

**Wadena County Public Health
Environmental Health
Policy on Administrative Penalties and Standardized Compliance Time Frames
for Corrective Orders**

Policy: Administrative Penalties with standardized compliance time frames will be used for compliance and to provide consistency in enforcement with corrective orders issued to licensed establishments as a tool in assuring protection of the public health.

The Administrative Penalties are assessed for continued non-compliance with corrective orders as a result of violations of environmental health regulations identified during inspections of licensed establishments. Penalties are assessed only after the violation is noted for the third consecutive time in a given establishment. Separate penalties are assessed for each outstanding violation.

Time Frames:

Priority 1: Comply on Site

For violations constituting an imminent health hazard to public: Licensed establishments must comply before the environmental health specialist leaves the establishment, action must be taken or initiated to mitigate the imminent health hazard to public.

Examples of this violation priority are, but not limited to:

Serious cross-contamination issues; temperature violations-holding or cooling/reheating; unsanitary food contact surfaces; potentially hazardous food held beyond 7 days; employee, practices; lack of hand washing; failure to properly sanitize equipment/utensils/dishes; ill employees; unapproved food source; no access to hand sink; wiping cloths not in sanitizer; no sanitizer in firm; sewage system failing; e. coli in water supply/providing an alternate source of potable water; animals in firm; pool with no chlorine; pool without life saving equipment; pool drain cover missing or drain not visible; firm has food service and does not have minimum facilities to engage in such.

Priority 2: End of Business Day

For violations that are a direct hazard to public health: Licensed establishments have until the end of that business day to comply.

Examples of this violation priority are, but not limited to:

Potential for cross-contamination; no date marking; no hot water; improper storage of chemicals or personal items; food and/or single service items stored on floor; lack of single use towels or fingernail brush at hand sink; improper sanitizing procedure; no Certified Food Manager or person in charge available; equipment malfunction; temperature of hot water too high; removal of unapproved equipment if not noted in the establishment previously.

Priority 3: Up to 48 Hours

For violations that are an indirect hazard to public health: Licensed establishments have no more than 48 hours to comply.

Examples of this violation priority are, but not limited to:

Sanitation issues covering non-food contact surfaces in prep or ware washing areas; insects/rodents in non-food areas; major garbage or storage issues; minor plumbing issues (leaks); minor chemical storage issues; dishwasher gauges not working or inaccurate; labeling issues with bottles or bulk ingredient containers; access to building by insects or rodents; repair of inoperative vent hood in kitchen.

Priority 4: 3 to 5 Days

For violations that have the potential of becoming a hazard to public health, which require a minimal expenditure of time and/or money to bring into compliance: Licensed establishments have 3-5 days to comply.

Examples of this violation priority are, but not limited to:

CO2 tanks not properly secured; general sanitation of non-food areas is substandard; lack of thermometers in refrigerators.

Priority 5: 10 to 15 Days

For violations that have the potential to becoming a hazard to public health which require a moderate expenditure of time and/or money to bring into compliance: Licensed establishments have 10-15 days to comply.

Examples of this violation priority are, but not limited to:

Inoperative vent fans in restrooms; lack of sanitizer test strips; lack of an approved food thermometer; lack of required backflow prevention/air gaps; toilet seats not of a sanitary design; non-shielded lights; missing or damaged ceiling tile replacement; water heater discharge pipe absent or incorrectly installed; well issues-casing needs to be extended or drainage around well head is substandard; minor structural or finish repairs needed; deteriorated mattresses, bedding, draperies.

Priority 6: Up to 30 Days

For violations that have the potential to becoming a hazard to public health which require a major expenditure of time and/or money to bring into compliance.: Licensed establishments have up to 30 days to comply or to have a plan of action in place.

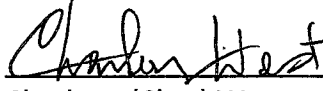
Examples of this violation priority are, but not limited to:

Replacing domestic equipment with NSF; cold plate replacement; installation of required vent hoods; installation of a mop sink when there is none on premises; septic issues-adding capacity or a new system; installation of a new well; installing new floor coverings; major repairs/upgrades to the facility.

Effective: 7-1-10

Attest:

By:

 6-17-10

Charlene (Char) West Date
Wadena County Auditor Treasurer

 6-17-10

Bill Stearns, Chairman Date
Wadena County Board of Commissioners

Approved as to form and execution:

Approved by Wadena County Board
Of Commissioners

Resolution dated: 6-17-10

 8-4-10

Kyra Ladd Date
Wadena County Attorney

**Wadena County Public Health
Environmental Health
Fee Structure for Administrative Penalties
For Repeat Violations of Environmental Health Regulations**

Penalties are assessed only after the violation is noted for the third consecutive time in a given establishment. Separate penalties are assessed for each outstanding violation. See Administrative Penalties Policy and Administrative Penalties Procedures.

Fees:

Priority 1:

- 1) Initial penalty is equal to one half of the establishment's annual license fee.
- 2) Continued non-compliance results in an administrative meeting to determine whether establishment can continue to be licensed.

Priority 2 and 3:

- 1) Initial penalty is \$50.00.
- 2) If the violation is still in non-compliance after the initial penalty, the establishment is assessed an additional penalty equal to one half of its annual license fee.
- 3) Continued non-compliance results in an administrative meeting to determine whether the establishment can continue to be licensed.

Priority 4, 5 and 6:

- 1) Initial penalty is \$25.00.
- 2) If the violation is still in non-compliance after the initial penalty, the establishment is assessed an additional \$50.00 penalty.
- 3) If the violation is still in non-compliance after the second penalty, the establishment is assessed an additional penalty equal to one half of its annual license fee.
- 4) Continued non-compliance results in an administrative meeting to determine whether the establishment can continue to be licensed.