

CHAPTER 116: FOOD DEALERS AND ESTABLISHMENTS

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§ 116.01 PURPOSE.

A chapter defining food, potentially hazardous food, retail food establishment (the term **RETAIL FOOD ESTABLISHMENT** as used in this chapter shall mean either a food service establishment or a retail food store); also defining mobile food unit, temporary food service establishment, regulatory authority, utensils, equipment, and the like; providing for the sale of only sound, properly labeled food; regulating the source of food; establishing sanitation standards for food, food protection, food personnel,

food operations, food equipment and utensils, sanitary facilities and controls, and other facilities; requiring permits, licenses, or certificates for the operation of the food service establishments and retail food stores; regulating the inspection of such establishments; providing for compliance procedures; providing for the incorporation by reference (ILCS Ch. 65, Act 5, §§ 1-3-1 *et seq.*) of the 1996 and all subsequent editions of; or amendments to, the Illinois Department of Public Health's publication currently titled, "Food Service Sanitation Code," that are on file with the Secretary of State; providing for the incorporation by reference of the 1992 and all subsequent editions of; or amendments to, the Illinois Department of Public Health's publication currently titled, "Retail Food Store Sanitation Code," that are on file with the Secretary of State; and providing for the enforcement of this chapter including the filing of action for injunctive relief; and the fixing of penalties for violation.

(Ord. 1680, passed 8-18-97)

§ 116.02 PERMITS, LICENSES, INSPECTIONS.

The issuance, suspension, and revocation of permits, licenses, or certificates to operate retail food establishments; the prohibiting of the sale of unsound or mislabeled food or drink; and the enforcement of this chapter shall be regulated in accordance with § 116.04 of this chapter concerning the compliance procedures. The inspection of food service establishments shall be regulated in accordance with the 1996 and all subsequent editions of, or amendments to, the Illinois Department of Public Health's publication currently titled, *Food Service Sanitation Code*, that are on file with the Secretary of State. The inspection of retail food stores shall be regulated in accordance with the 1992 and all subsequent editions of, or amendments to, the Illinois Department of Public Health's publication currently titled, *Retail Food Store Sanitation Code*, that are on file with the Secretary of State. The village or its duly authorized agent shall be the authority having jurisdiction for the enforcement of this chapter.

(Ord. 1680, passed 8-18-97; Am. Ord. 1903, passed 4-21-2003)

§ 116.03 COMPLIANCE PROCEDURES; GENERAL.

No person shall operate a food establishment who does not have a valid permit, license or certificate issued to them by the village. Only a person who complies with the requirements of this chapter shall be entitled to receive or retain such a permit, license, or certificate. Permits, licenses, or certificates are not transferable. A valid permit, license or certificate shall be posted in every food establishment.

(Ord. 1680, passed 8-18-97) Penalty, see § 116.99

§ 116.04 ISSUANCE OF PERMIT, LICENSE OR CERTIFICATE.

(A) Any person desiring to operate a food establishment shall make written application for a permit, license, or certificate on forms provided by the village.

(B) Such application shall include the name and address of each applicant, the location and type of the proposed food establishment, and the signature of each applicant.

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(1) Prior to approval of an application for a permit, license, or certificate, the village shall inspect the proposed food establishment to determine compliance with the requirements of this chapter.

(2) The village shall issue a permit, license, or certificate to the applicant if its inspection reveals that the proposed food establishment complies with the requirements of this chapter. (Ord. 1680, passed 8-18-97; Am. Ord. 1903, passed 4-21-2003)

§ 116.05 SUSPENSION OF PERMIT, LICENSE OR CERTIFICATE.

(A) The village may, without warning, notice, or hearing, suspend any permit, license, or certificate to operate a food establishment if the holder of the permit, license, or certificate does not comply with the requirements of this chapter, or if the operation of the establishment does not comply with the requirements of this chapter, or if the operation of the food establishment otherwise constitutes a substantial hazard to public health including failure to reimburse the village for inspection or reinspection fees within 45 days of the date of the original invoice. Suspension is effective upon service of the notice required by § 116.06 of this chapter. When a permit, license, or certificate is suspended, food operations shall immediately cease.

(B) Whenever a permit, license, or certificate is suspended, the holder of the permit, license, or certificate, or the person in charge shall be notified in writing that the permit, license, or certificate is, upon service of the notice, immediately suspended. The village may end the suspension at any time if reasons for the suspension no longer exist. (Ord. 1680, passed 8-18-97; Am. Ord. 1759, passed 4-17-2000)

§ 116.06 REVOCATION OF PERMIT, LICENSE, OR CERTIFICATE.

(A) The village may revoke the permit, license, or certificate for serious or repeated violations of any of the requirements of this chapter or for the interference with the village in the performance of duty.

(B) Prior to revocation, the village shall notify, in writing, the holder of the permit, license, or certificate, or the person in charge, of the specific reason(s) for which the permit, license, or certificate is to be revoked. (Ord. 1680, passed 8-18-97; Am. Ord. 1903, passed 4-21-2003)

§ 116.07 SERVICE OF NOTICES.

A notice provided for in this chapter is properly served when it is delivered to the holder of the permit, license, or certificate, or the person in charge, or when it is sent by registered or certified mail,

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return receipt requested, to the last known address of the holder of the permit, license, or certificate. A copy of the notice shall be filed in the records of the village.
(Ord. 1680, passed 8-18-97)

§ 116.08 MEANS OF APPEAL.

Any person shall have the right to appeal a decision of the code official to the board of appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted or the provisions of this code do not fully apply. The appeal process shall be governed by the provisions described in the BOCA National Building Code, 1996 Edition, as amended by Ordinance No. 1573.
(Ord. 1680, passed 8-18-97)

§ 116.09 APPLICATION AFTER REVOCATION.

Whenever a permit, license, or certificate has been revoked, the holder of the revoked permit, license, or certificate may make written application for a new permit, license, or certificate.
(Ord. 1680, passed 8-18-97)

§ 116.10 INSPECTION FREQUENCY.

(A) Inspections of food establishments shall be performed at a frequency necessary to protect the public health and at a minimum shall be performed in accordance with the following schedule:

<i>Category</i>	<i>Fee</i>
Retail Food Store	Semiannually
Food Service Establishment	Quarterly

(B) The category of a food establishment shall be determined in accordance with the definitions of **RETAIL FOOD STORE** and **FOOD SERVICE ESTABLISHMENT** as contained in the Illinois Department of Public Health's publications titled "*Retail Food Store Sanitation Code*" and "*Food Service Sanitation Code*", respectively.
(Ord. 1680, passed 8-18-97; Am. Ord. 1903, passed 4-21-2003)

§ 116.11 ACCESS.

The village upon proof of identity shall be permitted to enter any food establishment at any reasonable time to perform inspections.
(Ord. 1680, passed 8-18-97; Am. Ord. 1903, passed 4-21-2003)

§ 116.12 REPORT OF INSPECTIONS.

Whenever an inspection of a food establishment is made, the findings shall be recorded on the inspection report form set out in § 116.15 of this chapter. The inspection report form shall summarize the requirements of this chapter and shall set forth a weighted point value for each requirement. Inspectional remarks should be written to reference, by item number, the item violated and should state the correction to be made. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from 100. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.
(Ord. 1680, passed 8-18-97)

§ 116.13 CORRECTION OF VIOLATIONS.

The completed inspection report form shall specify a reasonable period of time for the correction of the violations found; and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:

(A) If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease food operations. Operations shall not be resumed until authorized by the village.

(B) All violations of four or five point weighted items shall be corrected as soon as possible, but in any event, within ten days following inspection. A follow-up inspection to confirm correction may be conducted at the discretion of the village.

(C) All one or two point weighted items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection.

(D) When the rating score of the establishment is less than 60, the establishment shall initiate corrective action on all identified violations within 48 hours. One or more reinspections may be conducted at reasonable time intervals to assure correction.

(E) In the case of temporary food establishments, all violations shall be corrected within 24 hours. If violations are not corrected within 24 hours, the establishment shall immediately cease food operations until authorized to resume by the village.

(Ord. 1680, passed 8-18-97; Am. Ord. 1903, passed 4-21-2003)

§ 116.14 CESSATION OF FOOD OPERATIONS.

The inspection report shall state that failure to comply with any time limits for corrections may result in cessation of food operations.

(Ord. 1680, passed 8-18-97)

§ 116.15 RESUMPTION OF OPERATIONS.

Whenever a food establishment is required under the provisions of § 116.13 of this chapter to cease operations, it shall not resume operations until it is shown on reinspection that conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time.

(Ord. 1680, passed 8-18-97)

§ 116.16 INSPECTION REPORT FORM.

The inspection report form approved and used by the Cook County Department of Public Health shall be used for all inspections as initiated under this chapter.

(Ord. 1680, passed 8-18-97)

§ 116.17 EXAMINATION AND CONDEMNATION OF FOOD.

Food may be examined or sampled by the village as often as necessary for enforcement of this chapter. Upon written notice to the owner or person in charge, the village may place a hold order on any food which it believes is in violation of this chapter. The notice shall specify the reasons for the hold order. The village shall tag, label, or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served, destroyed or moved from the establishment until such time that the hold order is lifted by the village. Food found to be in violation of this chapter or a risk to public health shall be immediately destroyed upon notice from the village.

(Ord. 1680, passed 8-18-97; Am. Ord. 1903, passed 4-21-2003)

§ 116.18 RESERVED.**§ 116.19 PRE-OPERATIONAL INSPECTION.**

Prior to the start of operations of a new or remodeled food establishment, the village shall perform an inspection to determine compliance with this chapter.

(Ord. 1680, passed 8-18-97; Am. Ord. 1903, passed 4-21-2003)

§ 116.20 PROCEDURE WHEN INFECTION IS SUSPECTED.

(A) When the village has reasonable cause to suspect possible disease transmission by an employee of a food establishment, it may secure a morbidity history of the suspected employee or make any other investigation as indicated.

(B) The village may require any or all of the following measures:

(1) The immediate exclusion of this employee from employment in food establishments;

(2) The immediate closing of the food establishment concerned until no further danger of disease outbreak exists;

(3) Restriction of the employee's services to some area of the food establishment where there would be no danger of transmitting disease;

(4) Adequate medical and laboratory examination of the employee and other employees and of his/her and their body discharges.

(Ord. 1680, passed 8-18-97; Am. Ord. 1903, passed 4-21-2003)

§ 116.21 REINSPECTION COSTS.

In the event a reinspection is deemed necessary by the inspector, the cost of any and all subsequent reinspections shall be borne by the holder of the permit, license, or certificate. The cost for any reinspection shall be \$40.

(Ord. 1680, passed 8-18-97; Am. Ord. 1759, passed 4-17-2000; Am. Ord. 1903, passed 4-21-2003)

§ 116.22 CONDITIONAL PERMIT, LICENSE, OR CERTIFICATE.

When structural, plumbing, electrical, ventilation, or similar such defects exist in an established food facility that may require significant expenditures to correct, but are not considered to be imminent health hazards, a conditional permit, license, or certificate may be granted at the discretion of the village. Under no circumstances will a conditional permit, license, or certificate be issued for more than two consecutive 12-month periods. The purpose of the conditional license or permit is to allow a reasonable period of time for correction of existing defects.

(Ord. 1680, passed 8-18-97)

§ 116.23 INJUNCTIONS.

The village shall have the right to apply to a court of law to enjoin any person or establishment in the event violations occur on a continuing basis.

(Ord. 1680, passed 8-18-97)

§ 116.99 PENALTY.

Any person violating the provisions of this chapter shall be fined not more than \$750 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation continues.

(Ord. 1680, passed 8-18-97)