

\$ 16.50

Dennis G. Baker, being duly sworn, on oath says that he is the publisher or authorized agent and employee of the publisher of the newspaper known as The Atwater Herald, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Notice of Adoption of a
Vending Machine # 6639
which is attached was cut from the columns of said newspaper, and was printed and

published once each week, for 1 successive weeks; it was first published on Wednesday, the 24 day of October, 19 90, and was thereafter printed and published on every _____ to and including _____, the _____ day of _____, 19 _____; and printed

below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: Dennis G. Baker

TITLE: Publisher

Subscribed and sworn to before me on this 24 day of October, 19 90.

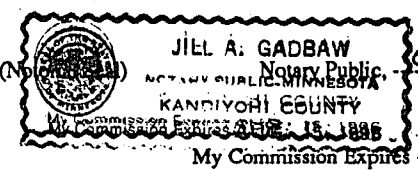
NOTICE OF ADOPTION OF A VENDING MACHINE ORDINANCE

Notice is hereby given that a hearing was held by the Kandiyohi County Board of Health on July 3, 1990 at 9:00 A.M. in the meeting room of the Willmar Fire Department, located at 515 SW 2nd St. Willmar, Minnesota. The purpose of the hearing was to adopt a Vending Machine Ordinance. Included in this Ordinance are the means to regulate actual and potential threats to public health through licensing, inspection and control of vending machines which dispense food or food products. The Vending Machine Ordinance was adopted by a unanimous vote.

A copy of the above described Ordinance is available for inspection at the Office of Environmental Services, Monday through Friday between the hours of 8:00 A.M. and 4:30 P.M. The Ordinance shall become effective upon publication of this notice.

FOR THE KANDIYOHI COUNTY BOARD OF HEALTH
WAYNE THOMPSON, COUNTY COORDINATOR
(Publish October 24, 1990)

01-160-6241 55



Jill A. Gadbow
Aug 15 19 96

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space _____
- (2) Maximum rate allowed by law for the above matter _____
- (3) Rate actually charged for the above matter _____

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An Ordinance for the Regulation and Control
of Vending Machines
in Kandiyohi County

Section I. **Purpose.** This ordinance is enacted pursuant to Minnesota Statute 145.05 and is intended to regulate actual and potential threats to public health through licensing, inspection and control of vending machines which dispense food or food products.

Section II. **Definitions.**

1. **Bulk food.** "Bulk food" means a food that when dispensed to the customer is not packaged, wrapped, or otherwise enclosed.

2. **Commissary.** "Commissary" means a catering establishment, restaurant, or other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored for use in vending machines. The term does not apply to an area or conveyance at a vending machine location used for the temporary storage of packaged food or beverages.

3. **Corrosion-resistant materials.** "Corrosion-resistant materials" means materials that maintain their original sanitary surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions of the use environment.

4. **Easily cleanable.** "Easily cleanable" means that surfaces are readily accessible and made of a material and finish and fabricated so that residues may be effectively removed by normal cleaning methods.

5. **Employee.** "Employee" means an operator or other person who:

A. handles a food, beverage, or ingredient to be dispensed through vending machines;

B. comes into contact with food contact surfaces of containers, equipment, utensils, or packaging materials used in connection with vending machine operations; or

C. services or maintains a vending machine.

6. **Food.** "Food" means a raw, cooked, or processed edible substance, beverage, or ingredient used or intended for use or for sale, in whole or in part, for human consumption.

7. **Food contact surface.** "Food contact surface" means a surface of a vending machine, appurtenance, or container that comes into direct contact with a food, beverage, or ingredient.

8. **Hermetically-sealed container.** "Hermetically sealed container" means a container that is designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.

9. **Hot liquid, food or beverage.** "Hot liquid, food or beverage" means a liquid, food, or beverage at a temperature at the time of service to the consumer of at least 150 degrees Fahrenheit (66 degrees centigrade).

10. **Law.** "Law" includes applicable federal, state and local statutes, rules, ordinances and regulations.

11. **License.** "License" means the document issued by Kandiyohi County.

12. **Machine location.** "Machine location" means the room, enclosure, space or area where one or more vending machines are installed and operated.

13. **Packaged.** "Packaged" means contained in a case, carton, can, box, wrapping, barrel, tub, bottle, vial, or other receptacle or covering.

14. **Person.** "Person" means an individual, partnership, corporation, company, titution, trustee, association, or other public or private entity.

15. **Potentially hazardous food.** "Potentially hazardous food" means food that consist, in whole or in part, of milk, milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, that is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods that have a pH level of 4.6 or below or a water activity (aW) value of 0.85 or less at 77 degrees Fahrenheit (25 degrees centigrade) and foods in hermetically-sealed containers processed to prevent spoilage.

16. **Readily accessible.** "Readily accessible" means exposed or capable of being exposed for cleaning and inspection without the use of tools.

17. **Safe materials.** "Safe materials" means materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of food. The term includes food additives or color additives as defined in section 201 (s) or (t) of the federal Food, Drug and Cosmetic Act only if they are used in conformity with regulations established under section 409 or 706 of that act. The term includes other materials only if, as used, they are not food additives or color additives as defined in section 201 (s) or (t) of the federal Food, Drug and Cosmetic Act and are used in conformity with applicable regulations of the United States Food and Drug Administration.

18. **Sanitizing.** "Sanitizing" means effective bactericidal treatment of clean food contact surfaces of utensils and equipment by an approved process that is effective in destroying microorganisms, including pathogens, without adversely affecting the product or the safety of the consumer.

19. **Single-service article.** "Single-service article" means a cup, container, lid or closure, plate, knife, fork, spoon, stirrer or paddle, straw, napkin, wrapping material, toothpick or similar article made wholly or in part from paper, foil, wood, paperboard, molded pulp, plastic, synthetic, or other readily destructible materials, and intended by the manufacturers and generally recognized by the public as to be discarded after only one usage.

20. **Vending machine.** "Vending machine" means a self-service device offered for public use that, upon insertion of a coin, coins, or token, dispenses single or multiple servings of food or beverage, either in bulk or in package, without the necessity of replenishing the device between each vending operation.

Section III. **Vending Machine Sanitation Requirements.**

1. **Standards.** Food intended for sale through vending machines must be obtained from sources complying with all laws relating to food and food labeling. The products must be in a wholesome condition and must be processed, prepared, handled, and stored to prevent contamination and adulteration. All food-contact surfaces of containers and equipment must be protected from contamination. Lamps located over exposed food storage or display must be shielded, coated or otherwise shatter-resistant.

2. **Food manufacturing.** Food offered for sale through vending machines must be manufactured, processed, and prepared in commissaries or establishments that comply with applicable laws relating to food and food labeling.

3. **Food.** Food offered for sale through vending machines must be wholesome and properly labeled.

4. **Packaged food.** Food in package form must be packaged in sanitary containers and must be handled, transported, and vended in a sanitary manner.

5. **Potentially hazardous food.** Potentially hazardous food offered for sale through vending machines must be dispensed to the consumer in a single-service original container or wrapper into which it was placed at the commissary or at the manufacturing or processing plant. Potentially hazardous food in bulk form must not be dispensed from vending machines.

6. **Potentially hazardous food temperature requirements.** Potentially hazardous food within a vending machine must be maintained at a temperature of 40 degrees Fahrenheit (five degrees centigrade), or below, or 150 degrees Fahrenheit (66 degrees centigrade), or above. Vending machines dispensing potentially hazardous food must be provided with controls that will maintain the required temperatures at all times, except during the filling or servicing of the machine and for the maximum recovery period of 30 minutes following completion of these operations. The controls must also place the machine in an inoperative condition until serviced by the operator during a power failure or other condition that may permit the food storage compartment to attain a temperature over 40 degrees Fahrenheit (five degrees centigrade), or below, or 150 degrees Fahrenheit (66 degrees centigrade), or above, whichever is applicable. Vending machines dispensing potentially hazardous foods must be provided with a numerically-scaled indicating thermometer accurate to ± 3 degrees Fahrenheit (± 1 degree centigrade), indicating the air temperature of the food storage compartment. The thermometer must be readable without opening the machine.

7. **Milk and milk products.** Fluid milk and fluid milk products offered for sale through vending machines must comply with the Grade A standards established by law and must be dispensed only in individual containers.

Fluid milk and fluid milk products and fluid nondairy products must not be dispensed in vending machines as additional ingredients in hot liquid beverages or other foods.

Section IV. Cleaning of Vending Machine.

Parts of vending machines that come into direct contact with food must be thoroughly cleaned and sanitized using methods approved by law. The frequency of cleaning and sanitizing treatment depends on the type of product being dispensed. A record of cleaning and sanitizing treatment must be maintained by the operator in each machine and must be current for at least 30 days. This part has been satisfied if the requirements in items A to C have been met.

- A. All equipment at the vending location must be kept clean. Food contact surfaces must be cleaned, rinsed, and sanitized at a frequency established by law based upon the type of product being dispensed.
- B. The cavities and door seals of microwave ovens must be cleaned with nonabrasive cleaners as often as necessary to be maintained free of encrusted grease deposits and other soil. All doors, seals, hinges and latch fasteners must be maintained tight and adjusted according to the manufacturer's procedures. Microwave ovens must comply with applicable safety standards of the United States Food and Drug Administration's Bureau of Radiological Health.
- C. Food contact surfaces of all equipment and utensils must be maintained free from contamination.

Section V. Equipment for Cleaning Vending Machines.

In lieu of permanent fixed installation of sink facilities, the person may provide portable equipment that can be moved from one location to another. The equipment must consist of detergents, sanitizers, brushes, pails, and other utility devices necessary for effective cleaning and sanitizing disinfection. Separate containers must be used for washing and rinsing operations.

Section VI. Single-Service Articles.

Single-service articles used for bulk food and beverages must be purchased in sanitary cartons or packages that protect the articles from contamination, stored in a clean, dry place until used, and handled in a sanitary manner. The articles must be stored in the original carton or package until introduced into the container magazine or dispenser of the vending machine. Single-service articles stored within the vending machine must be protected from dust, insects, manual contact, rodents and other contamination. Single-service articles such as utensils, straws, toothpicks, or similar articles must be prewrapped and maintained out of the food when included as part of the packaged vended food.

Section VII. Condiments.

Condiments must be in single-service containers and maintained out of the food when included as part of the packaged vended food.

Section VIII. Vending Machine Location.

1. **Standards.** A vending machine must be located to minimize the potential for contamination of the food, must be easily cleanable, and must be kept clean. Food, food containers, and equipment stored near the machine or in a separate room at the location must be stored at least six inches (152 millimeters) above the floor and not exposed to moisture and the area must be kept clean. This part has been satisfied if the requirements in items A and B have been met.

A. Each vending machine must be located in a room, area or space that will maintain the machine in a clean condition and protect the machine from overhead leakage of drains and pipes. Vending machines must be located so that the space around and under the machine can be readily cleaned and maintained free of insect and rodent harborage.

B. The floors under vending machines must be reasonably smooth, cleanable and capable of withstanding repeated washing and scrubbing. The immediate area surrounding a vending machine must be maintained in a clean condition.

Section IX. Exterior Machine Construction and Maintenance.

The exterior of a vending machine must be readily cleanable to prevent the entrance of insects and rodents and must be kept clean. Service connections to the machine must protect against unintentional or accidental interruption of service. This part has been satisfied if the requirements in items A to F have been met.

A. The vending machine must be of sturdy construction with the exterior designed, fabricated and finished to facilitate its cleanliness and prevent the entrance of insects and rodents.

B. Door and panel access openings to the product and container storage spaces of the machine must be tight-fitting to prevent the entrance of moisture, dust, insects, and rodents.

C. All necessary ventilation louvers on openings into vending machines must be effectively screened against insects and rodents. Screening material must not be less than 16 mesh to the inch or equivalent.

D. New vending machines with a condenser unit as an integral part of the machine must be sealed from the product and container storage areas.

E. Unless the vending machine is sealed to the floor to prevent seepage or can be manually moved with ease, one or more of the following provisions must be used to facilitate cleaning operations:

1. the machine must be mounted on legs six or more inches in height;
2. the machine must be mounted on casters or rollers; or
3. the machine must be mounted on gliders that permit it to be easily moved.

F. All service connections through an exterior wall of the machine, such as water, gas, electrical, and refrigeration connections, must be grommets or sealed to prevent the entrance of insects and rodents. Connections to utilities must discourage unauthorized or unintentional disconnection.

Section X. Interior Construction and Maintenance.

All interior surfaces and component parts of the vending machine must be designed and constructed to permit easy cleaning and must be kept clean. All food contact surfaces of the machine must be smooth, nontoxic, nonabsorbent, corrosion-resistant and must be capable of withstanding repeated cleaning and sanitizing by normal procedures. Food contact surfaces must be protected against contamination. This part has been satisfied if the requirements in items A to G have been met.

A. Nonfood contact surfaces of the interior of vending machines must be designed and constructed to permit easy cleaning and to facilitate maintenance operations. Inaccessible surfaces or areas must be minimized.

B. Food contact surfaces of vending machines must be smooth, in good repair, and free of breaks, corrosion, open seams, cracks and chipping. Food contact surfaces must be designed to prevent routine contact between food and V-type threaded surfaces. All joints and welds in food contact surfaces must be smooth with rounded internal angles and corners to facilitate cleaning.

C. All food contact surfaces of vending machines including containers, pipes, valves, and fittings, must be constructed of nontoxic, corrosion-resistant, and relatively nonabsorbent materials and must be kept clean. All containers, valves, fittings, chutes, and faucets in contact with food must be readily removable and fabricated to be easily disassembled; and when disassembled, all surfaces must be visible for inspection and cleaning. If a machine is designed so that food contact pipes or tubing are not readily removable, in-place cleaning of pipes and pipe fittings is permitted if they are arranged so that cleaning and sanitizing solutions can be circulated throughout the fixed system and the solutions will contact all interior surfaces. The system must be self-draining, and the cleaning procedures must result in thorough cleaning of the equipment.

D. The openings to all nonpressurized containers used for the storage of food and single-service articles in vending machines must be provided with covers to prevent contamination of the interior of the containers. Covers must be designed to provide a flange that overlaps the opening and must be sloped to provide drainage from the cover surface. Port openings through the cover must be flanged upward at least three-eighths inch and must be provided with a cover that overlaps the flange. Condensation-deflecting or drip-deflecting aprons must be provided on all piping, thermometers, equipment, rotary shafts, and other functional parts extending into the container, unless joints are watertight. Aprons must be of safe material for those openings that are in constant use. Gaskets, if used, must be nontoxic, relatively stable, and relatively nonabsorbent, and must have a smooth surface. Gasket retaining grooves must be readily cleanable.

E. The delivery tube, chute, and orifice of bulk food and bulk beverage vending machines must be protected from manual contact, dust, insects, rodents, and other contamination. The design must divert condensation and other moisture from the normal filling position of the container receiving the food or beverage. The vending stage of a vending machine must be provided with a tight-fitting, self-closing door or cover that is kept closed, except when the machine is in the process of delivering a food or beverage.

F. The product storage compartment within a vending machine dispensing packaged liquid products must be self-draining or must be provided with a drain outlet that permits complete draining of the compartment. The drains must be easily cleanable.

G. Opening devices that contact food or the food contact surface of the containers must be constructed of smooth, nontoxic, corrosion-resistant, and relatively nonabsorbent materials. Unless the opening device is a single-service type, it must be readily removable for cleaning and must be kept clean. Parts of multiuse opening devices coming into contact with the food or food contact surface of containers must be reasonably protected from manual contact, dust, insects, rodents, and other contamination. The parts must be readily removeable for cleaning and must be kept clean.

Section XI. Water Supply.

Water used in a vending machine must be from an approved source and must be of a safe and sanitary quality. This part has been satisfied if the requirements in items A to E have been met.

A. Water used in a vending machine must be potable and from an approved source. Water used as a product ingredient must be piped into the vending machine under pressure, and all connections and fittings must be installed in accordance with law. Containers for the storage of water must be designed and maintained as food contact surfaces. Bottled water use is not excluded.

B. Water filters or other water conditioning devices used as a part of vending machines must be of a type that can be disassembled for periodic cleaning or replacement of the active element. Replacement elements must be handled in a sanitary manner. The date of the latest replacement must be on the water device.

C. Vending machines dispensing carbonated beverages that are connected to a water supply system must be equipped with a built-in positive airgap or an approved double check type backflow preventer with intermediate atmospheric vent, or other approved devices that will provide positive protection against the entrance of carbon dioxide or carbonated water into the water supply system.

D. Check valves used for the protection of the water supply system must have a screen of not less than 100 mesh to the inch installed in the water supply line immediately upstream from the check valves in a location that permits servicing or replacement.

E. Vending machines dispensing carbonated beverages that are connected to a water supply system with the water contact surfaces from the check valves or other protective device downstream, including the device itself, must be made of safe materials to prevent the production of toxic substances that may result from interaction with carbon dioxide or carbonated water.

Section XII. Waste Disposal.

Waste must be maintained in suitable containers and properly disposed of to prevent a nuisance. This part has been satisfied if the requirements in items A to C have been met.

A. Trash and waste material must be frequently removed from the machine location and must be disposed of in a manner approved by law.

B. Self-closing, leakproof, readily cleanable, clearly labeled and designated waste containers must be provided near each machine for disposal of used single-service items. Waste containers must be located within the machine, except for those machines dispensing only packaged products with crown closures, where the closure receptacle may be located within the machine. Suitable racks or cases must be provided for multiuse containers or bottles.

C. Containers must be provided within vending machines dispensing liquid products in bulk for the collection of drip, spillage, overflow, or other liquid wastes. An automatic shutoff device must be provided that will make the vending machine inoperative before the container overflows. Containers for waste must be readily removable for cleaning, must be easily cleanable, and must be corrosion-resistant. Liquid wastes from drip, spillage, or overflow discharged into a sewerage system must have an air gap between the connection and the sewer. The sewerage system must be constructed, maintained, and operated according to law.

Section XIII. Delivery of Food, Equipment, and Supplies to Machine Location.

Food and food contact surfaces of containers, equipment, and supplies must be protected from contamination while in transit from the commissary to the machine location or its storage area. Potentially hazardous foods while in transit from a commissary must be maintained at a temperature of 40 degrees Fahrenheit (5 degrees centigrade), or below, or 150 degrees Fahrenheit (66 degrees centigrade), or above. This part has been satisfied if the requirements in items A and B have been met.

A. Food, single-service articles, and food contact surfaces in transit to vending machine locations must be protected from dirt, dust, insects, rodents, and other contamination.

B. Potentially hazardous food in transit from the commissary to vending machine locations must be maintained at a temperature of 40 degrees Fahrenheit (5 degrees centigrade), or below, or 150 degrees Fahrenheit (66 degrees centigrade), or above.

Section XIV. **Personnel Cleanliness.**

1. **Handling of food or food contact surfaces.** Employees must maintain a high degree of personal cleanliness and must conform to good hygienic practices while engaged in handling food or food contact surfaces of utensils or equipment.

2. **Servicing.** Employees must thoroughly wash their hands and exposed portions of their arms before engaging in vending machine servicing operations and after smoking, eating, or using the toilet. Employees must wear clean outer garments, must not use tobacco in any form, and must keep their fingernails clean and trimmed during servicing operations.

3. **Employee health.** No employee, while infected with a disease in a communicable form that can be transmitted by foods or who is a carrier of organisms that cause such a disease or while affected with a boil, an infected wound, or an acute respiratory infection, may work with food in any capacity in which there is a likelihood of that person contaminating food or food contact surfaces with pathogenic organisms or transmitting disease to other persons.

Section XV. **License**

A. No person, firm or corporation shall operate a vending machine which dispenses food or food products without first obtaining a license for each vending machine from Kandiyohi County.

B. A vending machine license fee shall be set annually by the Kandiyohi County Board of Commissioners. This fee shall be paid by the licensee before the machine is stocked with food or food products. Licenses must be renewed annually and shall expire on the 30th of June each year.

C. Each operator shall conspicuously post on the outside of the machine, the license and a label stating the name, address, and telephone number of the operator

Section XVI. **Existing Vending Machines.**

Vending machines in use before the effective date of sections I-XV that do not fully meet the design and fabrication requirements of sections I-XV are acceptable if they are in good repair, capable of being maintained in a sanitary condition, and in compliance with Section II, part 19.

Section XVII. **Enforcement.**

A. A person who violates any provision of this ordinance shall be guilty of a misdemeanor and may be sentenced pursuant to Minnesota Statute 609.03. Each day of operation in violation of this ordinance or any provision thereof constitutes a separate offense.

B. If a vending machine is operated in violation of any provision of this ordinance, written notice of the violation and the necessary corrective action may be sent to the operator by the Kandiyohi County Board of Health. If the operator does not correct the violations within ten (10) days of the date of notice, the Department may order immediate suspension of the license and require the operator remove the vending machine from public display.

C. If the vending machine is being operated in a manner which constitutes a substantial hazard to public health the Department may, without warning, notice or hearing, suspend the vending machine license and require the operator to immediately remove it from public display.

D. The operator may require reinstatement of the license upon a showing that all deficiencies have been corrected and that the vending machine conforms to this ordinance.

E. Suspension of the vending machine license is a separate action and does not effect the criminal liability of the operator.

F. Department decisions concerning the issuance or suspension of a vending machine license may be appealed to the Kandiyohi County Board of Health.

NOTICE OF INTENTION TO ENACT AN ORDINANCE
REGULATING THE USE OF VENDING MACHINES
IN KANDIYOHI COUNTY, MINNESOTA

Notice is hereby given that a hearing will be held by the Kandiyohi County Board of Commissioners in the meeting room at the Willmar Fire Department located at 515 SW 2nd Street, Willmar, Minnesota, at 9:15 A.M. on June 5, 1990 to consider their intention to adopt a proposed vending machine ordinance.

The purpose of this ordinance, which is enacted pursuant to Minnesota Statutes Section 28A.09, is to establish powers and duties in connection therewith, establishing standards for and regulating food vending machines in Kandiyohi County. The ordinance provides for requiring a license for the installation and inspection of vending machines, providing for enforcement of said requirements, and imposing penalties for failure to comply with these provisions, purpose and object to promote the health, welfare and safety of the public.

The Kandiyohi County Vending Machine Ordinance, proposed for adoption, is on file and available for public inspection at the office of County Auditor and Community Health Service during the hours of 8:00 A.M. and 4:30 P.M. Monday through Friday.

The hearing will continue until all persons or groups have had an opportunity to be heard concerning the adoption of said proposed ordinance.

Dated at Willmar, Minnesota, this 10th day of May, 1990.

FOR THE BOARD OF COUNTY COMMISSIONERS

Wayne Thompson
County Coordinator