

ORDINANCE NO. 4750

AN ORDINANCE AMENDING SECTION 21-0701 OF THE GRAND FORKS CITY CODE RELATING TO REGULATION OF FOOD AND DRINK ESTABLISHMENTS; SECTION 21-0711 OF THE GRAND FORKS CITY CODE RELATING TO SPECIAL REQUIREMENTS; AND SECTION 21-0712 OF THE GRAND FORKS CITY CODE RELATING TO REGULATION REGARDING TEMPORARY RESTAURANTS

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND FORKS, NORTH DAKOTA, PURSUANT TO THE HOME RULE CHARTER OF THE CITY OF GRAND FORKS, NORTH DAKOTA, THAT:

SECTION I. AMENDING CLAUSE

Section 21-0701 of the Grand Forks City Code relating to regulation of food and drink establishments is hereby amended to provide as follows:

Sec. 21-0701. - Definitions.

Bakery means an establishment or any part of establishment that manufactures or prepares bread or bread products, pies, cakes, cookies, crackers, donuts, or other similar products, or candy, whether plain, chocolate or chocolate coated, mixed with nuts, fruits or other fillers, covered with chocolate or other coating, and shaped, molded or formed in various shapes. The term does not include a restaurant.

Concession stand means any permanent stand or facility at a sporting or other public venue that serves food during events.

Food establishment means any public or private market where food intended for human consumption is kept, prepared, held, or carried for sale or other disposition to the end consumer. The term includes any such place regardless of whether consumption is on or off site, whether there is a charge for the food, or whether the operation is conducted in a mobile, stationary, temporary, or permanent facility or location.

- (A) The term includes: a restaurant, catering operation, mobile restaurant, mobile food vendor, mobile food unit, grocery store, bakery, meat market, concession stand, temporary restaurant, soup kitchen, food pantry, institutional facilities serving means such as schools, child care facilities, assisted living facilities, hospitals, and universities, and conveyances or food transport vehicles thereof.
- (B) The term does not include: a private home where food is prepared or served for individual family consumption; a private home receiving catered food; cottage foods as authorized under N.D.C.C. § 23-09.5, a non-profit group's bake sale of prepackaged non-potentially hazardous baked goods; a stand selling whole, uncut

fresh fruits or vegetables; food processing plants, or an establishment that sells only prepackaged non-potentially hazardous foods such as candies or other snack foods.

Grocery store means any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premise consumption. The term includes a delicatessen that offers prepared food in bulk quantities only. The term does not include an establishment that handles only prepackaged, nonpotentially hazardous foods, roadside markets that offer only fresh fruits and/or vegetables for sale, restaurants, or food and beverage vending machines.

Mobile food unit means any a food establishment designed to be readily mobile by use of vehicles, trailers or carts, using a commissary for storage of food, food supplies, service items, food equipment and paper goods.

Person shall mean and include any individual, firm, corporation, association, club, partnership, society or any other organization; and shall include the singular and plural.

Restaurant includes every building or other structure, or any part thereof, and all buildings in connection therewith, that are permanently kept, used, maintained, advertised, or held out to the public as a place where meals or lunches are served, but where sleeping accommodations are not furnished.

Retail meat market means a commercial establishment and buildings or structures connected with it, used to process, store or display meat or meat products for retail sale to the public for human consumption. The term does not include a meat establishment operating under the federal or state meat inspection program.

Temporary restaurant means any food establishment that operates at a location on a temporary basis. The term may include a temporary setup at a location, a mobile restaurant, or a mobile food unit operating temporarily at a location, or the temporary use of the fixed facility

SECTION II. AMENDING CLAUSE

Section 21-0711 of the Grand Forks City Code relating to special requirements is hereby amended to provide as follows:

Sec. 21-0711. - Special requirements for mobile food units.

Operators of mobile food units shall comply with the following requirements:

- (1) The building(s) or vehicle(s) in which the mobile food unit is to be conducted must meet local and state requirements regarding sanitation and safety.
- (2) No mobile food unit shall conduct business or offer product for sale or allowed to be sold upon any principle or minor arterial streets within the city of Grand Forks as shown on the 2004 Functional Class Map prepared by the North Dakota Department of Transportation.

- (3) No mobile food unit shall be parked within thirty (30) feet of an intersection for purposes of doing business except as otherwise authorized by the city council.
- (4) No mobile food unit shall be parked in such a manner as to create a traffic hazard to vehicles, bicyclists or pedestrians.
- (5) All sales on any street by a mobile food unit shall be made on the curb side only and the vehicle should be parked within one (1) foot of the curb.
- (6) All mobile food units shall comply with all applicable ordinances related to the operation of motor vehicles.
- (7) Mobile units must have equipment necessary to the operations as an integral part of the unit, as determined by the health department.
- (8) Mobile food vendors must specify and utilize a commissary location for servicing mobile food unit and for storage of food, food supplies, service items, equipment and paper goods.

SECTION III. AMENDING CLAUSE

Section 21-0712 of the Grand Forks City Code relating to regulation regarding temporary restaurants is hereby amended to provide as follows:

Sec. 21-0712. - Regulations regarding temporary restaurants.

All temporary restaurants shall comply with the following requirements:

- (1) Each applicant must designate all locations for temporary off-site restaurant operations.
- (2) All locations, facilities and services are subject to inspection and approval by the Grand Forks Public Health Department.
- (3) All locations, facilities and services used for a temporary restaurant license must meet local and state sanitation and safety requirements.
- (4) A nonprofit charitable organization may apply to the city auditor for a refund of any fee imposed. An applicant who qualifies under this section must submit a refund application with the city auditor's office within thirty (30) days of the last effective date of the temporary license.

SECTION IV. EFFECTIVE DATE

This ordinance shall be in full force and effect after passage and approval as provided by law.

Michael R. Brown, Mayor

ATTEST:

Maureen Storstad, Director
Finance & Administrative Services

Introduction and first reading: 11/18/2019
Public Hearing: 12/02/2019
Second Reading and Final Passage: 12/02/2019
Approved: 12/02/2019
Published: N/A



City of Grand Forks
Staff Report
Committee of the Whole – November 12, 2019
City Council – November 18, 2019 and December 2, 2019



Agenda Item: Food license code updates

Submitted by: Javin Bedard, Environmental Health Manager

Staff Recommended Action: Approve draft ordinance updates and establish fees for new license categories.

November 12, 2019 – Committee Recommended Action:

Moved to City Council with the recommendation to approve. Motion carried unanimously.

November 18, 2019 – Council Action: Approved for first reading on consent agenda.
December 2, 2019 - Approved unanimously.

BACKGROUND:

The Health Department has reviewed and recommends revision to City ordinances related to the licensing of food establishments. The revisions provide clarification of facilities meeting the definition of a food establishment and require licensure while recognizing changes made to North Dakota Century Code.

The addition of licensing for soup kitchens, food pantries, and childcare facilities recognizes the ongoing work of the City to protect the health of all citizens. The North Dakota Department of Health also provided Grand Forks Public Health clarification that group childcare facilities providing meals should be licensed and inspected as food establishments.

License fees for new categories need to be established by resolution of the council. The Health Department has been routinely inspecting these facilities and would propose a minimal license fee at the discretion of the council.

Additions for mobile food facilities are to specify their commissary locations where storage and servicing occur and to provide essential equipment to the operation as an integral part of the unit.

ANALYSIS AND FINDINGS OF FACT:

- The 65th Legislative council passed the Cottage Food Act, North Dakota Century Code 23-09.5, allowing certain homemade foods to be sold without license or inspection.
- Group childcares providing meals, food pantries, and soup kitchens already fit the definition of food establishments providing meals to the public and are inspected to food code standards..
- It is best practice to license facilities that fall under food code regulation and

inspection and fits better with existing processes and data systems.

- The memorandum of understanding between Grand Forks Public Health and the North Dakota Department of Health provides that state licensing is waived for facilities that the City of Grand Forks licenses.

SUPPORT MATERIALS:

Draft ordinance changes



CITY OF GRAND FORKS

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OFFICE OF CITY ATTORNEY

E-MEMORANDUM

TO: Javin Bedard, Public Health Dept. jbedard@grandforksgov.com
FROM: Howard D. Swanson, City Attorney hswanson@swlawltd.com
RE: Food code
DATE: November 5, 2019

I have attached a revised draft ordinance for your review. Please disregard the draft forwarded to you yesterday. I would appreciate it if you would review the revised Ordinance and provide me with any comments you may have.

HDS/gkf
Attachment: Draft Ordinance