

**CITY OF BROOKLYN PARK
ORDINANCE #2019-1237
ORDINANCE AMENDING
CHAPTER 114 OF THE
BROOKLYN PARK
CITY CODE RELATING
TO THE LICENSING
AND REGULATION OF
FOOD ESTABLISHMENTS**

Underlined text is proposed to be added

~~Text with strikeout is proposed for deletion~~

The City of Brooklyn Park Does Ordain:

Section 1: Section 114.01 of the Brooklyn Park City Code is amended to read as follows:

114.01 FINDINGS AND PURPOSE.

A. Purpose. This chapter is enacted to establish standards for the regulation of food establishments to protect the health, safety and general welfare of the people of the city pursuant to powers granted under M.S. Chapters 28A and 145A, and subsequent recodifications and/or amendments as may be adopted from time to time.

B. Objectives. The general objectives of this chapter are as follows:

1) To prevent foodborne illness.

2) To correct and prevent conditions that may adversely affect persons utilizing food establishments.

3) To provide standards for the design, construction, operation and maintenance of food establishments.

4) To meet consumer expectations of the safety of food establishments.

C. Scope. This chapter is applicable to all food establishments where food, meals, snacks, beverages, or ingredients thereof are stored, prepared, or sold for consumption on or off the premises. Food establishments include, but are not limited to restaurants, boarding houses, drive-ins, bars, taverns, brew pubs, cafeterias, delicatessens, snack bars, grocery stores, retail bakeries, micro markets, convenience stores, meat markets, caterers, cafes, clubs, lodges, commissaries, lodging facilities, resorts, public and private schools, public buildings, group day care facilities, concession stands, satellite or catered feeding locations, catering food vehicles, food delivery services, ~~food vehicles~~ mobile food units, itinerant and other temporary food events, vending machines, food or beverage carts, and similar business and establishments.

Section 2: Chapter 114.02 of the Brooklyn Park City Code is amended by adding the following Sections:

114.02 ADOPTION OF STATE AND COUNTY REGULATIONS.

~~The provisions in M.S. Chapter 157, except § 157.16, and in Minn. Rules 4626.0010 – 4626.2025 and all subsequent recodifications and amendments, and the Hennepin County Food Protection Ordinance No. 3 §§ 5 – 8 are adopted by reference and incorporated into the city code in full, except as otherwise modified in this chapter.~~

For the purpose of prescribing regulations governing food establishments, the following rules and statutes and subsequent recodifications and/or amendments and other applicable legislation, as may be adopted from time to time.

a) M.S. Chapters 157, 17.04, 29.21, 29.23, 29.235, 29.236, 29.237, 29.24, 29.25, 29.26, 29.27, and 30.49, applicable sections of Minnesota Statutes, Chapters 28A, 31, and 34A,

b) Minnesota Rules Chapter 4626, except 4626.0033 subparts G through O, 4626.1720B, and 4626.1760

c) Hennepin County Food Protection Ordinance No. 3 is adopted by reference and incorporated into the city code in full, except as otherwise modified in this chapter.

d) Applicable sections of Minnesota Rules parts 1520, 1545, 1550, and 1556.

Section 3: Section 114.04 of the Brooklyn Park City Code is amended to read as follows:

114.04 LICENSE ADMINISTRATION.

A. License required. It is unlawful to operate a food establishment within the city or engage in any enterprises described herein, unless a license has been obtained. Each license must be obtained in accordance with the requirements of the city code.

B. General licensing. The application for such licenses must be made on forms furnished by the city and must describe the general nature of the business, the location, and any other information deemed necessary by the city.

C. License expiration. Licenses issued pursuant to this chapter commence and expire on the dates indicated on the license certificate. With the exception of the itinerant food establishment licenses, all food establishment licenses will be issued for the applicable license year. Itinerant food establishment licenses will be issued for the specific days that the itinerant food establishment is in operation.

D. Transfer and display of license. Only a person who complies with the requirements of this chapter is entitled to receive a license. A license is not transferable as to person or place. A valid license must be located onsite and posted so that it is clearly visible to the public. ~~available to the public upon request.~~

Section 4: Section 114.09 of the Brooklyn Park City Code is amended to read as follows:

114.09 STANDARDS FOR HEALTH, SAFETY AND NUISANCE PREVENTION.

A. The food establishment licensee must receive approval from the Health Authority prior to implementing the provisions in Minn. Rules 4626.0010 et seq. The city specifically adopts the following additional standards for health and safety to Minnesota Rules Chapter 4626 for food service establishments excluding retail food establishments delegated by the State Department of Agriculture.

B. A hand washing lavatory must be equipped to provide water to the user at a temperature of at least 43 C. (110 F.), but not more than 54 C. (130 F.) in a food establishment and not more than 48 C. (120 F.) in a sink that is used by children, such as a school, day care or preschool, through a missing mixing valve or combination faucet.

C. Materials for indoor floor, wall, and ceiling surfaces under conditions of normal use must be non-absorbent and resistant to the wear and abuse to which they are subjected. Materials such as, but not limited to, quarry tile, ceramic tile, or terrazzo are approved for floor surfaces in food preparation areas, walk-in refrigerators, walk-in freezers, warewashing areas, toilet rooms, mobile food establishment servicing areas, handwash areas, janitorial areas, laundry areas, interior garbage and refuse storage rooms, wait stations, kitchens, bars, areas subject to flushing or spray cleaning methods, and other areas subject to moisture.

D. A supply of toilet tissue in a mounted dispenser must be available at each toilet.

E. The plans and specifications for a food establishment must include the proposed layout to scale, mechanical schematics, construction materials, and finish schedules.

JEFFREY JONEAL LUNDE,
MAYOR

ATTEST:
DEVIN MONTERO,
CITY CLERK

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