

**ORDINANCE NO. 2019 - 14**

**AN ORDINANCE AMENDING CHAPTER 14 TO UPDATE REGULATIONS FOR FOOD ESTABLISHMENTS CONSISTENT WITH RECENT AMENDMENTS TO THE STATE OF MINNESOTA FOOD CODE AND TO MAKE MISCELLANEOUS EDITS FOR CLARITY THEREBY AMENDING CHAPTER 14 OF THE CITY CODE.**

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 14 of the City Code is hereby amended by deleting those words within brackets and ~~stricken through~~ and adding those words that are underlined, to read as follows:

**CHAPTER 14: LICENSES AND PERMITS**

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**ARTICLE I: GENERAL PROVISIONS**

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**§ 14.03 FEES.**

Except as otherwise stated in this code, the fees for the various licenses and permits shall be as hereinafter stated.

License/Permit	Required by Section	Annual Fee
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<b>Food Establishments</b>	14.443	
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(C) Type III Establishment, a medium <del>[risk]</del> <u>time/temperature control for safety (TCS)</u> food establishment serving mainly non- <del>[potentially hazardous]</del> <u>TCS</u> foods prepared elsewhere and only heated or held cold on-site; or serving or retailing foods such as pizza carryout or delivery, requiring handling followed by heat treatment		
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(D) Type IV Establishment, a food establishment with minimal food handling such as preparing coffee, hot dogs, <del>[blended or]</del> mixed drinks, packaged foods customers heat on-site, continental breakfasts, unpackaged baked goods made elsewhere		
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(E) Type V Establishment, a food establishment with non- <del>[potentially hazardous]</del> <u>TCS</u> food or food products sold in the original packaging		
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(G) Temporary food establishment		
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(5) Multiple vendor, [ <del>10 or more,</del> ]one fee		\$928
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Public [ <del>Swimming</del> ]Pools	14.443	
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**ARTICLE V. FOOD ESTABLISHMENT, LODGING ESTABLISHMENT AND PUBLIC POOL REGULATIONS**

**§ 14.443 FINDINGS AND PURPOSE.**

This Article V is enacted to establish standards for the regulation of food establishments, lodging establishments and public pools in the city to protect the health, safety and general welfare of the public pursuant to the powers granted under M.S. Chapters 145A and 28A, as [~~it~~]they may be amended from time to time. The principal objectives of this Article V of the city code are to prevent illness, to correct and prevent conditions that may adversely affect persons utilizing licensed establishments, to provide consistent standards for design, construction, operation and maintenance of licensed establishments, and to meet the consumer expectations of health and safety of licensed establishments.

For the purpose of prescribing regulations governing food establishments, lodging establishments and public pools, the city hereby adopts the following rules and statutes as may be amended or recodified from time to time:

- (a) M.S. Chapters 157 except for 157.16, 327, 28A, 31, and 34A[~~, as they may be amended from time to time~~];
- (b) Minnesota Rules Chapter 4625, except for part 4625.2300;
- (c) Minnesota Rules Chapter 4626, except for part 4626.0033, subparts G through O, 4626.1715, subpart B, part 4626.1720, subparts B and E, and parts 4626.17[~~55 through~~]60 and 4626.17[~~80~~]70;
- (d) Minnesota Rules parts 4717.0150 through 4717.3975 and M.S. [~~§~~]Chapter 144.1222[~~, as it may be amended from time to time~~];
- (e) Minnesota Rules part 4717.7000, subpart 1(D);
- (f) M.S. [~~§§~~]Chapters 17.04, 29.21, 29.23, 29.235, 29.236, 29.237, 29.24, 29.25, 29.26, 29.27, and 30.49; and
- (g) Minnesota Rules Chapters 1520, 1545, 1550, and 1556[~~parts 1550.0090 through 1550.3650~~].

**§ 14.444 DEFINITIONS.**

For the purpose of this Article V, the following definitions [~~shall~~]will apply unless the context clearly indicates or requires a different meaning.

**CERTIFIED FOOD PROTECTION MANAGER (CFPM).** Defined in Minnesota Rules Chapter 4626. An individual who has a valid Minnesota food protection manager’s certification under Minnesota Rules part 4626.0033 or an individual who is certified under Minnesota Rules 2015, parts 4626.2005 to 4626.2020.

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**FOOD ESTABLISHMENT.** Defined in Minnesota Rules Chapter 4626. **FOOD ESTABLISHMENTS** include, but are not limited to, restaurants, cafeterias, bars, brew pubs, clubs, cafés, coffee shops, grocery stores, delicatessens, convenience stores, lodges, resorts, retail bakeries, retail meat markets, produce stands, group childcare centers, group adult care centers, institutions, public and private schools, satellite or catered serving locations, catering food vehicles, carts, packaged retail food sales, micro markets, vending machines, mobile food units, special event food stands or other short-term food

operations, and similar businesses established for the service or retail distribution of food and beverages where consumption is on or off the premises and regardless of whether there is a charge for the food or beverages.

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**TIME/TEMPERATURE CONTROL FOR SAFETY [POTENTIALLY HAZARDOUS] FOOD (TCS)**. Defined in Minnesota Rules Chapter 4626. It also means food that requires time or temperature control for safety to limit pathogenic microorganism growth or toxin formation.

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#### **§ 14.445 AUTHORITY.**

The city regulates food establishments, lodging establishments and public pools through delegation of authority from the [State]Minnesota Department of Health or the [State]Minnesota Department of Agriculture.

#### **§ 14.446 LICENSE REQUIRED AND POSTED.**

No person shall operate a food establishment, lodging establishment or public pool within the city or engage in any enterprises described in Article V, without first obtaining and having a valid license as provided herein. The application for such license ~~shall~~will be made on forms furnished by the city and shall describe the general nature of the business, its location and any other information deemed necessary by the city. The application must be in the name of the owner of the real property on which the licensed premises are situated and bear the signature of the owner or that of the owner's authorized agent. The license must be posted in a location conspicuous to customers.

#### **§ 14.447 LICENSE FEES.**

License fees ~~shall be~~are listed ~~as set forth~~in § 14.03 of this code. The annual license fee ~~shall~~will be effective for one year from the date of approval, and such license ~~shall~~must be renewed annually on the anniversary of such approval except for outdoor public ~~swimming~~ pools. Outdoor public ~~swimming~~ pool licenses ~~shall~~expire on March 31 of each year and will be issued following a satisfactory beginning of the season inspection or opening inspection.

### **DIVISION B: LICENSING AND INSPECTIONS**

#### **§ 14.448 LICENSE APPLICATION EXECUTION, VERIFICATION AND CONSIDERATION.**

(a) *Execution.* If the application is that of an individual, the application ~~shall~~must be signed and sworn to by that person; if of a corporation, by an officer thereof; if of a partnership, by one of the general partners; if of an unincorporated association, by the manager or managing officer of the motel or hotel.

(b) *Verification.* Applications for licenses under this Article V ~~shall~~must be submitted to the issuing authority. The issuing authority is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry and ~~for~~ a driver's license history inquiry or both, on the applicant.

(c) *Consideration.* Within a reasonable period after the completion of the license verification process by the issuing authority, the issuing authority shall accept or deny the license application in accordance with this Article V. If the application is denied, the issuing authority ~~shall~~will notify the applicant of the determination in writing. The notice ~~shall~~will be mailed by regular mail to the applicant at the address provided in the application and it ~~shall~~will inform the applicant of the applicant's right, within 20 days after receipt of the notice by the applicant, to request an appeal of the issuing authority's determination to the City Council. If an appeal to the City Council is timely received by the issuing authority, the

hearing before the City Council shall take place within a reasonable period after receipt of the appeal by the issuing authority.

**§ 14.449 PERSONS AND LOCATIONS INELIGIBLE FOR LICENSE.**

(a) *Persons ineligible.* No license ~~[shall]~~will be granted if the applicant:

(1) Is not a citizen of the United States or a resident alien, or does not have the legal authority to work within the United States;

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(b) *Locations ineligible.* The following locations shall be ineligible for a license under this Article V:

(1) *Taxes due on property.* No license ~~[shall]~~will be granted or renewed for operation on any property on which taxes, assessments or other financial claims of the state, county, school district or city are past due, delinquent, or unpaid. In the event a suit has been commenced under M.S. §§ 278.01 through 278.13, as they may be amended from time to time, questioning the amount or validity of taxes, the City Council may, on application, waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof which remain unpaid for a period exceeding one year after becoming due.

(2) *Improper zoning.* No license ~~[shall]~~will be granted or renewed if the property is not properly zoned under Chapter 21 of this code unless the use is a legal, nonconforming use.

**§ 14.450 LICENSES AND RESTRICTIONS.**

(a) *Food establishment licensing categories.*

(1) **TYPE I** means those food establishments serving on average 500 or more meals per day; having 175 or more seats; or having 500 or more customers per day. Type I establishments include those:

(A) Preparing for retail sale ~~[potentially hazardous]~~time/temperature control for safety (TCS) foods that require extensive processing and handling on premises;

(B) Cooking or cooling ~~[potentially hazardous]~~TCS foods;

(C) Offering as a menu item, or an ingredient of a menu item, raw or undercooked ~~[potentially hazardous]~~meats, poultry products, eggs, fish, shellfish or similar foods~~[-with raw potentially hazardous items as ingredients];~~

(D) Transporting ~~[potentially hazardous]~~TCS foods as a catering service; or

(E). Conducting food processing that involves smoking, curing or reduced oxygen packaging.

Type I food establishments require a certified food protection manager as specified in Minnesota Rules Chapter 4626. They include, but are not limited to, full-service restaurants; counter-service restaurants; food retail delis; institutional kitchens; food manufacturing, packaging and processing plants; bakeries preparing ~~[potentially hazardous]~~TCS foods or detailed decorating; and meat markets with complex processing. A supplemental license ~~[shall be]~~is required for each additional separate and distinct food facility such as a bakery, kitchen, meat market, grocery store, bar or serving area facility on the same premises.

(2) **TYPE II** means a Type I food establishment serving on average fewer than 500 meals per day; having fewer than 175 seats; or having fewer than 500 customers per day. Type II establishments require a certified food protection manager as specified in Minnesota Rules Chapter 4626.

(3) **TYPE III** means those food establishments serving or preparing:

(A) Mainly non-~~[potentially hazardous]~~TCS foods and a limited amount of TCS foods that require minimal processing and handling;

(B) ~~[Potentially hazardous]~~TCS foods prepared elsewhere and only heated or held cold on-site; and

(C) Serving or retailing limited ~~[potentially hazardous]~~TCS foods, such as pizza, requiring handling followed by heat treatment.

Type III establishments require a certified food protection manager as specified in Minnesota Rules ~~[Chapter]~~part 4626.0033 unless specifically exempted. They include, but are not limited to, such operations as pizza carry-out and delivery; ice cream dipping; heating for hot holding pizzas, precooked bagged soups and wrapped sandwiches made elsewhere intended for customer self-service; bake-off only bakeries; produce departments; ~~[meat markets that only cut or grind meat;]~~processing raw meat, poultry, fish, or game animals intended for cooking by the consumer; buffet-style breakfasts with hot held foods or waffle stations; coffee shops with frothed milk, juice bars with blended drinks and assembling yogurt parfaits; and serving kitchens receiving meals prepared elsewhere.

(4) **TYPE IV** means those food establishments having minimal food handling. ~~[Type IV establishments are not required to have a certified food manager as specified in Minnesota Rules Chapter 4626.]~~ They include, but are not limited to such operations as, preparing or packaging non-TCS food that are made from ingredients that are not TCS; heating or serving precooked hot dog or sausage products, popcorn, nachos, pretzels, or frozen pizza; childcare with snacks and milk; retail sales of cold or frozen packaged [potentially hazardous]foods; packaged foods where customers may heat the food on-site; [hotdogs; ready-to-eat pizzas and sandwiches made elsewhere delivered for immediate resale according to federal regulations; coffee shops with frothed milk;]unpacked baked goods made elsewhere; continental breakfasts with rolls, juice, coffee, cold cereal and milk; ~~[juice bars with blended drinks;]~~ and on-sale bars with mixed drinks.

(5) **TYPE V** means those food establishments where non-~~[potentially hazardous]~~TCS food or food products are sold at retail or served in the original container including snack bars, bottled beverages and packaged food products. Type V food establishments are not required to have a certified food protection manager as specified in Minnesota Rules Chapter 4626.

(6) **SUPPLEMENTAL FACILITY** means any additional distinct or separate food retail or food service facility on the same premises as a Type I, II, III, IV, or V~~[#]~~ establishment, including catering food vehicles. Supplemental facilities are categorized as:

\* \* \*

(7) **TEMPORARY FOOD ESTABLISHMENT** is defined in Minnesota Rules Chapter 4626 and includes special event food stands as defined in M.S. ~~[Chapter]~~§ 157, as it may be amended from time to time. Temporary food establishments are categorized as:

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(8) **FARMERS' MARKET STANDS** meaning those food establishments operating at farmers' markets and not exempt from licensing under M.S. ~~[Chapter]~~§ 28A, as it may be amended from time to time.

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(b) *Lodging establishment licensing categories.*

(1) **HOTEL** or **MOTEL** means those lodging establishments providing furnished sleeping accommodations to the public for periods typically less than one week.

(2) **BED AND BREAKFAST** means those lodging establishments providing furnished sleeping accommodations along with a morning meal of food and beverages to the public for periods of less than one week. Bed and breakfast establishments typically are located in buildings having historical significance.

(c) *Public ~~[swimming-]~~pool licensing categories.*

(1) **PUBLIC POOL** means each separate water recirculation system as in Minnesota Rules part 4717.2550. Where a property has more than one pool located upon it, a separate license ~~[shall]~~must be obtained for each pool.

**§ 14.451 RESERVED. ~~EXEMPTIONS AND EXCLUSIONS.~~**

~~—This Article V shall not include food service operations conducted in and for a house of worship when the food service is limited to preparation, service or consumption by the members of the house of worship and not advertised to the public.]~~

**§ 14.452 ADDITIONAL RESTRICTIONS FOR HEALTH AND SAFETY.**

(a) *Food establishments.* This Article V 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.

~~[(1) Minnesota Rules part 4626.0225 Preventing Contamination from Hands, D is amended to read as follows: Food employees not serving a highly susceptible population may contact exposed, ready-to-eat food with their bare hands if:~~

~~—— (A) Written procedures are maintained in the food establishment and made available to the Health Authority upon request that include for each bare hand contact procedure, a listing of the specific ready-to-eat foods that are touched by bare hands;~~

~~—— (B) A written employee health policy that details:~~

~~—— i. Documentation that food employees and conditional employees acknowledge that they are informed to report information about their health and activities as they relate to gastrointestinal symptoms and diseases that are transmittable through food;~~

~~—— ii. Documentation that food employees and conditional employees acknowledge their responsibilities; and~~

~~—— iii. Documentation that the person in charge acknowledges his or her responsibilities.~~

~~—— (C) Documentation that food employees acknowledge that they have received training according to Minnesota Rules Chapter 4626 in:~~

~~—— i. The risks of contacting the specific ready-to-eat foods with bare hands;~~

~~—— ii. Proper handwashing including when and where to wash their hands;~~

~~—— iii. Proper fingernail maintenance;~~

~~—— iv. Prohibition of jewelry; and~~

~~—— v. Good hygienic practices.~~

~~—— (D) Documentation that hands are washed before food preparation and as necessary to prevent cross contamination by food employees during all hours of operation when the specific ready-to-eat foods are prepared; and~~

~~—— (E) Documentation that food employees contacting ready-to-eat food with bare hands use two or more of the following control measures to provide additional safeguards to hazards associated with bare hand contact:~~

~~—— i. Double handwashing, such as after using the bathroom and returning to work, handling raw meat products, or other high risk activities;~~

~~—— ii. A hand antiseptic after washing;~~

~~—— iii. Programs to encourage food employees not to work when they are ill; or~~

~~—— iv. Other control measures approved by the Health Authority.]~~

~~[(2) Minnesota Rules part 4626.0410, Time as Public Health Control, subpart 2. Notification. The food establishment licensee must submit written notification to the Health Authority of his or her intention to use the procedures provided under this part and receive approval from the Health Authority prior to implementation of the provisions of this part.]~~

~~[(3)1] Minnesota Rules Chapter 4626.1050, A is amended to read as follows: A hand washing [lavatory shall]sink must be equipped to provide water [to the user through a mixing valve or combination faucet,] 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 at a school, day~~

care or preschool, to allow handwashing for at least 20 seconds through a mixing valve or combination faucet.

([4]2) Minnesota Rules Chapter 4626.1325, A is amended to read: Except as specified in item [2]B, materials for indoor floor, wall and ceiling surfaces under conditions of normal use ~~[shall]~~ must be:

~~[(A)]~~i. Smooth, durable and easily cleanable for areas where food establishment operations are conducted;

~~[(B)]~~ii. Closely woven and easily cleanable carpet where carpeting is permitted; and

~~[(C)]~~iii. Non[-]absorbent for areas subject to moisture and resistant to the wear and abuse to which they are subjected. Materials such as, but not limited to, quarry tile, or ceramic tile are approved for floors in food preparation areas, toilet rooms, hand washing areas, wait stations, kitchens, bars, walk-in refrigeration, ware washing areas, janitorial areas, laundry rooms, areas subject to flushing or spray cleaning methods, and other areas subject to moisture. Materials such as, but not limited to, ceramic tile are approved for walls subject to splash or moisture in food preparation areas, ware washing areas, toilet rooms and the like.

([5]3) Minnesota Rules Chapter 4626.1465, Toilet Tissue, Availability. A supply of toilet tissue in a mounted dispenser ~~[shall]~~ must be available at each toilet.

([6]4) A food establishment ~~[shall]~~ must have in place and use a system of risk-based self-inspection. The self-inspection program ~~[shall]~~ must include written policies, appropriate forms for logging self-inspections, and evidence that routine self-inspection of all aspects of the food establishment takes place.

~~[(7) In any residential zone of the city or within 100 feet of any single-family residential use within the city, no restaurant, public eating place or other store dispensing food and drink to the public for consumption on the premises, other than industrial or institutional cafeterias, shall remain open for business during the five-hour period between 1:00 a.m. and 6:00 a.m. inclusive. Distances shall be measured from the nearest point of the business use on the business lot to the nearest point of the residential lot. However, in the case of restaurants in shopping centers, the distance shall be measured from the residential lot line to the main entrance of the restaurant.]~~

(5) Minnesota Rules Chapter 4626.0123 Cleanup of vomiting and diarrheal events. A food establishment must have written procedures for employees to follow when responding to vomiting or diarrheal events that involve the discharge of vomitus or fecal matter onto surfaces in the food establishment. The procedures must address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter.

(b) *Lodging establishments.* This Article V specifically adopts the following additional standards for health and safety to Minnesota Rules Chapter 4625.

(1) The proprietor of each lodging establishment ~~[shall]~~ must at all times place and maintain a number or other designation on each lodging unit and ~~[shall]~~ must provide and keep a guest register containing the name of each and every person staying at such lodging establishment and occupying a lodging unit therein. In addition to the name of each person registered for the unit, the proprietor of such lodging establishment ~~[shall]~~ must also include the place of residence of the person whose name is so registered, the license number of any automobile in which such person is traveling and the number or other designation of the lodging unit or space occupied by the guest in such lodging establishment. This register must be shown to law enforcement agents upon request without any further legal authority.

(c) *Public pools.* This Article V specifically adopts the following additional standards for health and safety to Minnesota Rules Chapter 4717.

(1) When the public pool is not open for use, access to the pool ~~[shall]~~ must be prevented.

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**§ 14.453 VARIANCES.**

(a) *Administrative variance request.*

(1) Relief from the strict compliance with the requirements of § 14.452 and those parts of Minnesota Rules part 4626 hereof may be granted in the form of a variance. Variance requests ~~[shall]~~will not be considered from those specifically listed in Minnesota Rules part 4626.1690, subpart A(1) through ([7]4). The variance application must be from the party to whom the requirement applies and must be in writing and submitted to the Health Authority, including, at a minimum, the following information:

(2) The full name, address, daytime and evening telephone numbers of the party requesting a variance;

(3) The address of the licensed premises;

(4) The relationship of the party requesting a variance to the licensed premises;

(5) The specific reasons why the requirements of city code or state rule cannot be met;

(6) A description of alternative measures that will be taken to ensure a comparable degree of protection to the health or the environment if a variance is granted;

(7) The length of time for which the variance is requested;

(8) A statement that the person applying for the variance will comply with the terms of the variance and maintain a copy, if granted;

(9) A HACCP plan, if required under part 4626.1730, that includes the information in part 4626.1735 that is relevant to the variance requested; and

(10) Other relevant information the city determines necessary to properly evaluate the request for a variance.

(b) *Criteria for variance.* The Health Authority may grant a variance request upon making all of the following findings of fact in writing:

(1) The variance was requested in the manner prescribed by this section of city code;

(2) ~~[Science-based evidence that t]~~The variance will have no potential adverse effect or impact on public health, safety or the environment;

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(e) *Renewal of variance.* For those variances granted with a specific expiration date, a request to renew that variance must be made at least 30 days prior to its expiration date on such forms as provided by the city, which ~~[shall]~~must include at a minimum the information set forth in original request. There is no continuing right to a variance unless specified in the variance approval. The Health Authority in granting a renewal request shall consider all of the criteria set forth in this section.

(f) *Denial, revocation or refusal to renew.* The Health Authority ~~[shall]~~will deny, revoke or deny renewal of a variance where the criteria set forth in this section is not met. The variance applicant may appeal that decision in writing within 30 days of the date of the written notice of denial, setting forth in detail the basis for the applicant's position that the variance criteria set forth in this section have been met and attaching all documentation in support thereof. A hearing shall be held within 45 calendar days thereof following the procedures set forth in § 1.17 of this city code.

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**§ 14.454 SUSPENSION OR REVOCATION OF A LICENSE.**

(a) *Temporary suspension.* The Health Authority, with the approval of the City Manager, shall immediately suspend the license of any food establishment, lodging establishment or public pool for the violation of any terms of this Article V if such violations constitute an imminent public health hazard. Upon notification by the Health Authority of a temporary suspension of license, by posting of the report as set forth at the time of the inspection, the licensee ~~[shall]~~must ~~[forthwith]~~immediately cease operation. The licensee may appeal the temporary suspension in writing to the City Council. Upon notification in writing by the licensee to the Health Authority that all violations for which the temporary



suspension was invoked have been corrected, the Health Authority ~~[shall]~~will reinspect the food establishment, lodging establishment or public pool within two city business days or other reasonable agreed upon length of time. If all violations constituting the grounds for the temporary suspension have been corrected, the Health Authority ~~[shall]~~will ~~[forthwith]~~immediately terminate the suspension. The Health Authority shall not suspend a license if the violation or violations constituting an imminent public hazard can be eliminated or removed immediately.

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(c) *Notice and hearing.* A revocation or suspension by the City Council shall be preceded by written notice to the licensee and a hearing. The notice shall give at least eight days' notice of the time and place of the hearing and ~~[shall]~~state the nature of the charges against the licensee. The notice shall be mailed by regular mail to the licensee at the most recent address listed on the license application.

#### **§ 14.455 PLAN REVIEW.**

Construction ~~[shall]~~must not commence on any new or remodeled food establishment or lodging establishment, or any existing structure converted to a food establishment or lodging establishment until the Health Authority has reviewed and approved the plans and specifications. Those construction projects being expedited under the fast track building permit process, ~~[shall]~~must not have any equipment or floor, wall or ceiling finish materials installed until the Health Authority has reviewed and approved the plans and specifications.

(a) *Building permits and planning approval.* No structure of any kind ~~[shall]~~will be erected until the plans and arrangements of building, passageways, street and parking spaces have been first approved by the Planning and Building and Inspection Divisions. Building permits shall be issued for such structural work.

(b) *Submission of plans.*

(1) Two complete sets of printed or one set of digital plans and specifications ~~[shall]~~must be submitted to the Health Authority for review.

(2) One full set of plans approved by the Health Authority ~~[shall]~~must be maintained on site of the construction project.

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(d) *Additional criteria for food establishments.*

(1) The plans and specifications for a food establishment ~~[shall]~~must include:

\* \* \*

(e) *Additional criteria for lodging establishments.*

(1) The plans and specifications for a lodging establishment ~~[shall]~~must include:

\* \* \*

(f) *Additional criteria for public pools.*

(1) Plans for public pools must be submitted and approved as specified in Minnesota Rules part 4717.0450. Those public pool remodeling projects not requiring submission of plans to the State Department of Health ~~[shall]~~must be submitted to the Health Authority for review and approval prior to commencing construction or equipment replacement.

(2) The plans and specifications for those public pools reviewed by the Health Authority ~~[shall]~~must include:

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#### **§ 14.456 INSPECTIONS.**

(a) The Health Authority ~~[shall]~~will inspect each food establishment, lodging establishment or public pool prior to issuing a license and as deemed necessary by the Health Authority. The Health Authority ~~[shall]~~will not issue a license until the food establishment, lodging establishment or public pool complies with the standards of this Article V as demonstrated by a satisfactory inspection.

(b) The Health Authority, after proper identification, ~~shall~~will have the right to enter and have access to the food establishment, lodging establishment or public pool at any time during the conduct of business.

(c) The Health Authority ~~shall~~will inspect each food establishment, lodging establishment or public pool as frequently as necessary during construction, and prior to opening for service to the public, to ensure that construction and operations are in conformance with this Article V.

(d) The licensee, owner or operator of a food establishment, lodging establishment, or public pool, upon receipt of a health inspection report giving notice of violations of this Article V ~~shall~~must correct or remove each violation in the length of time determined by the Health Authority. ~~Critical~~Priority 1 and priority 2 designated food code violations ~~shall~~must be complied with immediately or within 24 hours if not otherwise specified by the Health Authority. Failure to remove or correct each violation within the specified time period ~~shall~~will constitute a separate violation of this Article V. The Health Authority may issue orders to halt construction or remodeling, or to take corrective measures to ensure compliance with this Article V.

(e) The person in charge of the food establishment, lodging establishment or public pool ~~shall~~must make available and allow copying of any and all relevant records necessary to ascertain compliance with this Article V within a reasonable time period.

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Passed and adopted this 4th day of February, 2019.

/s/ Gene Winstead  
Mayor

ATTEST:

APPROVED:

/s/ Denise M. Christenson  
Secretary to the Council

/s/ Melissa J. Manderschied  
City Attorney