

Jiibaakwaan Production Ordinance

BAY MILLS INDIAN COMMUNITY

101. TITLE AND PURPOSE – Jiibaakwaan is the original word that is used to reference food that is cooked, boiled, or canned in the Anishinaabe language. The purpose of the Jiibaakwaan Production Ordinance is to establish regulations for cottage foods produced or sold within Bay Mills Indian Community at the Bay Mills Farmer’s Market, with the goal to promote economic development and the spirit of entrepreneurship while managing food safety and foods of cultural significance that are produced or prepared in a traditionally safe manner.
102. SCOPE – The Jiibaakwaan Production Ordinance shall only apply to food produced or prepared for sale at the Bay Mills Farmer’s Market.
103. DEFINITIONS – As used in this Chapter, the following terms have the meanings prescribed herein:
 - A. “Consumer” shall mean a person or persons who have purchased a homemade food for the purpose of consuming it, or for the purpose of gifting it to another person or persons for the purpose of consuming it. Consumer shall not mean a wholesaler, distributor, restaurant, or other similar entity who purchases a food for the purpose of reselling it.
 - B. “Culturally Significant Food” shall mean all foods that have cultural and/or spiritual significance to the Bay Mills Indian Community based on the history and culture of the Tribe.
 - C. “Home Kitchen” shall mean a location inside a residential dwelling, used as a primary residence, where food is prepared.
 - D. “Home Food Production Operation” shall mean a person or persons engaged in the business of selling food prepared in a home kitchen for sale at the Bay Mills Farmer’s Market.
 - E. “Homemade Food” shall mean food prepared in a home kitchen.
 - F. “Market Master” shall mean any individual appointed supervision of the Farmer’s Market by the Bay Mills Health Center who is certified with the Michigan Farmer’s Market Association.
 - G. “Potentially Hazardous Food” shall mean a food item intended for human consumption that has been generally shown to support the growth of pathogenic bacteria or other foodborne pathogens without a time and temperature control.

- H. “Non-Potentially Hazardous Food” shall mean a food item intended for human consumption that does not require a time and temperature control, refrigeration, and has not been generally shown to support the growth of pathogenic bacteria or other foodborne pathogens. A non-exclusive list of non-potentially hazardous foods acceptable for sale as homemade foods includes:
1. Baked goods such as breads, biscuits, cookies, pastries, and tortillas that do not contain cream, custard, or meat fillings.
 2. Confectionary items, candies, chocolate covered non-perishable foods such as pretzels, nuts, and uncut fruits (exempting melons).
 3. Dried items such as dried fruit (exempting melons), dried pasta, dried spices or dried spice blends, dry baking mixes, dried teas or dried tea blends.
 4. Granola, cereal, trail mixes, fruit butters, fruit pies, honey, jams, jellies, preserves, nuts, nut butters, nut mixes, maple syrup, mustard, popcorn, popcorn balls, pickled fruits or vegetables including, but not limited to, salsas and sauces, vinegar or flavored vinegar.
- I. “Sale” shall mean homemade foods offered by a home food production operation in exchange for currency, or otherwise bartered for other legal goods and services at the Bay Mills Farmer’s Market. Sale shall not mean homemade foods sold elsewhere, donated, or otherwise gifted without expectation or demand of any form of payment on the part of the home food production operator.
- J. “Traditionally Safe Manner” shall mean ways of producing and/or preparing food using cultural practices specific to the Bay Mills Indian Community peoples that have proven to be safe over past generations.
- K. “Vendor” shall mean any person, company, business, or home food production operation that is offering something for sale at the Bay Mills Farmer’s Market.
104. SALE OF HOMEMADE FOOD – The sale of homemade food is permitted within the jurisdictional boundaries of the Bay Mills Indian Community at the Bay Mills Farmer’s Market under the following conditions:
- A. Sale of homemade food is permitted under this rule, if:

1. The food is a non-potentially hazardous food;
2. The food is a culturally significant food and/or prepared in a traditionally safe manner;
3. The food is appropriately labeled as described in Section 106 of this Ordinance; the food has not been prepared by a person or person who have a contagious illness;
4. The food has been prepared with water that meets potable water drinking standards, including all water used to clean surfaces and any equipment that will have contact with the food; and the food is sold directly to a consumer.

105. REGISTRATION AND ENFORCEMENT - Registration for a vendor license and enforcement of the Jiibaakwaan Production Ordinance for the sale of homemade food, includes:

- A. An applicant shall submit an application for a Bay Mills Farmer's Market Vendor license at least once per calendar year, and before the date planned for sale of any homemade or cottage foods.
 1. Applications must be submitted to the Market Master of the Bay Mills Farmer's Market, and kept on file with Tribal Administration.
- B. The applicant must fill out the forms approved by the Market Master of the Bay Mills Farmer's Market, and must contain the reasonable information required:
 2. The name and address of the Home Food Production Operation. (You must use the physical address of the "Home Kitchen" as defined in this Ordinance, a post office box are not adequate.)
 3. Provide reasonable contact information.
 4. Comply with the requirements and regulations promulgated under this Ordinance.
 5. Allow the Inter-Tribal Council of Michigan Food Sanitarian access to the "Home Kitchen" in order to determine with the applicable requirements of the JiiBaakwaan Production Ordinance and its regulations.

6. Pay the applicable license fee of \$25 per calendar year at the time the application is submitted, or under a payment schedule as determined by the Bay Mills Farmer's Market Master.
- C. A Bay Mills Farmer's Market vendor license may be revoked for violations under this Ordinance, upon which the Market Master of the Bay Mills Farmer's Market may suspend, revoke, or refuse to issue a license to any vendor in which that person has ownership or management interest for a period of two (2) years after the revocation.

In order to seek a new license, the vendor must:

1. Receive clearance and approval from the Inter-Tribal Council of Michigan Food Sanitarian of their "Home Kitchen" operations, and
 2. Receive clearance and approval from the Market Master of the Bay Mills Farmer's Market regarding updated compliance with the Jiibaakwaan Production Ordinance.
106. LABELING – Homemade food sold must include a label on the product or product packaging that contains the following information in at least 12-point font:
- D. Name and physical address of the Home Food Production Operation. (You must use the physical address of the "Home Kitchen" as defined in this Ordinance, a post office box are not adequate.)
 - E. Name of the Homemade Food.
 - F. The ingredients of the Homemade Food product, in descending order of predominance by weight. This includes premade or prepared items in the Homemade Food product recipe.
 - G. If the food is a culturally significant food produced and/or prepared in a traditionally safe manner, the disclosure "Made in a home kitchen not inspected by the Bay Mills Indian Community and processed in a traditional manner" and "Not for resale beyond the Bay Mills Indian Community boundaries" must appear on a label affixed to the product packaging.
 - H. For all other homemade foods, the disclosure "Made in a home kitchen not inspected by the Bay Mills Indian Community" must appear on a label affixed to the product packaging.
 - I. If the food is sold without packaging, the required disclosures must appear on a sign or tag that is a) clearly visible to customers; and b) that is placed

within one foot (twelve inches) of where the food is displayed for sale; and c) the required disclosures must appear in a font size no smaller than the smallest font used on the sign or tag, and in no cases shall it be smaller than 12 point font.

107. STORAGE OF HOMEMADE FOODS – Homemade food must be stored in a sanitary, dry, climate-controlled area within a residential dwelling.
108. COMPLIANCE WITH OTHER LAWS - Homemade food sold, and home food production operators must comply with all other applicable tribal and federal laws, treaties, and regulations, including tribal subsistence hunting, fishing, and gathering laws or regulations.
109. EXEMPTIONS – Non-Profit organizations, establishments, entities, or committees that are that are selling products to raise funds for charitable purposes.
110. IMPLEMENTATION – After the passage of this Ordinance, there shall be a period of ninety (90) days for Vendors and Home Food Production Operations to come in compliance and meet the outlined requirements and regulations.

Certification

This is to certify that the above Jiibaakwaan Production Ordinance was adopted at a meeting of the Bay Mills Indian Community Executive Council held at Bay Mills, Michigan on July 23, 2019 by acclamation.