



To: Mayor and Council

Agenda Item #: VII. A.

From: Jeff Brown, Community Health Administrator

Action

Discussion

Date: September 16, 2015

Information

Subject: City Code Update – Health Division

Action Requested:

Adopt ordinance number 2015-18 amending Chapters 2, 10, 20, and 23 of the Edina City Code.

Information / Background:

The Health Division is proposing the attached changes to several City Code sections to update terminology and address an issue not previously considered by City Code. A summary of the changes is below:

- Clarify the requirements for discharging water from a salt water chlorine generating pool in the City. Water shall not be discharged onto the ground or into the City storm sewer system.
- Update section of City pool code regarding handhold requirements for residential swimming pools. Change will allow the Sanitarian, with guidance from other staff, to evaluate proposed handholds and accept alternate proposals that meet the intent of the code.
- Remove section of code requiring safety rope and anchors in residential pools.
- Update licensing categories for food, pool, and lodging facilities to be consistent with other local agencies and the Minnesota Department of Health. New terminology will simplify licensing process and license categories will be more accurate for seasonal and temporary food licenses.
- Update City fee schedule to reflect terminology changes and some fee calculation adjustments. Changes will simplify fee calculation process for owners/operators/contractors applying for food, pool, lodging and other Health Division licenses.

**ORDINANCE NO. 2015-18
AN ORDINANCE AMENDING CHAPTERS 2, 10, 20 AND 23
OF THE EDINA CITY CODE**

THE CITY COUNCIL OF EDINA ORDAINS:

Section 1. The following amendments are made to Code Section 2-724 Schedule A are:

Chapter and Section	Purpose of Fee/Charge	Amount
Chapter 6		
6-94	Machine or amusement device license	\$15.00 <u>Annually per establishment, plus</u>
		\$15.00 Per machine
Chapter 10		
10-513(d)	Public or semipublic swimming pool license	\$470.00 Per year for each enclosed pool (partial or all of the year)
	<u>License</u>	\$340.00 Per year for each outdoor pool
	Public or semipublic whirlpool bath or therapeutic swimming pool license	\$170.00 Per year for each bath or pool
Chapter 20		
20-277	Food establishment	\$620.00 High risk food
		\$380.00 Medium risk food
		\$110.00 Low risk food
		\$155.00 Base fee
		\$55.00 <u>\$150.00 Beer or wine table service</u>
		<u>Seasonal temporary food stand</u>
		<u>\$150.00 Seasonal permanent food stand</u>
		\$130.00 <u>\$200.00 Alcohol bar service</u>
		<u>Mobile food unit</u>
		\$138.00 Food vehicle
		\$155.00 Additional facility
		\$200.00 Pushcart
		\$120.00 Itinerant <u>Special event food stand</u>
		\$15.00 Food vending machine
Restaurant plan review fee	\$130.00 <u>150% of license fee</u>	
Restaurant plan review fee for remodel	100% of license fee	
Minimum restaurant plan review fee	\$125.00	
20-386	Lodging establishment <u>Hotel or motel</u>	\$9.00 Per room
	Supervised group home	\$46.00
	Boarding house establishment <u>and lodging establishment</u> house license	\$110.00
20-394	Multiple dwelling parking garage	\$48.00 Per single tract of land (may contain more than one building under same ownership)
	Multiple dwelling parking garage <u>license</u> <u>inspection fee</u>	\$85.00 <u>\$100.00</u> Per garage

Section 2. The following Sections of Chapter 10 of the Edina City Code are amended to read as follows:

10-487 (5) f

Handholds. Handholds shall be provided around the entire periphery of the pool. When bull-nosed coping is used it shall be and consist of a bull-nosed coping not over two and one-half inches thick for the outer two inches or an equivalent approved handhold. The handhold shall not be more than nine inches above the normal water line ~~and shall extend around the entire periphery of the pool.~~ The Sanitarian may approve equivalent designs during the plan review process.

10-487 (12) b.

Drainage. If the pool cannot be drained by gravity, it shall be equipped with valves and pumps for completely emptying the pool. The discharge of the pool water to the sanitary sewer, or other suitable disposal unit acceptable to the sanitarian, shall be at a rate not to exceed 250 gallons per minute. No direct connection shall be made to the sanitary sewer. The outlet from the pool recirculation system shall terminate at least six inches above the receptacle connected to the sewer. ~~The drainage system shall be constructed under the supervision of a licensed plumber and in conformance with the provisions of the state plumbing code.~~ Water drained from the pool shall not be discharged to the sanitary sewer system during periods of rainstorms. Discharge from salt water chlorine generating pools must be directed to the sanitary sewer.

10-487 (18)

~~Safety rope and anchors. A safety rope and anchors shall be provided at the water line when the designed pool operating water level is four and one-half feet or less.~~

Section 3. The following Sections of Chapter 20 of the Edina City Code are amended to read as follows:

20-289 - Required

(a) No person shall operate a food establishment or operate any of the following types of enterprises within the city without first obtaining a license of the applicable type described in this section, pursuant to this division:

- (1) Low risk food establishment.
- (2) Medium risk food establishment.
- (3) High risk food establishment.
- (4) ~~Supervised group home.~~ Special Event Food Stand.
- (5) ~~Food vehicle.~~ Seasonal Permanent Food Stand.
- (6) Food vending machine.
- (7) ~~Itinerant food establishment.~~ Seasonal Temporary Food Stand.
- (8) Pushcart food establishment.
- (9) Mobile Food Unit.

(b) An additional fee will be required for the following food establishments:

- (1) Additional facility.
- (2) ~~Alcohol service from a bar.~~
- (3) ~~Beer or wine table service.~~

20-323

(a) *Definitions amended.* Minnesota Rules § 4626.0020 are hereby amended by including the following terms and the meanings given them:

Additional facility means a food service or operation which is separate, distinct or unique from the central or main food establishment, as determined by the health authority.

~~Alcohol service from a bar means a food establishment where alcoholic mixed drinks are served or where beer or wine are served from a bar.~~

~~Beer or wine table service means a food establishment which serves only beer or wine to customers seated at tables.~~

Health authority, where used in this section, means a designated member of the city health department. The term "regulatory authority" in the Minnesota Food Code, Minnesota Rules ch. 4626, shall mean health authority.

~~Itinerant food establishment means a food establishment operating for a temporary period, including, but not limited to, a fair, carnival, circus, church supper or public exhibition.~~

~~Special event food stand, seasonal temporary food stand, seasonal permanent food stand, mobile food unit, low risk, medium risk and high risk food establishments, and boarding and lodging establishments mean food establishments as are as defined in Minn. Stats. ch. 157.~~

Pushcart food establishment means any non-self-propelled vehicle limited to serving nonpotentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters and other precooked ready-to-eat link sausages.

~~Supervised group home means a food establishment which includes sleeping accommodations for five or more regular boarders and no more than ten regular boarders for periods of one week or more and which provides supervision for the boarders and is registered for special services pursuant to Minn. Stats. § 157.17.~~

-20-384. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Boarding and lodging establishment means an establishment which includes boarding and lodging for five or more regular boarders, but no more than ten regular boarders, for periods of one week or more.~~

Commissioner, as used in Minnesota Rules ch. 4625, means the city.

Hotel, lodging establishment and boarding establishment are as defined in Minn. Stats. § 157.15.

Lodging means the furnishing for consideration of lodging at a hotel, motel, rooming house, tourist court, or resort, other than the renting or leasing of it for a continuous period of 30 calendar days or more.

Operator means a person who provides lodging to others, or any office, agent or employee of such person.

~~Supervised group home shall be as defined in section 20-323(a).~~

20-385. – License required

No person shall operate or engage in the business of operating a hotel, ~~supervised group home, boardinghouse and lodging house~~, lodging establishment or boarding establishment within the city unless a license has been obtained from the city. The applicant for a license shall make application on forms provided by the city clerk. Lodging establishments will undergo a plan review at the discretion of the sanitarian prior to licensure. The provisions of article II of chapter 12 shall apply to all licenses required by this article and to the holders of such license

Section 4. Section 23-95 (3) of the Edina City Code is amended to read as follows:

Wastewater. Discharging any sump pump water, swimming pool water, or water which has been used in a manufacturing process or mechanical process so as to flow upon or over streets, sidewalks, or other public property or private property except that owned by the person discharging the water. Provided, however, swimming pool water, sump pump water and waste water permitted to be discharged into public waters by state law and federal law may be discharged into the city storm sewer system provided that such discharge shall not accumulate so as to become stagnant. Discharge from salt water chlorine generating pools must be directed to the sanitary sewer.

Section 5. This ordinance is effective immediately upon passage and publication.

First Reading:

Second Reading:

Published:

Attest:

Debra A. Mangen, City Clerk

James B. Hovland, Mayor

Please publish in the Edina Sun Current on:

Send two affidavits of publication

Bill to Edina City Clerk