

CHAPTER 50

RETAIL FOOD STORE SANITATION CODE

 Council Adopted

A sanitation code regulating the sale of food through retail food stores: defining food, potentially hazardous food, equipment, regulatory authority, retail food store sanitization, transportation, utensil, warewashing, etc: providing for the retail sale of only sound and safe food; regulating the sources of food; establishing sanitary standards for food, food protection, retail food store personnel, retail food store operations, food equipment and utensils, sanitary facilities and controls, and other facilities; requiring permits for the operation of retail food stores; regulating the inspection of such facilities; providing for the examination and condemnation of food; providing for incorporation by reference of the 1982 edition of the Association of Food and Drug Official's and the Food and Drug Administration's "Retail Food Store Sanitation Code"; and providing for the enforcement of this code and the fixing of penalties.

Be it ordained by the Tribal Council of the Sisseton-Wahpeton Sioux Tribe of the municipality of the Lake Traverse Reservation as follows:

- 50-01-01 The Definitions; the inspection of retail food store; the issuance, suspension, and revocation of a permit to operate a retail food store; the prohibiting of the sale of unsound food or drink; and the enforcement of this code shall be regulated in accordance with the 1982 edition of the Association of Food and Drug Official's and the Food and Drug Administration's Retail Food Store Sanitation Code, three certified copies of which shall be on file in the office of the Clerk of Courts provided that the words "Municipality....." in said code shall be understood to refer to the Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation.
- 50-02-01 Any person who is convicted of violating any of the requirement of this code shall be deemed guilty of a Class E Misdemeanor and upon conviction thereof, shall be punished by incarceration and/or suspension and revocation of permit and/or a fine of not more than \$35.00 dollars. In addition, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs constitutes a separate violation.
- 50-03-01 This code shall be in full force and effect 90 days after its adoption, and public notification as provided by law; at that time, all ordinance and parts of ordinances in conflict with this code are hereby repealed.

50-04-01 At a duly called and convened meeting, the Tribal Council retains its authority to change any part of or all of Chapter 50.

50-05-01 SEVERABILITY

If any clause, sentence, paragraph, section, or part of this code shall, for any reason be adjudicated by any Court of competent jurisdiction, to be invalid or unconstitutional, such judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which the judgement shall have been rendered.

S.W.S.T. CODE

Amendment

New Adoption

Judicial Approved

02-24-88

Council Adopted

03-01-88