



SUSANVILLE INDIAN RANCHERIA

SUSANVILLE INDIAN RANCHERIA OF LASSEN COUNTY SUSANVILLE, CALIFORNIA

FOOD SANITATION REGULATION ORDINANCE 97-4

An ordinance regulating sanitation, in food, eating and drinking establishments and definitions thereof:

WHEREAS, the Susanville Indian Rancheria desires to ensure the health and well being of all people on the reservation, residents and visitors alike; and

WHEREAS, the Susanville Indian Rancheria Tribal Business Council has established a , with the adoption of resolution No. SU-BC-22-97 on May 5, 1997; and

WHEREAS, the Susanville Indian Rancheria recognizes the need for proper food service and sanitation practices whenever food and drink are served; and

WHEREAS, it is the custom of various individuals, clubs, firms, businesses, associations, and organizations to engage in serving food and drink at various tribal functions, celebrations, and events; and

WHEREAS, it is the concern of the Susanville Indian Rancheria that operators of food stores, and restaurants, whom sell food or drink, to be in compliance with accepted sanitation practices; and

WHEREAS, it is not the intent of this Tribal Business Council Ordinance to impose unnecessary restrictions on the eating habits of the Susanville Indian Rancheria or anyone else; and

WHEREAS, the intent is to improve the food handling practices to control the spread of communicable disease that can cause illness and death, ; now

THEREFORE BE IT ORDAINED, that all food stores and restaurants who are selling food or drink, and that any and all individuals, clubs, associations or organizations, desiring to serve food and drink on any and all Susanville Indian Rancheria tribal lands or reserves, shall be licensed by the Susanville Indian Rancheria Health Board, that a condition of such a license shall be that the

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licensee agree in writing to abide by, and adhere, to the applicable sections of the:

U.S. Food and Drug Administration
1995 Food Code

as adopted by the Susanville Indian Rancheria
and made applicable to all within the
jurisdiction of the Susanville Indian Rancheria
on the Susanville Indian Rancheria.

Any questions of noncompliance with said ordinances shall rest with the Susanville Indian Rancheria Health Board or its designee who shall be appointed by the Health Board.

BE IT FURTHER ORDAINED, that the Susanville Indian Rancheria people always retained certain sacred tribal customs and traditional beliefs which are recognized by this Council and with all due respect hold the same exempt from this ordinance; and

BE IT FURTHER ORDAINED, that the fee schedule, to be determined by the Susanville Indian Rancheria Tribal Health Board, shall be payable to the tribe for each food service license application, that any decision of noncompliance shall be full and just cause for revocation of any license granted under this ordinance.

BE IT FURTHER ORDAINED, that any license revoked under this ordinance shall be reinstated only on determination of correction of the condition resulting in the finding of noncompliance and upon payment of renewal fee not to exceed the original fee; and

BE IT FURTHER ORDAINED, that an application for a temporary food service license for the Susanville Indian Rancheria and Reserves, shall include the name and address of the individual, firm, association or organization, the type of food to be served, type of cooking facilities to be used, a description of handwashing facilities available, listing of the waste disposal facilities, sources of all food supplies, and the names and addresses of all employees. A brief statement must be included to the effect that the licensee understands and will meet the Susanville Indian Rancheria requirements for the operation of a temporary food service.

An ordinance defining food, potentially hazardous food, adulterated misbranded, food service establishment, temporary food service establishment, health authority, utensils, equipment, etc., providing for the sale of only unadulterated, wholesome, properly branded food, regulation the sources of food, establishing sanitation standards for food, food protection, food service personnel, food service operation, food equipment and utensils.

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Sanitary facilities and control and other establishments, regulation and condemnation of food, providing for an incorporation by reference under the "United States Public Health Service, Food and Drug Administration 1993 Food Code:", and providing for the enforcement of this ordinance affixing of penalties.

When information as to the possibility of disease transmission is presented to the tribal government, an investigation and appropriate actions will be taken. After an investigation and for reasonable cause, the tribe may require any or all of the following:

- (a) The immediate exclusion of any employee from the affected food facility.
- (b) The immediate closing of the food facility until, in the opinion of the tribal government, no further danger of disease outbreak exists. Any appeal of the closure shall be made in writing within five days to the tribe.
- (c) A medical examination of any employee, with any laboratory examination which may be indicated and disclosure to the tribe of the conclusions of such examinations. Should a medical examination be refused by the employee, the tribal government may require the immediate exclusion of the refusing employee from that or any other food facility until an acceptable medical or laboratory examination shows that the employee is not affected with a disease in a communicable form.

BE it ordained by the Susanville Indian Rancheria Tribal Business Council as follows:

SECTION 1-The Definitions: The inspection of food service establishments the issuance; suspension and revocation of permits to operate food service establishments; the prohibiting of the sale of adulterated or misbranded food or drink; and the enforcement of this ordinance shall be regulated in accordance with unabridged form of the 1995 edition of the "United States Public Health Service, Food and Drug Administration Food Code:."

A copy of the 1995 Food Code will be maintained at the office of the Tribal Health Board. Additional copies can be obtained through:

U.S. Department of Commerce
National Technical Information Services
Springfield, VA 22161
Tel: 703-487-4650

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SECTION 2-Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than fifty (50) dollars. In addition, thereto such persons may be enjoined from continuing such violations. Each day upon such violation occurs constitutes a separate violation.

Section 3-This ordinance shall be in full force and effect three (3) months after its adoption and publication as provided by law and at that time all ordinance are hereby repeals.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, as undersigned, Secretary of the Susanville Indian Rancheria Tribal Business Council, hereby certify that this resolution was adopted by a Vote of: 4 for; 0 against; 0 abstaining, during a Tribal Business Council held on the 5th day of May, 1997.

ATTEST:



Teresa Dixon
Secretary/Treasurer



Nicolas J. Padilla
Tribal Chairman