FOOD ADVISORY COMMITTEE MEETING
10:30 AM – 12:00 PM; Wednesday, January 6, 2021
Lincoln Wastewater Administration Offices
2400 Theresa Street, Lincoln, NE 68521
Proposed Agenda

WELCOME TO EVERYONE. THE FOOD ADVISORY COMMITTEE MEETING COMPLIES WITH THE OPEN MEETINGS LAW AND A COPY OF THE OPEN MEETINGS LAW IS POSTED AT THE HEALTH DEPARTMENT.

I. Roll Call – Linda Dennis

   New FAC Members:
   • Ansley Fellers – Nebraska Grocery Industry Association
   • Suzanne Schneider – Lincoln Littles

   Expiring Term Limit Member (January 31, 2021):
   • Eric Bahn – Moran’s Liquor Works

II. Approval of Agenda – Linda Dennis

III. Approval of Minutes from the December 8, 2020 Meeting – Linda Dennis

IV. New Business – Action Item
   • LMC 5.20 Lincoln Food Code Cottage Foods Proposal – Tast/Holmes

V. New Business – Informational Items
   • FDA Standards Update – Daniel
   • Online Food Handler Training Update – Daniel
   • Responsible Beverage Server Training Update – Daniel

VI. Public Session – Linda Dennis
Any person is free to speak to any item on this agenda at the time it is discussed. Any person wishing to address the Committee on a matter not on this agenda may do so at this time.

VII. Adjournment
If you are not able to attend please contact Justin Daniel at jdaniel@lincoln.ne.gov or 402-441-8033.

This agenda will be kept continually current and will be available for public inspection within the Lincoln-Lancaster County Health Department during normal working hours. A copy of the Open Meetings Law is posted at the Health Department.

The City of Lincoln complies with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 guidelines. Ensuring the public’s access to and participating in public meetings is a priority for the City of Lincoln. In the event you are in need of a reasonable accommodation in order to attend or participate in a public meeting conducted by the City of Lincoln please contact Marcia Huenink at the Lincoln-Lancaster County Health Department at 402-441-8634 as soon as possible before the scheduled meeting date in order to make your request.
FOOD ADVISORY COMMITTEE MEETING MINUTES  
Tuesday, December 8, 2020  
1:00 – 2:30 p.m.

WELCOME TO EVERYONE. THE FOOD ADVISORY COMMITTEE MEETING COMPLIES WITH THE OPEN MEETINGS LAW AND A COPY OF THE OPEN MEETINGS LAW IS POSTED AT THE HEALTH DEPARTMENT.

I. Roll Call – Linda Dennis
Members Present – Linda Dennis, Eric Bahm, Dr. Jane Stratton, Ansley Fellers, Edith Zumwalt, Zoe Olson, Jay Jarvis, Minh Nguyen

Members Absent: Julie Albrecht, Krystal Carter, Kelly Knudson, Andrew Tipton, Rick Young

Staff – Justin Daniel, Scott Holmes, Renae Rief, Andrea Bethke, Mary Murrieta, Devan Noblit, Ben Davy, Siddiq Konneh

Upcoming FAC Members:
Ansley Fellers – Nebraska Grocery Industry Association
Suzanne Schneider – Lincoln Littles

Expiring Term Limit Member:
Eric Bahm – Moran’s Liquor Works

II. Approval of Agenda – Linda Dennis
Linda Dennis asked if there were any corrections or additions to the agenda.

Motion: Moved by Zoe Olson that the agenda be approved as printed. Second by Jay Jarvis. Motion carried 8-0.

III. Approval of Minutes from the November 22, 2019 Meeting – Linda Dennis
Linda Dennis asked if there were any additions or corrections to the minutes from the November 22, 2019 meeting.

Motion: Moved by Zoe Olson that the November 22, 2019 minutes be approved as printed. Second by Jay Jarvis. Motion carried 8-0

IV. New Business – Action Item
LMC 8.20 Lincoln Food Code Cottage Foods Proposal – Tast/Holmes

Item removed from agenda.

V. New Business – Informational Items
- LLCHD COVID-19 Update - Daniel – Gave a brief overview (PowerPoint) of the Health Department’s response to the pandemic and the challenges that we faced in assuring the health and safety of the citizens of the City of Lincoln and Lancaster County. Talked through the DHM requirements and how
we assisted the Restaurants and Bars so that they understand what is expected of them. Education was a key thing that we focused on. Enforcement is hopefully the last option that we need to use to assure that establishments are complying with the DHM requirements. Highlighted the DHM Compliance Inspection Report that was created to assist staff when conducting complaint inspections.

Linda Dennis asked if the Health Department had any establishments that are blatantly ignoring the DHM. Justin indicated that there are 17 pending cases for enforcement.

Jay commended the staff on their assistance that has been provided throughout the pandemic to the food establishments in understanding the DHM requirements and assisting them so that they can continue to provide service to the community safely.

• **Nebraska Restaurant Assn COVID-19 Update** – Zoe Olson
  Zoe shared a document with the group. Gave an update on what the Nebraska Restaurant Association did – surveys of the local establishments, and that extended to the National Restaurant Association. Sales are down an average of 31% across Nebraska. Establishment needed to make adjustments on how they provided service to the public. Without any additional resources from the government, they expect 35% of the establishments won’t be operating in the next 6 months.

• **Nebraska Grocery Industry Assn COVID-19 Update** – Ansley Fellers
  Ansley provided an update from the Nebraska Grocer Association. Supply chain issues are still being seen, just not in the same way that there were when we had the shortages early on in the pandemic.

• **LPS COVID-19 Update** – Edith Zumwalt
  Edith shared information that LPS distributed meals March – July to students and their families. Going into the school year, they had to look at what they needed to do to serve food to the students safely. Staff and students wore masks. Touchless way to pay for their meals. Provide a fresh fruit/vegetable program. The fruit/vegetable is bagged up for them to take home with them. Provide packages meals for the remote learners. The students come to the school one night a week and pick up their meals for the week.

• **Lazlo’s COVID-19 Update** – Jay Jarvis
  Running a full-service restaurant has provided a lot of challenges. They wanted to do the delivery service on their own to help in the cost portion but also assure that their product was handled and delivered properly/safely.

• **Runza COVID-19 Update** – Linda Dennis
  Runza has fortunate to have drive-thru services as indoor dining use is down. Glove expenses has increased due to supply and demand. Have had significant staffing challenges due to quarantines, but most of the staff exposures are occurring outside of the work environment. Food trays have been removed and focc is now provided in disposable bags. New cups for refills.

VI. **Public Session** – Linda Dennis

Any person is free to speak to any item on this agenda at the time it is discussed. Any person wishing to address the Committee on a matter not on this agenda may do so at this time.
VII. Adjournment

If you are not able to attend, please contact Justin Daniel at jdaniel@lincoln.ne.gov or 402-441-8033.

Linda Dennis asked for a motion to adjourn the meeting.
Motion to adjourn by Jay Jarvis. Second by Zoe Olson. Motion Carrier 7-0.

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ORDINANCE NO. ________________

AN ORDINANCE amending Chapter 8.20 of the Lincoln Municipal Code relating to the
Lincoln Food Code by amending Sections 8.20.020, 8.20.030, 8.20.080, 8.20.090, 8.20.100, 8.20.110,
8.20.120, 8.20.135, 8.20.150, 8.20.160, 8.20.191, 8.20.260, 8.20.261, 8.20.264, 8.20.280, 8.20.320, and
8.20.330 to modify existing regulations for Cottage Foods Operations and Farmer's Market Vendors
clarifying the registration process, registration requirements, and the inspection process for Cottage Foods
Operations and Farmer's Market Vendors; by adding a new section numbered 8.20.085 entitled "Cottage
Food Operation; Registration Required"; by adding a new section numbered 8.20.095 entitled "Cottage
Food Operation Registration; Process"; and repealing Sections 8.20.020, 8.20.030, 8.20.080, 8.20.090,
8.20.100, 8.20.110, 8.20.120, 8.20.135, 8.20.150, 8.20.160, 8.20.191, 8.20.260, 8.20.261, 8.20.264,
8.20.280, 8.20.320, and 8.20.330 of the Lincoln Municipal Code as hitherto existing,

BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

Section 1. That Section 8.20.020 of the Lincoln Municipal Code be amended to read as
follows:

8.20.020 Purpose and Intent.

(a) The purpose of the Lincoln Food Code is to safeguard the public from potential health
hazards related to food.

(b) The City Council in adopting the Lincoln Food Code intends to:

(1) Classify and define food establishments and cottage food operations;

(2) Provide sanitation regulations for food, food equipment, and utensils;

(3) Provide sanitation regulations for the transportation, protection, storage,
processing, display, serving, and sale of food;

(4) Require permits for the operation of food establishments and registration for
cottage food operations;

(5) Require employers to properly train employees in basic food sanitation;

(6) Require certification or permits for food managers and employees;
(7) Require inspection of food establishments and cottage food operations as allowed by law;
(6) Provide for the examination and condemnation of food;
(9) Provide standards for enforcement; and
(10) Authorize the Health Director to administer, interpret, and enforce the Lincoln Food Code.

Section 2. That Section 8.20.030 of the Lincoln Municipal Code be amended to read as follows:

8.20.030 Definitions.
(a) Except § 1-201.10(B)(35), (36), (60), (76), (100), or as provided below, the definitions of words and phrases in the 2005 recommendations of the United States Public Health Service Food and Drug Administration “Food Code” shall apply to the same words and phrases in the Lincoln Food Code.
(b) For purposes of this chapter, the following definitions shall apply:

Additional food preparation facility shall mean a separate food preparation facility operated within or as an accessory to an approved food establishment owned and operated by the same person. City shall mean the City of Lincoln, Nebraska and the area within three miles of the City of Lincoln, Nebraska.

Cottage food operation shall mean a person who produces cottage food products only in the kitchen of that person's primary residence and only for sale directly to the local consumer, including delivery. A cottage food operation shall not operate as a food service establishment, retail food store, or wholesale food manufacturer.

Cottage food operation permitted area shall mean the portion of a residence housing a kitchen where the preparation, packaging, storage, or handling of cottage food products occurs.
Cottage food products or farmers market food products shall mean non-time/temperature control for safety food produced for sale by a cottage food operation or a farmers market vendor.
Domestic activity shall mean any activity not necessary for, or directly related to, the production, storage, or sale of a cottage food product or farmer's market food product which, if conducted during food production, could compromise the safety of the product(s).

Food catering shall mean an operation that transports ready to eat food to another location from an approved food establishment. Food catering includes both an operation that only delivers food and an operation that delivers and serves food.

Food establishment shall mean an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. Food establishment includes, but is not limited to:

1. Additional food preparation facility;
2. Temporary food establishment;
3. Farmers market;
4. Event market;
5. Food catering, food concession booth or stand, mobile food unit, and pushcart;
6. Restaurant, coffee shop, diner, cafeteria, commissary, buffet, smorgasbord, short order café, luncheonette, grill, tea room, sandwich shop, soda fountain, ice cream shop, popcorn stand, limited food service, delicatessen, bakery, and similar establishments;
7. Tavern, bar, cocktail lounge, bottle club, licensed beverage establishment, and nightclub;
8. Food service at a hospital, nursing home, institution, industry, or hotel;
9. Food service operated by a nonprofit organization; or
10. Manufacturer of food for sale or distribution to the public not otherwise approved.

The term food establishment shall act include:

1. An establishment which is not a commercial food establishment and which sells only commercially prepackaged foods that are not potentially hazardous;
2. A produce stand that only offers whole, uncut fresh fruits and vegetables;
3. A private home where food is prepared or served for personal use, a child care, or a lodging facility where no more than ten paying guests eat meals in the home;
(4) A location where food prepared by a caterer is served so long as the caterer only minimally handles the food at the serving location.

Food handler permit shall mean a serve/clean food handler and/or a prep/cook food handler permit.

Food manager permit shall mean a food protection manager and/or a restricted/shift food manager permit.

Food permit holder shall mean the person named as the permittee of an approved food establishment.

Health Director shall mean the Director of the Lincoln-Lancaster County Health Department or an authorized representative of the Director.

Kitchen shall mean an area used to produce cottage food products or farmers market food products.

Lincoln Food Code shall mean this chapter, including all applicable laws and standards adopted by reference and all standards and regulations adopted pursuant to this chapter.

Nonprofit organization shall mean:

(1) A nonprofit organization holding a certificate of federal tax exemption under Section 501 of the Internal Revenue Code;

(2) A corporation subject to the provisions of Sections 21-1901 to 21-1991 Nebraska Revised Statutes; or

(3) A nonprofit organization that conducts its major activities for charitable or community betterment purposes.

Occasional shall mean no more than twenty-four times during any twelve-month period.

Person shall mean an individual, firm, partnership, company, corporation, trustee, association, organization or other public or private entity. Person includes a nonprofit organization as defined in the Lincoln Food Code.

Person In Charge shall mean the individual who is responsible for the operation of the food establishment and who is present at the food establishment or is readily accessible to communicate with employees and the Health Director.
Regulatory authority shall mean the Lincoln-Lancaster County Health Department when referring
to an agency and the Health Director when referring to a person.

Residence shall mean a single-family dwelling or an area within a two-family or multiple-dwelling
where a single person or family resides. A residence does not include any group or communal residential
setting within any type of structure, or outbuilding, shed, barn, or other similar structure.

Temporary food establishment shall mean a food establishment that:

1. Complies with the permit conditions for an event market; or
2. Complies with the permit conditions for a farmers market; or
3. Complies with the permit conditions for a single-event.

Vendor shall mean a retail food establishment selling food to an end-use consumer such as a food
concessions booth or stand, mobile food unit, or pushcart.

Section 3. That Section 8.20.080 of the Lincoln Municipal Code be amended to read as
follows:

8.20.080 Food Establishment and Cottage Food Operation; Permits Required.

It shall be unlawful for any person to operate a food establishment or a cottage food operation
without first obtaining a permit from the Health Director. The operation of a food establishment or a cottage
food operation without the required permit is hereby declared a nuisance which may be abated as provided
by law. The permit holder shall conspicuously post or display the permit so that it is readily open to view
by any person patronizing such establishment.

Section 4. That Chapter 8.20 of the Lincoln Municipal Code be amended by adding a new
section numbered 8.20.085 to read as follows:

8.20.085 Cottage Food Operation; Registration Required.

It shall be unlawful for any person to operate a Cottage food operation without first registering
with the Health Director. The operation of a Cottage food operation without the required registration is
hereby declared a nuisance which may be abated as provided by law.

Section 5. That Section 8.20.090 of the Lincoln Municipal Code be amended to read as
follows:
8.20.090  Food Establishment and Cottage Food Operation Permits; Application.

(a) An application for a permit to operate a food establishment or a cottage food operation shall be submitted to the Health Director on forms provided by the Health Director.

(b) Each application shall include:

1. The applicant's full name, mailing address, and a statement identifying the applicant as an individual, partnership, firm, or corporation;
2. If the applicant is a partnership, the name and mailing address of each partner;
3. The name, location, and type of proposed food establishment;
4. The signature of the applicant or applicants; and
5. Such other pertinent information as requested on such forms.

Section 6. That Chapter 8.20 of the Lincoln Municipal Code be amended by adding a new section numbered 8.20.095 to read as follows:

8.20.095  Cottage Food Operation Registration; Process.

a. Every cottage food operation shall register with the State of Nebraska Department of Agriculture.

b. The Registration of a cottage food operation with the State of Nebraska Department of Agriculture shall be filed with the Health Director prior to operation, and annually thereafter as prescribed by this ordinance.

c. Upon receipt of the Registration and the applicable fee for a cottage food operation, the Health Director shall provide a consultative visit to convey information related to the safe production of cottage food products to the registrant.

d. A cottage food preparation registration under the Lincoln Food Code is limited to the person and premises specified in the Registration.

e. A cottage food operation under the Lincoln Food Code shall comply with all applicable city ordinances and/or state law relating to premises design and construction.

f. A cottage food operation which has a private water supply shall have the supply tested prior to Registration and at least annually thereafter. The water shall be considered acceptable if the Nitrate-Nitrogen results are less than 10 mg/l and no coliform bacteria are identified. Results of
the testing shall be maintained for a period of five years by the registrant. If the water supply is
determined to be unacceptable, the Health Director may approve an alternate source of water for
the cottage food operation.

Section 7. That Section 8.20.100 of the Lincoln Municipal Code be amended to read as
follows:

8.20.100 Food Establishment and Cottage Food Operation Permits; Issuance.

(a) Upon receipt of an application and the applicable permit fee for a food establishment or
cottage food operation permit, the Health Director shall make an inspection to determine compliance with
the Lincoln Food Code.

(b) The Health Director shall complete the inspection and issue or deny the food establishment
or cottage food operation permit within a reasonable time not to exceed thirty days.

(c) The Health Director shall issue a food establishment or a cottage food operation permit if
the Health Director determines that the applicant complies with the Lincoln Food Code.

(d) A food establishment or a cottage food operation permit issued under the Lincoln Food
Code is strictly limited to the person and premises or facility specified in the food establishment or cottage
food operation permit application.

(e) A food establishment or a cottage food operation permit is not transferable from one person
to another person or from one premises or facility to another premises or facility.

(f) The Health Director shall require separate permits as follows:

(1) If several food establishments are located at the same address but are owned by
different persons, each person shall obtain a separate food establishment permit.

(2) If one person operates several food establishments at different addresses, that
person shall obtain a separate food establishment permit for each address.

(g) A food establishment or a cottage food operation regulated under the Lincoln Food Code
shall comply with all other applicable city ordinances relating to facility design, construction, and operation.

(h) A cottage food operation which has a private water supply must have the supply tested
prior to permitting and at least annually thereafter. The water shall be considered acceptable if the Nitrate-
Nitrogen results are less than 10 mg/l and no coliform bacteria are identified—Results of the testing shall be maintained for a period of five years. If the water supply is determined to be unacceptable, the Health Director may approve an alternate source of water for food preparation, sanitizing utensils and food preparation surfaces, and handwashing. The Health Director may require more frequent testing as deemed necessary or require additional testing for other water contaminants.

Section 8. That Section 8.20.110 of the Lincoln Municipal Code be amended to read as follows:

8.20.110 Food Establishment Permits and Cottage Food Operation Registration Permits; Term and Expiration.

(a) All food establishment permits and cottage food operation registration permits, except those issued for temporary food establishments, shall expire on the thirty-first day of May each year.

(b) The Health Director may approve the renewal of food establishment permit and cottage food operation registration permits, except those issued for temporary food establishments, without making a reinspection of the food establishment or a repeat consultative visit with a cottage food operation.

(c) A temporary food establishment permit shall be valid only for the time stated on the permit, and in no case longer than one year.

Section 9. That Section 8.20.120 of the Lincoln Municipal Code be amended to read as follows:

8.20.120 Food Establishment; Exemptions.

(a) The following food establishments which possess a valid permit from the State of Nebraska or an agency of the United States Government shall be exempt from obtaining a permit from the Health Director:

(1) Salvage operation;
(2) Food processing plant;
(3) Food storage establishment;
(4) Commercial food establishment;
(5) Retail food store;
(6) Convenience store;
(7) Itinerant food vendor; and
(8) Vending machine operation;

(b) The following operations by a nonprofit organization shall not require a food establishment permit:

   (1) Occasional bake sales of food that is not potentially hazardous.
   (2) Sales of manufactured, prepackaged foods that are not potentially hazardous and which have been prepared in an approved food preparation facility.
   (3) Service of food that is not potentially hazardous which is limited to the members and guests of the nonprofit organization.
   (4) Occasional service of potentially hazardous food on the nonprofit organization's own premises or at a location where a permanent food service facility is located and used by the nonprofit organization. Permanent food service facility shall mean a kitchen facility located at a church, meeting hall, or other place of public assembly that is specifically equipped for food service to a large number of people. Except, when a nonprofit organization sells potentially hazardous food to the public at a location where there is no permanent food service facility, the nonprofit organization shall obtain a temporary food establishment permit.

(c) Any person that sells food exclusively at a permitted Farmers Market or Event Market shall be exempt from being registered as holding a cottage food operation permit.

(d) A food establishment or cottage food operation exempted by this section shall not be relieved of any other obligations including, but not limited to, handling of food under safe and sanitary conditions.

Section 10. That Section 8.20.135 of the Lincoln Municipal Code be amended to read as follows:

8.20.135 Cottage Food Operations and Farmers Market Vendors; Limitation; Labeling.

Cottage food operations and farmers market vendors shall ensure:
(a) Food products must be sold directly to the consumer. Direct sales at farmers markets, craft
fairs, charitable organization functions, and similar events are permitted. Sales to grocery stores,
restaurants, or wholesale are prohibited.
(b) Food products sold shall be limited to non-time/temperature control for safety food.
(c) The Health Director shall maintain and provide a list of commonly acceptable and
unacceptable foods. Acidified foods and low acid canned foods shall not be allowed.
(d) Food products which are pre-packaged shall have a label affixed containing the following
information (printed in English):
   • The name and address of the cottage food operation or farmers market vendor;
   • "Made by a Cottage Food Operation" or "Made by a Farmers Market Vendor";
   • The common name of the food; and
   • The ingredients of the food product;
   • The net weight or net volume of the food; and
   • Allergen information or a statement that the food may contain allergens.

Section 11. That Section 8.20.150 of the Lincoln Municipal Code be amended to read as
follows:

8.20.150 Food Establishment Permit and Cottage Food Operation Registration; Permit Fees,
(a) The City Council may, by resolution, from time to time establish or revise fees to be paid
by any person who secures a food establishment permit or registers a cottage food operation permit-under
the Lincoln Food Code for any of the following:
   (1) Food Establishment:
       Food establishment.
   Additional food preparation facility.
   (2) Mobile Food Unit.
   (3) Food Catering Services operating as an additional food preparation facility to an
approved food establishment.
   (4) Temporary Food Establishment:
 Operating for a single event not to exceed fourteen consecutive days.

(ii) Operating annually for more than one single event not to exceed fourteen consecutive days.

(iii) Operating as an additional food preparation facility to an approved food establishment.

(iv) Event Market.

(v) Farmers Market.

(vi) Cottage Food Operation.

(b) Any person issued a new food establishment permit, other than a temporary food establishment permit, after November 30 and before April 15 of each year shall pay 67% of the new permit fee. Any person issued a new food establishment permit, other than a temporary food establishment permit, on or after April 15 and before June 1 shall pay the new permit fee and such permit shall be valid until May 31 of the following year.

(c) Fees shall be payable to the Health Director and the Health Director shall deposit the fees at the City Treasurer's Office. The City Treasurer shall credit the fees to the Health Fund.

Section 12. That Section 8.20.160 of the Lincoln Municipal Code be amended to read as follows:

8.20.160 Late Fees.

(a) A food establishment permit holder who fails to renew the permit before it expires, but within 30 days of the date of expiration shall pay a late fee of 33% of the annual fee in addition to the annual fee.

(b) A food establishment permit holder who fails to renew the permit before it expires and fails to renew the permit within thirty days from the date of expiration shall pay a late fee of 67% of the annual fee in addition to the annual fee.

(c) A cottage food operation registrant permit holder who fails to renew the registration permit before it expires, but within 30 days of the date of expiration, shall pay a late fee of 50% of the annual fee in addition to the annual fee.
(d) A cottage food operation registrant permit holder who fails to renew the registration permit before it expires and fails to renew the registration permit within thirty days from the date of expiration shall be required to re-register their cottage food operation and pay a late fee of 200% of the annual fee in addition to the annual fee.

e) A food establishment permit holder who fails to renew the permit before it expires is operating without a valid permit and shall be subject to appropriate enforcement action by the Health Director.

Section 13. That Section 8.20.191 of the Lincoln Municipal Code be amended to read as follows:

8.20.191 Cottage Food Operation or Farmers Market Vendor; Food Handler Permit

Requirements.

(a) All persons involved in food preparation shall hold a valid food handler permit, food manager permit, or a certificate of attendance at a farmers market vendor training or a cottage food operation training issued by the Health Director. Completion of the University of Nebraska Cottage Food Producer Safety online training, or an equivalent training, shall satisfy this requirement.

Section 14. That Section 8.20.260 of the Lincoln Municipal Code be amended to read as follows:

8.20.260 Enforcement; Inspections.

(a) The Health Director shall inspect food establishments and cottage food operations as frequently as necessary to assure compliance with the Lincoln Food Code.

(b) The Health Director shall have the authority to inspect food establishments at any reasonable time for the purpose of determining compliance with the Lincoln Food Code.

(c) The Health Director shall have the authority to inspect and examine related business records for (1) employees, and (2) food and supplies purchased, received, or used at the food establishment and cottage food operations.

(d) The Health Director shall record the inspection findings on an inspection report. The Health Director shall furnish the original inspection report to a permit holder or Person in Charge.
(e) The report shall:
(1) Set forth the specific conditions found,
(2) Establish a specific and reasonable period of time for correction of the unsanitary conditions found, if any,
(3) State that failure to comply with the warning notice may result in immediate suspension of the permit and prosecution for violation of the Lincoln Food Code; and
(4) State that the permit holder or Person in Charge may request a hearing before the Health Director upon such inspection findings and warning by filing a written request with the Health Director.

(f) After the time period given for correction of the unsanitary conditions found, the Health Director shall reinspect the food establishment and cottage food operations to determine compliance with the warning notice.

Section 15. That Section 8.20.261 of the Lincoln Municipal Code be amended to read as follows:

8.20.261 Cottage Food Operations and Farmers Market Vendors; Inspection.

(1) The Health Director may inspect any area in which cottage food products or food for sale at farmers markets are prepared, held, packaged, or locally sold by cottage food operation or farmers market vendor at any reasonable time for the purpose of determining compliance with regulatory requirements. The inspection may include any area in which food is cooked, held, packaged, prepared, stored, or sold. Inspections may be conducted to investigate a complaint, inadequate labeling, or a report of foodborne illness, water not in compliance with, or any other violation of Lincoln Municipal Code Chapter 8.20 or Neb. Rev. Stat. § 81-2,239 et seq. Statute law. Inspections may be conducted to gather information regarding persons with communicable diseases which can be transmitted through food.

(2) The Health Director may ask the cottage foods registrant or farmers market vendor shall inspect for and ask the permittee to verify the following:

(a) That only non-time/temperature control for safety food is produced and sold;
(b) Ingredients used in the preparation of food products that require time/temperature control are must be held at safe temperatures (i.e., eggs).

(c) That no person other than the registrant or vendor permittee, or a person under the direct supervision of the registrant or vendor permittee who is in compliance with Lincoln Municipal Code Sect. 8.20.191 also holds a valid food-handler permit, food manager permit, or certificate of attendance at a cottage food operation or farmers market vendor training issued by the Health Director, may be engaged in the processing, preparing, packaging, or handling of any food products;

(d) That no preparation, packaging, or handling of food products is occurring in the kitchen concurrent with any other domestic activities—such as family meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning, or guest entertainment;

(e) That neither animals nor children who are not toilet trained are present not allowed in the kitchen during the preparation, packaging, or handling of any food products;

(f) That no pets are allowed in the kitchen at any time during the preparation, packaging, or handling of any food products;

(g) That all food contact surfaces, equipment, and utensils used for the preparation, packaging, or handling of any cottage food products are smooth, nonabsorbent, easily cleanable, and properly washed, rinsed, and sanitized before each use;

(h) That all areas where food products are prepared, packaged, handled, or stored preparation and food equipment storage areas are maintained free of rodents and insects;

(i) That all persons involved in the preparation and packaging of food products:

   (i) Will not prepare food products when ill and must be symptom free for at least 48 hours after having vomiting or diarrhea before preparing food products;

   (ii) Will wash their hands before any food preparation and food packaging activities; and

   (iii) Will prevent bare hand contact with ready-to-cat foods through the use of single-service gloves, bakery papers, tongs, or other utensils.
(h) That smoking or electronic cigarette use is not allowed in the kitchen at any time during the preparation, packaging, or handling of food products; and

(i) That Health Director guidance will be followed on cleanup of vomiting and diarrheal events during the preparation, packaging, or handling of food products.

Section 16. That Section 8.20.264 of the Lincoln Municipal Code be amended to read as follows:

8.20.264 Inspection Reporting Requirements.

(a) The Health Director shall document on an inspection report form:

(1) Administrative information such as, but not limited to, the following: (i) name and address of food establishment or cottage food operation; (ii) type of food establishment or cottage food operation; (iii) inspection date; (iv) status of required food manager permit, or food handler permits; or certificate of attendance at a farmers market vendor training or a cottage food operation training issued by the Health Director.

(2) Specific factual observations of violative conditions, omissions, or other deviations from the requirements of the Lincoln Food Code that require correction by the permit holder; and

(3) Whether the violations listed are critical or repeated.

(b) The Health Director shall specify on the inspection report form the time frame for correction of the violations.

(c) All procedures and requirements related to the inspection of food establishments or cottage food operations apply to salvage operations.

(d) The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

Section 17. That Section 8.20.280 of the Lincoln Municipal Code be amended to read as follows:

8.20.280 Revocation or Suspension of Permit.
Any permit granted under the Lincoln Food Code shall be subject to revocation or suspension in the following manner:

(a) The Health Director shall notify the permit holder as provided in the Lincoln Food Code.

(b) If the Health Director determines that the permit holder is in violation of the Lincoln Food Code, the Health Director may revoke or suspend the permit for an appropriate period of time not to exceed ninety days.

(c) The Health Director shall conduct the hearing in accordance with the Lincoln Food Code. Section 18. That Section 8.20.320 of the Lincoln Municipal Code be amended to read as follows:

8.20.320 Notice; Service.

(a) The Health Director may serve notice authorized or required by the Lincoln Food Code as follows:

(1) By personal service to a permit holder, cottage food registrant, or Person in Charge wherever they may be found; or

(2) By certified mail, postage prepaid, return receipt requested to the permit holder’s or cottage food registrant’s last known address.

(b) The person making personal service may provide a written declaration under penalty of perjury identifying the person served and the time, date, and manner of service as proof of service.

(c) If the service is to a person other than the permit holder or cottage food registrant, the Health Director shall send a copy of the notice to the permit holder or cottage food registrant by regular mail. The copy is not required as a part of the notice, and receipt of the copy does not affect the notice.

Section 19. That Section 8.20.330 of the Lincoln Municipal Code be amended to read as follows:

8.20.330 Appeals.

(a) If the Health Director denies or fails to issue a food establishment permit or accept a cottage food operation registration any application or fails or refuses to issue a permit under this chapter within
forty-five days from the date of complete application or registration, such decision may be appealed to the
district court as provided for by state law.
(b) Any person aggrieved by any final decision of the Health Director in the administration or
enforcement of this chapter may appeal such decision to the district court as provided by state law.
Section 20. That Sections 8.20.520, 8.20.630, 8.20.680, 8.20.990, 8.20.100, 8.20.110,
8.20.120, 8.20.135, 8.20.150, 8.20.160, 8.20.191, 8.20.260, 8.20.261, 8.20.264, 8.20.280, 8.20.320, and
8.20.330 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.
Section 21. This ordinance shall be published, within fifteen days after the passage hereof,
in one issue of a daily or weekly newspaper of general circulation in the City, or posted on the official
bulletin board of the City, located on the wall across from the City Clerk’s office at 555 S. 10th Street, in
lieu and in place of the foregoing newspaper publication with notice of passage and such posting to be given
by publication one time in the official newspaper by the City Clerk. This ordinance shall take effect and
be in force from and after its passage and publication or after its posting and notice of such posting given
by publication as herein and in the City Charter provided.

Introduced by:

__________________________

Approved as to Form & Legality:

__________________________

City Attorney

Approved this ___ day of __________, 2020:

__________________________

Mayor