

CHAPTER 53 – RED CLIFF FOOD CODE

- 53.1 SECTION 1 - DEFINITIONS
- 53.2 SECTION 2 - FOOD SERVICE PERMITS
- 53.3 SECTION 3 - INSPECTIONS
- 53.4 SECTION 4 - TERMINATION OF PERMITS
- 53.5 SECTION 5 - EFFECTIVE PERIOD OF ORDINANCE
- 53.6 SECTION 6 - TEMPORARY FOOD SERVICE GUIDELINES

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53.1 SECTION 1: DEFINITIONS

For the purpose of this Code:

- (a.) "Council" means the official Chairperson and quorum of committee representatives all of whom are duly elected or selected to office by the members of the Red Cliff Tribe as their official representatives.
- (b.) "Environmental Health Sanitarian" means the Red Cliff Health Services Sanitarian or his designee.
- (c.) "Health Administrator" means the duly appointed Red Cliff Health Services Administrator of the Red Cliff Tribe or his designee.
- (d.) "Food Service Establishment" means a unit or location where food is processed and intended for individual consumption usually for retail sale. The term includes any such place whether consumption is on or off the premises. This term includes home kitchens that prepare food for sale.
- (e.) "Retail Food Establishment" means a unit or location in which food is manufactured, cut, mixed, ground, packaged, and processed for sale or distribution to consumers.
- (f.) "Retail Food Outlet" means a unit or location at which food is offered for sale or distribution with no cutting, mixing, grinding, packaging, or processing.
- (g.) "Temporary Food Service Establishment" means a food service establishment that operates at a fixed location for a period of not more than 14 consecutive days in conjunction with a single event or celebration.

53.2 SECTION 2: FOOD SERVICE PERMITS

53.2.1 No person shall operate a food service establishment who does not have a valid FOOD SERVICE PERMIT issued to him by the Health Administrator. Only a person who complies with the requirements of this Code shall be entitled to receive or retain such a permit. Permits are not transferable. A valid permit shall be posted in every food service establishment.

53.2.2 Permanent, non-temporary commercial food service establishments operating within the boundaries of the Red Cliff Reservation must possess an unsuspended,

unrevoked FOOD SERVICE PERMIT from the Health Administrator. Food Service permits will be issued as follows:

- a. All permanent facilities must meet the general requirements of the "WISCONSIN FOOD CODE", Wisconsin Department of Agriculture, Trade, and Consumer Protection, Chapter 75, Appendix.
- b. The Environmental Health Sanitarian shall submit a completed food service establishment inspection report to the Health Administrator.
- c. The Health Administrator shall issue a FOOD SERVICE PERMIT if the Environmental Health Sanitarian determines general compliance with the Wisconsin Food Code and recommends permit issuance.
- d. Food Service permits shall be issued for a 12 month period following approval by the Health Administrator. Issuance and renewal of the permit is to be accomplished by the permit holder notifying the Health Administrator, who will then request the Environmental Health Sanitarian to inspect the premises.
- e. Food Service permits shall be displayed in a conspicuous location within food service establishments.

53.2.3 No person shall operate a temporary food service establishment who does not have a valid TEMPORARY FOOD SERVICE PERMIT issued by the Health Administrator. Only a person who complies with the requirements of this ordinance shall be entitled to receive or retain such a permit. Permits are not transferable.

53.2.4 Temporary food service establishments, operating within the boundaries of the Red Cliff Reservation, must possess an unsuspended, unrevoked TEMPORARY FOOD SERVICE PERMIT from the Health Administrator. Temporary Food Service Permits will be issued as follows:

- a. All temporary facilities must meet the general requirements of the Red Cliff Tribe's "TEMPORARY FOOD SERVICE GUIDELINES".
- b. The Health Administrator shall issue a TEMPORARY FOOD SERVICE PERMIT to the operator of a temporary food service

facility if the operator of said establishment has reviewed the "TEMPORARY FOOD SERVICE GUIDELINES" and signed an agreement to comply with these guidelines.

- c. Temporary food service permits shall be issued for a period of time as designated by the Health Administrator.
- d. Temporary Food Service Permits shall be prominently displayed within the food service establishment.

53.2.5 Copies of all FOOD SERVICE PERMITS and TEMPORARY FOOD SERVICE PERMITS will be maintained by the Health Administrator or his designee.

53.3 **SECTION 3: INSPECTIONS**

53.3.1 The Red Cliff Tribal Council delegates inspection authority of all food service establishments on the Red Cliff Reservation to the Health Administrator and Environmental Health Sanitarian.

53.3.2 Inspections shall be conducted at least annually of all permanent, non-temporary food service establishments by the Environmental Health Sanitarian or his designee. Inspection findings shall be reported utilizing the Food Service Establishment Inspection Report, DEHS, IGS Form R-01-1 or the Temporary & Mobile Food Service Report, Red Cliff Health Services, Form 3-2011.

53.3.3 Spot check inspections will be conducted periodically of temporary food service establishments by the Health Administrator or his designee. Each facility will be inspected at least once during its operation.

53.3.4 The issuance of a FOOD SERVICE PERMIT or TEMPORARY FOOD SERVICE PERMIT carries with it the implied consent that the Health Administrator, Environmental Health Advisor, or their designee shall have, at all times, the right of proper entry upon any and all parts of the premises of any place in which such entry is necessary to carry out the provisions of this ordinance.

53.4 **SECTION 4: TERMINATION OF PERMITS**

53.4.1 If any individual or party, subject to the jurisdiction of the Red Cliff Band of Lake Superior Chippewa's, who also operates a food service establishment required to possess a FOOD SERVICE PERMIT or TEMPORARY FOOD SERVICE PERMIT, violates the aforementioned provisions, such violation shall constitute grounds for termination of that person's permit to trade within the boundaries of the Red Cliff Reservation by the Tribal Health Administrator.

53.5 **SECTION 5: EFFECTIVE PERIOD OF ORDINANCE**

53.5.1 This ordinance shall be in full force and effect immediately after its adoption and, at that time, all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

53.5.2 Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected hereby.

53.5.3 Any part of this ordinance may be amended by the Red Cliff Tribal Council by a majority vote.

53.6 **SECTION 6: TEMPORARY FOOD SERVICE GUIDELINES**

53.6.1 A temporary food service means a facility that operates at a fixed location in conjunction with a single event such as a powwow, fair, carnival, or other celebration.

53.6.2 **Location:**

- (a) Temporary food stands must not be less than 100 feet from a building housing animals or other sources of odors, flies or insect infestations.
- (b) Toilet facilities must be located within 400 feet.

53.6.3 **Construction:**

- (a) Each facility must have a roof made of wood, canvas, or other approved material that protects the interior of the establishment from splash, dust, and inclement weather.
- (b) Barrels and other containers which have been used for the storage of toxic products shall not be used as a cooking device.
- (c) All means of cooking at counters, grills, barbecue pits and other types of cooking must be in an enclosed area effectively separated, so as not to be accessible to the public, by using fence, rope or similar means.

53.6.4

Water Supply:

- (a) A potable water supply from an approved source must be provided on the premises for use in food preparation, utensil-washing and employee hand washing.
- (b) Temporary restaurants which do not have water under pressure are required to provide food grade water containers which are smooth, easily cleanable and have a tight fitting cover. Containers must be cleaned and sanitized in an approved manner prior to each day's operation.
- (c) An electric or gas heating device is required to heat water for hand washing and utensil washing.
- (d) Water hoses must be of food grade material, i.e., clear plastic or of nontoxic materials approved by the USDA, FDA and NSF. Water supplies that are connected to hoses shall be protected by an approved backflow prevention device.

53.6.5

Utensil Cleaning:

- (a) Only single-service cups, dishes, and implements shall be used for serving food and drink. These utensils shall be fully protected from contamination, and shall be used only once.
- (b) All single-service utensils shall be stored in the original closed container or effectively protected from dust, insects and other contamination and be stored a minimum of 6 inches off the floor. Single-service straws, knives, forks, spoons and toothpicks which are stored in a container which is self-service to the customer, shall be individually wrapped unless served through an approved dispenser or dispensed individually by a food service employee to the customer.
- (c) Dishes and utensils must be washed after each use in the following manner: 1) pre-wash (scrape and soak), 2) wash in a good detergent, 3) rinse in clean water, 4) immerse in a 100 ppm bleach solution or other approved sanitizer for two minutes, and 5) air dry. (100 ppm bleach solution = 2 teaspoons bleach per gallon of water.)

53.6.6 Wastewater Disposal:

- (a) Liquid waste should be emptied into an approved sewage collection system when such system is available. When not available, liquid waste must be stored in a sealed container. This waste shall be disposed of at a location that will not create a fly, odor, or nuisance problem.

53.6.7 Hand washing:

- (a) Hot water or tempered water must be provided for hand washing. If potable water is under pressure at the facility, a single compartment stainless steel or porcelain hand wash sink with proper liquid waste disposal must be used.
- (b) Where potable water is not under pressure, a minimum of two pans or basins for hand washing and rinsing is required (a single basin with two compartments is acceptable). Hand washing basins shall be kept in a clean and sanitary condition. Disposable towels, soap and a waste receptacle shall be provided in the area of the hand washing basins.
- (c) An alternative method for hand washing when potable water is not under pressure is as follows: Hot or tempered water in a suitable clean container with a spigot is encouraged for washing and rinsing hands. Water from the spigot will run over the hands while they are being washed and rinsed and the wastewater collected for proper disposal such as in a bucket or pan.
- (d) All food service workers shall wash their hands frequently while preparing and serving food. Employees must wash their hands immediately after using the toilet.

53.6.8 Personal Hygiene:

- (a) All persons working in concessions will wear clean clothing and caps or hairnets.
- (b) No person who has any disease, in a communicable form or is a carrier of such disease shall work in any temporary food service, and no facility shall employ any such person or persons suspected

of having any communicable disease or being a carrier of such disease.

- (c) Tobacco products, in any form, shall not be used in the food preparation or serving areas. Employees of the facility shall wash their hands immediately after using any tobacco products.
- (d) Unauthorized access to the food preparation area should be prohibited. Only food service workers should be present in the facility.
- (e) No children under the age of 15 years shall work in a temporary food service facility.

53.6.9 Food Protection:

- (a) Potentially hazardous food, such as cream-filled pastries, custards, and similar products, and meat, poultry and fish in the form of salads shall not be served, e.g., potato, chicken and egg salads. No home canned products shall be used. Foods must be from approved sources.
- (b) Potentially hazardous foods such as hamburger, salads, eggs, milk, etc., shall be kept refrigerated at a temperature of less than 41°F when not being served. Potentially hazardous hot foods, such as Indian Taco meat or soup, shall be kept hot at 135°F or higher. Frozen foods shall be thawed out at temperatures below 41°F or during the cooking process. No thawing of frozen foods at outdoor temperatures will be allowed.
- (c) An accurate and visible thermometer must be located in each refrigeration unit.
- (d) An accurate metal stem thermometer must be provided for checking internal temperatures of cold and hot potentially hazardous foods.
- (e) All foods and drinks are to be covered at all times to prevent contamination from flies, dust, sneezing, etc. If cloth coverings are used, they shall be used for no other purpose and shall be replaced by clean cloths daily.

- (f) Ice, which will be consumed or will come in contact with food, shall be obtained from an approved source in chipped, crushed or cubed form. Such ice shall be obtained in single service closed containers, and shall be held therein or in sanitary covered containers until used. Dippers or scoops shall be used for dispensing ice.
- (g) All nonperishable food must be stored in its original container a minimum of 6 inches above the floor of the temporary restaurant.
- (h) Nonperishable food which is not stored in its original container must be stored in an approved food grade covered container, and if the food item is not readily recognizable, must be labeled for content.
- (i) Sugar, cream, mustard, ketchup and similar products shall be served from individual packages or approved dispensers unless they are served by food service employees.
- (j) Items such as pickles, onions and relish shall be served by food service employees unless individually packaged.
- (k) Plastic squeeze bottles, pumps and similar types of dispensers must be fabricated so as to be smooth, easily cleanable and capable of being completely disassembled for washing, rinsing and sanitizing.
- (l) Live animals shall be excluded from the operational area of the food service facility.

53.6.10

Refuse:

- (a) Garbage and refuse shall be routinely removed from the immediate area around the facility to prevent the attraction of flies and the creation of odor and nuisance problems.
- (b) Durable waste containers of sufficient size and number, lined with plastic bags and tight-fitting lids, will be provided by the operator of the facility. These containers must be covered at all times. The containers will be emptied as often as necessary to avoid creating a nuisance. When dumpsters are used for daily storage, plastic bags shall be used and tightly closed prior to storage in dumpsters.

53.6.11 Washing and Cleaning Aids:

- (a) All washing aids such as brushes, dish mops and dish cloths used in dishwashing shall be maintained in a clean and sanitary condition. Counter cloths must be stored in an approved sanitizing solution, i.e., 100 ppm chlorine bleach solution (2 teaspoons bleach per gallon of water).
- (b) An approved test kit must be used for measuring the level of sanitizer in solution.
- (c) Floor cleaning aids such as mops, brooms and buckets should not be stored in food preparation areas.

53.6.12 Toxic Product Use:

- (a) Toxic products must not be used in a way that contaminates food, equipment or utensils or in a way that constitutes a hazard to employees or other persons, or in a way other than in full compliance with the manufacturer's label.
- (b) Toxic products shall not be stored above food, food equipment, utensils or single-service articles.