

## CHAPTER 15

### RETAIL FOOD STORES, FOOD SERVICE ESTABLISHMENTS AND FOOD DEALERS

#### 15.01 FOOD SERVICE SANITATION CODE

It shall be unlawful for any person to maintain, own, operate, or conduct any premises in violation of the Food Service Sanitation Code issued by the Illinois Department of Public Health, as amended from time to time, which Code is hereby adopted by reference.

#### 15.02 RETAIL FOOD STORE SANITATION CODE

It shall be unlawful for any person to maintain, own, operate, or conduct any premises in violation of the Retail Food Store Sanitation Code issued by the Illinois Department of Public Health, as amended from time to time, which Code is hereby adopted by reference.

#### 15.03 FOOD, DRUGS AND COSMETICS

It shall be unlawful for any person to maintain, own, operate, or conduct any premises in violation of the Illinois Food, Drug and Cosmetic Act (410 ILCS 620/1, *et seq.*)

#### 15.04 FOOD ESTABLISHMENT PERMIT REQUIRED

No person shall own, operate or maintain a food establishment (defined as any food service establishment, food processing establishment, retail food store, or commissary operation) without having obtained a food establishment permit, which shall be issued only upon compliance with the terms of this Chapter. Food establishment permits are not transferable between locations or permittees. All food establishment permits shall be posted in a conspicuous place for viewing by the public.

An application for a food establishment permit shall be made upon such forms as provided by the City Clerk. A food establishment permit shall be valid for a period of 6 months unless otherwise stated thereon.

Prior to the issuance of a food establishment permit by the City, the premises shall be inspected by the Cook County Department of Public Health for compliance with the terms of this Chapter.

#### 15.05 FOOD ESTABLISHMENT PERMIT FEES

The annual fee for obtaining a food establishment permit shall be \$25.00 plus the actual costs of inspection paid by the City to any private or public entity performing inspections.

#### 15.06 ACCESS

All food establishments shall make its premises and records available for inspection at any reasonable time to employees of the City and the Cook County Department of Public Health.

#### 15.07 INSPECTION REPORT

An inspection report shall be made on the Retail Food Sanitary Inspection Report form promulgated by the Cook County Department of Public Health. The inspection report shall summarize the requirements of this Chapter and shall set forth a weighted point value for each requirement. Indication of any violation and correction necessary shall be noted thereon. The rating score shall be the total of the weighted point values for all violations subtracted from 100.

A copy of the completed inspection report shall be furnished to the premises at the conclusion of the inspection.

#### **15.08 CORRECTION OF VIOLATIONS**

(a) The completed inspection report shall specify a period of time for correction of violations. It shall be the duty of any person operating a food establishment to correct the violations in accordance with the following:

(1) If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup, the establishment shall immediately cease food operations. Operations shall not be resumed until authorized by the Cook County Department of Public Health.

(2) All violations of 4 or 5 point weighted items shall be corrected as soon as possible, but in any event, within 10 days following inspection. A follow-up inspection shall be conducted to confirm correction at the discretion of the Cook County Department of Public Health.

(3) All 1 or 2 point weighted items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection.

(4) When the rating score is less than 60, corrective action shall be initiated on all identified violations within 48 hours. Reinspections will be conducted thereafter to assure correction.

(5) In the case of temporary food establishments, all violations shall be corrected with 24 hours. If violations are not corrected within 24 hours, the establishment shall immediately cease food operations until authorized to resume by the Cook County Department of Public Health.

(b) The inspection report shall state that failure to correct violations within the time specified may result in prosecution.

(c) An opportunity for hearing on the inspection findings, and the time limits for corrections will be provided in the event that a written hearing request is filed with the City Clerk within 10 days of service of the inspection report. Such hearing shall be commenced within 10 days of receipt of the written hearing request.

(d) Whenever any food establishment is ordered to cease food operations, it shall not resume the same until a reinspection is made showing that the conditions responsible for the cessation have been corrected. Opportunity for reinspection shall be offered within a reasonable time.

#### **15.09 EXAMINATION AND CONDEMNATION OF FOOD**

Food may be examined or sampled by the Cook County Department of Public health as often as necessary for enforcement of this Chapter. The Cook County Department of Public Health may, upon written notice to the owner or person in charge, specifying with particularity the reasons therefor, place a hold order on any food which it believes to be unsafe for human consumption in violation of any provision of this Chapter. The Cook County Department of Public Health shall tag, label, or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served, or moved from the establishment. The Cook County Department of Public Health shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a written request for hearing may be filed within 10 days and that if no hearing is requested the food shall be destroyed. If a request for hearing is received, the hearing shall be held within 10 days after receipt of the request. On the basis of evidence produced at that hearing, the hold order may be vacated, or the owner or person in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of this Chapter.

## **15.10 SUBMISSION OF PLANS**

Prior to construction, remodeling, or conversion of a structure which will be a food establishment; plans and specifications shall be submitted to the Building Department and to the Cook County Department of Public Health for approval. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, construction materials, equipment and such other items required by the Building Code. No food establishment shall be constructed, remodeled or converted except in accordance with plans and specifications approved by the Building Commissioner and the Cook County Department of Public Health.

## **15.11 PRE-OPERATIONAL INSPECTION**

Any food establishment required to submit plans and specifications under Section 15.11 shall be inspected and approved by the Cook County Department of Public Health prior to the commencement of food operations.

## **15.12 PROCEDURE WHEN INFECTION IS SUSPECTED**

When the Cook County Department of Public Health 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 investigations as indicated and shall take appropriate action. The Cook County Department of Public Health may require any or all of the following measures:

- (a) The immediate exclusion of the employee from employment in food establishments;
- (b) The immediate closing of the food establishment concerned until, in the opinion of the Cook County Department of Public Health, no further danger of disease outbreak exists;
- (c) Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease;
- (d) Adequate medical and laboratory examination of the employee, other employees and their body discharges.

## **15.13 SUSPENSION OF FOOD ESTABLISHMENT PERMIT**

The City may; without warning, notice or hearing suspend any food establishment permit if the permittee does not comply with the requirements of this Chapter or if the operation of the food establishment constitutes a substantial hazard to the public health, safety and welfare. Suspension of food operations is effective upon the serving of a written notice to the permittee specifying the reasons for which the food establishment permit is being suspended. The written notice of suspension shall state that a written request for hearing may be filed within 10 days. If a request for hearing is received, the hearing shall be held within 10 days after receipt of the request. If no hearing is requested the suspension shall be final. The suspension may be lifted at any time if the reasons for the same have been corrected.

#### **15.14 REVOCATION OF FOOD ESTABLISHMENT PERMIT**

The City may, after notice and providing opportunity for a hearing, revoke any food establishment permit if the permittee does not comply with the requirements of this Chapter or if the operation of the food establishment constitutes a substantial hazard to the public health, safety and welfare. Prior to revocation, a written notice shall be served on the permittee specifying the reasons for which the food establishment permit is being revoked. The written notice of proposed revocation shall state that the food establishment permit shall be revoked at the end of a 10-day period unless a written request for hearing is filed within 10 days. If a request for hearing is received, the hearing shall be held within 10 days after receipt of the request. If no hearing is requested, the revocation shall be final.

#### **15.15 REINSTATEMENT AFTER REVOCATION**

Whenever a food establishment permit has been revoked, food operations shall only resume in those premises upon approval of a new food establishment permit after application therefor.

#### **15.16 SERVICE OF NOTICES**

Any notice required to be served on any permittee or food service establishment may be delivered in person to the permittee, or any person in charge of the food service establishment, or may be sent by certified mail, return receipt requested, to the permittee at the address maintained on City records or at the food establishment.

#### **15.17 HEARINGS**

Any hearing provided for in this Chapter shall be conducted by a person designated by the Mayor at such time and place as designated by the hearing officer. The hearing shall be transcribed by a certified court reporter. The hearing officer shall make his decision based upon all competent evidence presented at the hearing. A written decision shall be furnished to the permittee within 5 days after conclusion of the hearing.

#### **15.18 CONDITIONAL FOOD ESTABLISHMENT PERMIT**

Whenever any structural, plumbing, electrical, ventilation, or similar such defects exist in a food service establishment that may require significant expenditures to correct, but are not considered to be imminent health hazards, a conditional food establishment permit may be granted by the City upon the recommendation of the Cook County Department of Public Health. Under no circumstances will conditional food establishment permits be issued for more than 24 consecutive months. The purpose of the conditional food establishment permit is to allow a reasonable period of time for correction of existing defects.

#### **15.19 MOBILE FOOD VENDORS**

(a) It shall be unlawful for any person to maintain, own, or operate as a mobile food vendor on any public right-of-way or on any private property except for ice cream, ice milk, and ice cream bar vendors.

(b) Any permitted vendor must obtain a City license and must pay the license fee required in Section 31.02(a) for each vehicle. Each vehicle must be inspected and approved by the Cook County Department of Public Health.

(c) No vending shall be permitted before the hour of 9:00 a.m. nor after the hour of 9:00 p.m. for the period of Memorial Day through Labor Day. At any other time, no vending shall be permitted before 9:00 a.m. or after sunset.

(d) All vending must comply with the provisions of the Illinois Vehicle Code, City ordinances, and state law. No noise device shall be used in such a manner as to disturb persons within a residence.