current Food Handler's Certificate issued from the IHS or the State of Minnesota, in a form substantially similar to the example attached as Exhibit 1.
- b. To obtain and possess a Food Handler's Certificate issued from the IHS, the Food Service Workers must attend an IHS Food Service Training Session (in-person or online), conducted by the IHS Environmental Health Specialist.
- c. A Food Handler's Certificate is only valid for the period shown on the Food Handler's Certificate.

Section 7. Inspections.⁷

- a. The Community Council delegates inspection authority of all Food Service Establishments throughout the Community to the Occupational Safety Manager and Environmental Health Specialist.
- b. Inspections of Permanent Food Establishments.
 1. The Environmental Health Specialist or their designee must inspect all Permanent Food Service Establishments at least once per calendar year.
 2. Findings of these inspections must be reported utilizing the Indian Health Service Food Service Survey Form, and copies must be sent to:

⁶ Note of Amendment: The Community Council added this Section on July 3, 2024, by Resolution Number 24-7-3-178.

⁷ Note of Amendment: The Community Council amended this Section on July 3, 2024, by Resolution Number 24-7-3-178, to delegate inspection authority to the Occupational Safety Manager and Environmental Health Specialist, and to clarify the inspection requirements.

- A. The owner/operator of the Permanent Food Service Establishment; and
- B. The Occupational Safety Manager of the Community.
- c. Inspections of Temporary Food Service Establishments. The Environmental Health Specialist or their designee must periodically spot check all Temporary Food Service Establishments at least once during the Facility’s operation.

Section 8. Termination of Permits.⁸ If any individual or party, subject to the jurisdiction of the Community, who also operates a Food Service Establishment required to possess a Food Service Permit or Temporary Food Service Permit, violates any requirement of this Ordinance, such violation(s) are grounds for the Occupational Safety Manager to terminate that person’s Food Service Permit or Temporary Food Service Permit to operate within the boundaries of the Community.

Section 9. Records.⁹ The Occupational Safety Manager or their designee must maintain:

- a. One copy of each of the following references:
 - 1. FDA Food Code 2022, or the most recent version; and
 - 2. IHS Temporary Food Service Checklist.
- b. Copies of all current:
 - 1. Food Service Permits;
 - 2. Temporary Food Service Permits;
 - 3. Food Handler Certificates; and
 - 4. Environmental Health Survey Reports.

Section 10. Miscellaneous Provisions.¹⁰

- a. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of this Ordinance, or the application of the provision to other persons or circumstances is not affected.
- b. Repealer. All Ordinances or parts of Ordinances that conflict with this Ordinance are hereby repealed.

⁸ Note of Amendment: The Community Council amended this Section on July 3, 2024, by Resolution Number 24-7-3-178, to delegate the power to terminate a Food Service Permit or Temporary Food Service Permit to the Occupational Safety Manager.

⁹ Note of Amendment: The Community Council added this Section on July 3, 2024, by Resolution Number 24-7-3-178.

¹⁰ Note of Amendment: The Community Council amended this Section on July 3, 2024, by Resolution Number 24-7-3-178, to add the Section and subsection headings, add a “Repealer” statement, and remove superfluous and outdated terms.



Online Food Handler Training Certificate

Department of Health and Human Services
Division of Environmental Health Services



Food Sanitation Training Course



has successfully completed the Indian Health Service
Food Sanitation Training Course

Expiration Date

Bemidji Area

Certificate ID #: _____



EXHIBIT 1

EXHIBIT 2

Permit Number: 1000



PRAIRIE ISLAND INDIAN COMMUNITY TEMPORARY FOOD SERVICE PERMIT

Name of Establishment (if applicable): _____

Owner/Manager: _____

Permit issued: ____/____/____

Permit expires: ____/____/____

Issuing Authority: _____

Prairie Island Indian Community
5636 Sturgeon Lake Road, Welch, MN 55089

**Temporary Food Service Guidelines Promulgated Pursuant to
Prairie Island Indian Community Food Service Ordinance
Appendix A¹**

Capitalized terms below are defined in the Prairie Island Indian Community Food Service Ordinance, at Section 3. Definitions.

I. LOCATION.

- A. Temporary Food Service Facilities must be at least 100 feet from all buildings housing animals or other sources of odors, flies, or insect infestations.
- B. Temporary Food Service Facilities must be located within 400 feet of a toilet facility.

II. CONSTRUCTION.

- A. Each Temporary Food Service 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.
- D. Handwashing stations must be located in all Temporary Food Service Facilities where there is direct handling and/or preparation of food(s).
- E. Three clean 5-gallon containers shall be used for warewashing at all Temporary Food Service Facilities unless NSF grade 3-compartment sinks are already installed.

III. WATER SUPPLY.

- A. A potable water supply from an approved source must be provided on the premises for use in food preparation, warewashing and employee handwashing.
- B. Temporary Food Service Establishments that do not have water under pressure are required to provide food grade water containers which are

¹ Note of Adoption and Amendment: The Community Council adopted this Appendix as the “Temporary Food Service Guidelines” to the Food Service Ordinance adopted on October 1, 1992, by Resolution Number 92-102. The Community Council amended the Temporary Food Service Guidelines on July 3, 2024, by Resolution Number 24-7-3-179 to make the Temporary Food Service Guidelines an Appendix to the Food Service Ordinance and to update the Temporary Food Service Guidelines to reflect current and best practice and for consistency with amendments adopted to the Food Service Ordinance.

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. 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.

IV. FOOD SAFETY.

- A. All raw foods must be prepared and cooked on-site (i.e. chicken, ground beef, bison, pork, fish, etc.).
- B. All nonperishable food must be stored in its original container a minimum of 6 inches above the floor of the Temporary Food Service Establishment.
- C. Nonperishable food that 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.
- D. Sugar, cream, mustard, ketchup, mayonnaise, and similar products shall be served from individual packages or covered commercial condiment dispensers, unless they are served by Food Service Workers.
- E. Items such as pickles, onions, and relish shall be served by Food Service Workers unless individually packaged or served from a covered commercial condiment station.
- F. 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.
- G. Live animals must be excluded from the operational area of all Food Service Establishments.
- H. A probe thermometer must be on-site if preparing and/or storing time/temperature control for safety ("TCS") foods. Reach-in coolers must have a working ambient thermometer present.

V. REFUSE.

- A. Garbage and refuse must be routinely removed from the immediate area around the Temporary Food Service Establishment 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 Temporary Food Service Establishment. These containers must be covered at all times. The containers must be emptied as often as necessary to avoid creating a nuisance. When dumpsters are used for daily storage, plastic bags must be used and tightly closed prior to storage in dumpsters.

VI. WASHING AND CLEANING AIDS.

- A. All washing and cleaning supplies such as brushes, dish mops, and dishcloths used in warewashing 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 or a capful of bleach per gallon of water).
- B. An approved test kit must be used for measuring the level of sanitizer in solution.
- C. Floor cleaning supplies such as mops, brooms, and buckets should not be stored in food preparation areas.

VII. TOXIC PRODUCT USE.

- A. Toxic products (cleaning supplies) must not be used in a way that contaminates food, equipment, or utensils; that constitutes a hazard to employees or other persons; or other than in full compliance with the manufacturer's label.
- B. Toxic products (cleaning supplies) must not be stored above food, food equipment, utensils, or single-service articles.

IHS Temporary Food Service Checklist Promulgated Pursuant to
Prairie Island Indian Community Food Service Ordinance
Appendix B¹

- A food thermometer
- Handwashing station that includes:
 - 5 gallon insulated container with a spigot
 - Minimum 5 gallon waste receiving bucket beneath spigot
 - Soap
 - Single-use towels
 - Waste receptacle
- Warewashing station that includes:
 - Pre-wash (scrape and soak)
 - One 5 gallon container to wash with dish detergent
 - A second 5 gallon container to rinse with clean water
 - A third 5 gallon container to sanitize with a 100 ppm bleach solution
 - Space to air dry on counter tops
- Single use gloves
- Hair net or baseball cap
- Bucket of sanitizer with cleaning cloth- used for sanitizing surfaces in contact with food
- Sanitizer test kits (Quat or Chlorine)
- Garbage cans with covers
- Food grade water containers equaling 20 gallons- used to protect potable water supply
- An acceptable ice chest for food storage (no Styrofoam)
 - Ice from an approved source
- Proper cold-hold units and hot-hold units with accurate food capacity
- Extra utensils
- Food from an approved reputable source
- No smoking/ tobacco use
- Propane tanks secured
- Fire extinguisher onsite

¹ Note of Adoption: The Community Council adopted this Appendix B on July 3, 2024, by Resolution Number 24-7-3-179.