



City of Grand Island

Tuesday, May 23, 2006

Council Session

Item F3

#9046 - Consideration of Amending Chapter 29 of the Grand Island City Code Relative to Restaurants and Food Services

See memo under Ordinance Item F-1.

Staff Contact: Dale Shotkoski

ORDINANCE NO. 9046

An ordinance to amend Chapter 29 of the Grand Island City Code; to amend Section 29-2 pertaining to definitions; to amend Section 29-4 pertaining to food establishment permits; to amend Section 29-5 pertaining to annual permits; to amend Section 29-6 pertaining to temporary permits; to repeal Sections 29-2, 29-4, 29-5, and 29-6 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Section 29-2 of the Grand Island City Code is hereby amended to read as follows:

§29-2. Definitions

As used in this chapter, the following terms shall have the following meanings:

~~Bake Sale.~~ The act of selling or offering for sale food items which are prepackaged, pre-wrapped, non-potentially hazardous foods.

Bakery. An establishment whose primary operation is the manufacture and sale of baked goods, i.e. donuts, cakes, and breads.

Caterer. A person who transports ready to eat food from a permitted food service establishment to another location or building for service on a per event basis for hire, and does not include a temporary food service event.

Commissary. A food establishment where food, food containers, or food supplies are kept, handled, prepared, packaged, or stored for use in mobile food units, pushcarts, or vending machines.

~~Convenience Store.~~ A food establishment or section of an establishment where the food offered to the consumer is intended for off-premise consumption and there are no meat processing or produce processing areas.

Food Establishment. An operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. The term does not include:

(1) An establishment or vending machine operation that offers only prepackaged soft drinks, carbonated or noncarbonated, that do not contain a primary dairy product or dairy ingredient base or that contain less than fifteen percent natural fruit or vegetable juice; candy; chewing gum; potato or corn chips; pretzels; cheese puffs and curls; crackers; popped popcorn; nuts and edible seeds; and cookies, cake, pies, and other pastries, that are not potentially hazardous.

(2) A produce stand that only offers whole, uncut fruits and vegetables.

(3) A food processing plant.

(4) A salvage operation.

(5) A private home where food is prepared or served for personal use, a small day care in the home, or a hunting lodge, guest ranch, or other operation where no more than ten paying guests eat meals in the home.

(6) A private home or other area where food that is not potentially hazardous is prepared: (a) for sale or service at a function as a religious, charitable, or fraternal organization's bake sale or similar function; or (b) for sale directly to the consumer at a farmers market if the consumer is informed by a clearly visible placard at the sale location that the food was prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority.

ORDINANCE NO. 9046 (Cont.)

~~(7) The location where food prepared by a caterer is served so long as the caterer only minimally handles the food at the serving location.~~

~~(8) A pharmacy as defined in Neb. Rev. Stat. §71-425 if the pharmacy only sells prepackaged pharmaceutical, medicinal, or health supplement foods that are not potentially hazardous or foods described in subsection (1) of this section.~~

~~Shall mean an operation that stores, prepares, packages, serves, sells, vends, or otherwise provides food for human consumption. The term does not include:~~

~~—(1) An establishment that offers only prepackaged foods that are not potentially hazardous;~~

~~—(2) A produce stand that only offers whole, uncut fresh fruits and vegetables;~~

~~—(3) A food processing plant;~~

~~—(4) A salvage establishment;~~

~~—(5) A private home where food is prepared or served for personal use, a small day care in the home, or a hunting lodge, guest ranch or other operation where no more than ten paying guests eat meals in the home;~~

~~—(6) A private home or other area where food that is not potentially hazardous is prepared for sale or service at a religious, charitable, or fraternal organization's bake sale or similar function;~~

~~—(7) The location where food prepared by a caterer is served so long as the caterer only minimally handles the food at the serving location; and~~

~~—(8) Educational institutions, health care facilities, nursing homes, and governmental organizations which are inspected by a state agency or a political subdivision other than the regulatory authority for sanitation in the food preparation areas.~~

Food Processing Plant. A commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to the consumer.

Licensed Beverage Establishment. An establishment that serves alcoholic beverages and may or may not provide limited food service, e.g. frozen prepackaged sandwiches, frozen pizza, hot dogs, popcorn. Any item not requiring preparation on site.

Limited Food Service Establishment. An establishment that serves or otherwise provides only snack items or commercially prepared and wrapped foods that require little or no preparation.

Mobile Food Unit or Pushcart. A vehicle mounted food establishment designed to be readily movable that returns to a commissary daily for clean up and service, unless self-contained.

Retail Food Store. Any store, location or place of business occupied or used for the sale at retail to the public of groceries, fruits, vegetables, materials for human consumption or articles ordinarily and commonly sold from a grocery, fruit or vegetable store or stand not coming within the definition of the term "restaurant," the term "milk," the term "frozen dessert," or the term "meat."

Seasonal Food Service. The act of selling or offering for sale food items on a seasonal basis, for a period of six months or less generally from May 1 through October 31, at a concession stand, hot dog stand, ice cream truck, etc.

Separate Facility: Additional facility types operating within the scope of a permitted establishment.

Temporary Food Establishment. A food establishment that operates for a period of no more than three (3) ~~fourteen (14)~~ consecutive days in conjunction with a single event or celebration.

SECTION 2. Section 29-4 of the Grand Island City Code is hereby amended to

read as follows:

§29-4. Permit; Required

It shall be unlawful for any person to operate a food establishment without first having obtained a permit from the Central District Health Department. More than one type of permit may be required in one establishment. Permits are issued based on the type of operations conducted within an establishment. The permit shall be displayed at the place of business at all times.

ORDINANCE NO. 9046 (Cont.)

SECTION 3. Section 29-5 of the Grand Island City Code is hereby amended to read as follows:

§29-5. Annual Permits; Types; When Issued; Term

(A) The following permits shall be issued on an annual basis on May 1 of each year and shall be valid until April 30, regardless of when issued:

- Food and Drink Service Permit
- Separate Facility Permit
- Licensed Beverage Establishment (Drink Only) Permit
- Limited Food Permit
- Bakery Permit
- Mobile Food Unit/Pushcart Permit
- Catering Permit

~~(B) The following permits shall be issued on an annual basis on October 1 of each year and shall expire on the following September 30, regardless of when issued:~~

- ~~Food Manufacturing/Warehouse/Storage Permit~~
- ~~Retail Food Permit~~

Application for all permits shall be made prior to the operation of any food establishment. Permits shall be non-transferable.

SECTION 4. Section 29-6 of the Grand Island City Code is hereby amended to read as follows:

§29-6. Temporary Permit; Types; When Issued; Term

The following permits shall be issued on a temporary basis pursuant to this chapter and shall be issued for the day or days specified in the application upon payment of the applicable permit fee.

- Temporary Food Service Permit
- ~~Bake Sale Permit~~
- Seasonal Food Permit

Applications involving three or fewer vendors require a one (1) week application processing time.
Renewals of a temporary permit shall be permitted, however no more than three (3) renewals will be allowed within a calendar year.

SECTION 5. Sections 29-2, 29-4, 29-5, and 29-6 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 6. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.

ORDINANCE NO. 9046 (Cont.)

SECTION 7. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: May 23, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk