

# ORDINANCE #99-1 AND #2009-2

## COUNTY OF ANOKA Anoka County, Minnesota

### LICENSING ORDINANCE FOR FOOD AND LODGING ESTABLISHMENTS

The County Board of Anoka County, Minnesota, does ordain:

1.00 PURPOSE, APPLICABILITY AND AUTHORITY.

1.01 Purpose.

It is the purpose of this ordinance to amend the provisions of the Anoka County Licensing Ordinance for Food and Lodging Establishments (Ordinance No. 99-1 and 2009-2).

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 Community 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:

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| 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   | Temporary food establishment.  |
| Class VII  | Catering food vehicle.   |
| 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.
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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 no less frequently than the schedule specified in Minnesota Statutes § 157.20 based on establishment risk

3.00 STANDARDS ADOPTED.

3.01 The Food Code.

Minn. Rules Pts. 4626.0010 through 4626.2010, which relate to food establishments, are adopted by reference and made a part of this ordinance as if fully stated in the ordinance.

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 party 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 party 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 an application 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 Community 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 ORDINANCE REPEAL.

5.01 Enactment repeals.

The enactment of this ordinance repeals and replaces Ordinance No. 80-7 and Ordinance No. 80-8, each adopted September 9, 1980, and each amended by Ordinance No. 82-3.

5.02 Licenses remain in effect.

Any license, permit or variance granted by the department under either Ordinance No. 80-7, as amended, or Ordinance No. 80-8, as amended, remains in effect for the period granted and continues to be subject to the standards, plans or conditions in effect at the time the license, permit or variance was granted.

6.00 EFFECTIVE DATE.

6.01 Passage.

This ordinance is effective immediately upon passage by the county board.

6.02 Date.

This ordinance was adopted on October 13, 2009.

99-1

March 23, 1999

09-2

October 13, 2009