



City of Grand Island

Tuesday, April 28, 2015

Council Session

Item F-3

#9530 – Consideration of Amending Chapter 29 of the Grand Island City Code Relative to Food Manager Permits

Staff Contact: Stacy Nonhof, Assistant City Attorney

Council Agenda Memo

From: Stacy R. Nonhof, Assistant City Attorney

Meeting: April 28, 2015

Subject: Amending Chapter 29 to add Certified Food Manager Permits

Item #'s: F-3

Presenter(s): Stacy R. Nonhof, Assistant City Attorney

Background

Periodically the Central District Health Department reviews the Nebraska Pure Food Act and any changes made to the Act. A new requirement for a Certified Food Manager is being requested by the Central District Health Department.

Discussion

Two new definitions are being added to Chapter 29 of City Code. They are Potentially Hazardous Food and State Fair Permit. Seven new sections are also being added to Chapter 29 regarding a Certified Food Manager and the permitting process, requirements and regulations for a Certified Food Manager. These provisions specify that any food establishment that serves potentially hazardous foods are required to have at least one certified food manager in a supervisory position. A Certified Food Manager has to show that they have completed an ANSI accredited food manager training course before a permit will be issued to them. These permits must be displayed in the establishment. Any employee that prepares and handles potentially hazardous food will have to show that they have successfully completed a food handler safety course that is approved by the Central District Health Department within 14 days of being hired by the establishment. The purpose of these changes is to ensure the safety of the public that eats food at an establishment that serves potentially hazardous food.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve

2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the Ordinance amending Chapter 29 of City Code.

Sample Motion

Move to approve the Ordinance.

ORDINANCE NO. 9530

An ordinance to amend Chapter 29 of Grand Island City Code; to amend Section 29-2; and to add Sections 29-20 thru 29-26; to clarify and/or make general corrections to various code sections, to repeal 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; and Sections 29-20 thru 29-26 of the Grand Island City Code is hereby amended to read as follows:

CHAPTER 29 RESTAURANTS AND FOOD SERVICE

§29-2. Definitions

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

ANSI. American National Standards Institute.

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

Cafeteria. A self-service establishment with little to no table service in an education institution.

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.

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.

Approved as to Form	☐
April 24, 2015	☐ City Attorney

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(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.

(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.

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.

Nonprofit Organization. An organization holding a certificate of federal tax exemption under Section 501 of the Internal Revenue Code or an organization that conducts its major activities for charitable or community betterment purposes.

Potentially Hazardous food. A food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxic formation.

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."

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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, at a concession stand, hot dog stand, ice cream truck, etc.

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

State Fair Permit: A facility that is operating as a food establishment on the grounds of the Nebraska State Fair during the time frame of the Nebraska State Fair.

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

§29-20. Certified Food Manager

All licensed food establishments that serve potentially hazardous food are required to have at least one (1) certified food manager per facility who shall be in a supervisory position. A certified food manager shall be present a majority of the time during operating hours. Establishments that are exempt from having a certified food safety manager include:

- (1) Facilities holding a drink only permit.
- (2) Limited food service operations.
- (3) Retail food facilities.
- (4) Temporary food establishments.
- (5) Facilities with a State Fair permit.

§29-21. Certified Food Manager Permit; Application and Requirements

An application for a food manager permit shall be submitted to the Health Department on a form provided by the Department. Each application shall include:

- (1) The applicant's full name, date of birth, current mailing address, and telephone;
- (2) The signature of the applicant;
- (3) Verification of successfully completing an ANSI accredited food manager training course;
- (4) Appropriate application fee as adopted by the board of health.
- (5) Such other pertinent information as requested on form.

§29-22. Certified Food Manager Permit; Issuance

The Health Department shall review the application, and based on requirements in Grand Island City code 29-21, issue or deny the permit within a reasonable time not to exceed 30 days.

§29-23. Certified Food Manager Permit; Term

A food manager permit shall be valid for 3 years after the date of issuance.

§29-24. Certification Non-Transferable

A food manager certificate is not transferable from one (1) person to another person. A certified manager may not act in said capacity for more than one (1) establishment or location at the same time.

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§29-25. Proof of Certification

Each certified food manager shall display the certificate in a prominent location in the establishment.

§29-26. Certified Food Handler

All employees of a permitted food establishment that prepare and handle potentially hazardous food shall have successfully completed a food handler safety course approved by the Central District Health Department within 14 calendar days of hire. Establishments that are exempt from having a certified food handler include:

- (1) Facilities holding a drink only permit.
- (2) Limited food service operations.
- (3) Retail food facilities.
- (4) Temporary food establishments.
- (5) Facilities with a State Fair permit.

SECTION 2. Any ordinance or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. 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: April 28, 2015.

Jeremy L. Jensen, Mayor

Attest:

RaNae Edwards, City Clerk