

Council Bill/General Ordinance No. 3004-2023

Sponsor: _____

AN ORDINANCE

AMENDING Chapter 14, "FOOD AND FOOD HANDLERS," of the Moline Code of Ordinances, by repealing Chapter 14 in its entirety and enacting in lieu thereof one new Chapter 14 "FOOD SANITATION" dealing with the same subject matter.

WHEREAS, the City is an Illinois municipal corporation possessing home rule powers under Section 6 of Article VII of the Illinois Constitution; and

WHEREAS, City staff has decided to do a complete review of all chapters of the Moline Code of Ordinances to correct those items that are merely housekeeping in nature; and

WHEREAS, due to requirements from the Illinois Department of Public Health (IDPH) that includes the adoption of U.S. Food & Drug Administration (FDA) food code to create uniformity throughout the State of Illinois for food inspections, said changes are necessary; and

WHEREAS, the City Council finds that a number of housekeeping changes are necessary in Chapter 14 of the Moline Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:


Section 1 – That Chapter 14, "FOOD AND FOOD HANDLERS," of the Moline Code of Ordinances, is hereby amended by repealing Chapter 14 in its entirety and enacting in lieu thereof one new Chapter 14, "FOOD SANITATION" dealing with the same subject matter, which shall read as attached (additions in underline; deletions in strikethrough):

Section 2 – All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give effect to the provisions of this Ordinance.

Section 3 – This ordinance and every provision thereof shall be considered severable. If any word, phrase, clause, sentence, paragraph, provision, section, or part of this Ordinance is found to be void, unconstitutional, or otherwise unenforceable, all remaining portions of this Ordinance not so declared void, unconstitutional, or unenforceable shall remain in full force and effect.

Section 4 – This Ordinance will be in full force and effect upon passage, approval and publication in pamphlet form in the manner provided by law.

CITY OF MOLINE, ILLINOIS

DocuSigned by:


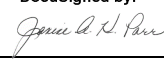
Mayor

February 21, 2023

Date

Passed: February 21, 2023

Approved: March 7, 2023

Attest: 

City Clerk

~~CHAPTER 14 -~~
~~FOOD SANITATION AND FOOD HANDLERS~~

~~—Art. I. In General, §14-1100 - §14-1103~~

~~Adoption by Reference, §14-1100 - §14-1101~~

~~—Art. II. Restaurants and Other Food Service Establishments~~

~~—Div. 1. In General, §14-22100~~

~~—Div. 2. License, §14-22200 - §14-222064~~

~~—Div. 3. Door to Door Sales of Food Cottage Food Operations, §14-32300 - §14-2305~~

~~—Div. 4. Broker's License, §14-2400~~

~~—Art. III. Administration & Enforcement~~

~~—Div. 1. In General, §14-33100 - 14-33107~~

~~—Div. 2. Inspections, §14-33200 - 14-33205~~

~~—Div. 3. Additional Training Requirements, §14-33300 - §14-3302~~

~~—Art. IV. Equipment & Plan Approval, §14-44100~~

~~ARTICLE I. ADOPTION BY REFERENCE~~ IN GENERAL

SEC. 14-1100. FOOD SERVICE SANITATION RULES & REGULATIONS.PURPOSE.

The purpose of this ordinance is to safeguard public health in food operations and provide consumers with food that is safe, unadulterated, and honestly presented. This is accomplished through educating food establishment owners and operators in the reduction or elimination of the risk of transmission of microorganisms or communicable diseases through food preparation and operations, and promoting safe food handling and hygienic practices.

SEC. 14-1101. SCOPE.

Regulations provided within this ordinance provide the requirements needed for issuance of licenses, inspections, enforcement actions, and plan approval. Definitions and standards for management and personnel, inspections, equipment, food operations, and physical facilities are also included in this ordinance.

Commented [MA1]: The changes to this ordinance were needed in order to update the City of Moline's regulations to the requirements from the Illinois Department of Public Health (IDPH). This ordinance has not been updated to the recent code adoptions per-IDPH. Illinois adopted the FDA food code in 2016 to create uniformity throughout the state for food inspections. A uniform inspection report was also adopted by health departments in 2018 to promote a risk-based inspection. PART 760 RETAIL FOOD STORE SANITATION CODE was repealed effective December 6, 2013. The Home-to-Market Act went into effect 1/1/22 and is regulated at the county-level.

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—For the purpose of prescribing regulations protecting the public from food borne disease, certain regulations known as Food Service Sanitation Regulations, as recommended by the State of Illinois Department of Public Health, being particularly the 1996 Edition thereof, and any future revisions or addenda thereto as amended or revised from time to time by said department are hereby adopted by reference as the "Moline Food Service Sanitation Regulations," of which not less than three (3) copies have been and are now filed in the office of the Clerk/Legal Records' Office of the City of Moline, and the same are hereby adopted and incorporated as fully set out at length herein.

SEC. 14-111012. RETAIL FOOD STORE SANITATION RULES & REGULATIONS ADOPTION BY REFERENCE.

In addition to those provisions set forth herein, this ordinance hereby adopts by reference and incorporates the current edition and subsequent revisions of, and shall be interpreted and enforced in accordance with the provisions set forth in the Illinois Food Code 77 ILL. Adm. Code 750, Food Handling Enforcement Act 410 ILCS 625, 2017 FDA Food Code, and the "Bed and Breakfast Act". One copy of each shall be on file in the office of the City of Moline Clerk/Legal Records. — For the purpose of prescribing regulations protecting the public from food borne disease, certain regulations known as Retail Food Store Sanitation Regulations, as recommended by the State of Illinois Department of Public Health, being particularly the 1993 Edition thereof, and any future revisions or addenda thereto as amended or revised from time to time by said department are hereby adopted by reference as the "Moline Food Store Sanitation Regulations," of which not less than three (3) copies have been and are now filed in the office of the Clerk/Legal Records' Office of the City of Moline, and the same are hereby adopted and incorporated as fully set out at length herein.

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ARTICLE II. RESTAURANTS & OTHER FOOD SERVICE ESTABLISHMENTS

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DIVISION 1. IN GENERAL

SEC. 14-211030. DEFINITIONS.

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—As used in this section, the following terms shall have the meanings ascribed to them:

(1) **Adulterated** shall mean the condition of a food:

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a. If it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health;

b. If it bears or contains an added poisonous or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established;

c. If it consists, in whole or in part, of any filthy, putrid or decomposed substance, or if it is otherwise unfit for human consumption;

d. If it has been processed, prepared, packaged, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

e. If it is, in whole or in part, the product of a diseased animal or an animal which has died otherwise than by slaughter;

f. If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

g. If the food product is not in compliance with the temperature and labeling requirements set forth in Sec. 750.140 of the Moline Food Sanitation Regulations, the Code.

(2) **Approved** shall mean acceptable to the ~~h~~Health ~~A~~uthority based on determination as to conformance with required standards and good public health practice.

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(3) **Category I facility** shall mean a food establishment that presents a high relative risk of causing food-borne illness, based on the large number of food handling operations typically implicated in food-borne outbreaks and/or the type of population served by the facility. Category I facilities include those where the following operations occur:

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a. Potentially hazardous foods are cooled, as part of the food handling operation at the facility;

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b. Potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;

c. Potentially hazardous cooked and cooled foods must be reheated;

d. Complex preparation of foods or extensive handling of raw ingredients with hand contact for ready-to-eat foods occurs as part of the food handling operations at the facility;

e. Vacuum packaging, other forms of reduced oxygen packaging, or other special processes that require a Hazard Analysis Critical Control Point (HACCP) plan; or

f. Immunocompromised individuals, such as the elderly, young children under age four and pregnant women are served, in a facility in which these individuals compose the majority of the consuming population.

(4) **Category II facility** shall mean a food establishment that presents a medium relative risk of causing food-borne illness, based upon few food handling operations typically implicated in food-borne illness outbreaks. Category II facilities include those where the following operations occur:

a. Hot or cold foods are held at required temperatures for no more than 12 hours and are restricted to same day services;

b. Foods are prepared from raw ingredients, using only minimal assembly; or

c. Foods that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food-processing plants, high-risk food service establishments or retail food stores.

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(5) **Category III facility** shall mean a food establishment that presents a low relative risk of causing food-borne illness, based upon few or no food handling operations typically implicated in food-borne illness outbreaks. Category III facilities include those where the following operations occur:

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a. Only potentially hazardous foods commercially pre-packaged in an approved processing plant are available or served at the facility;

b. Only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or

c. Only beverages (alcoholic and non-alcoholic) are served at the facility.

(6) **Cease and desist order** shall mean a written order issued by the health authority which directs the responsible person to immediately stop doing or allowing a specific action to occur. A cease and desist order may or may not include a direction to completely cease operations at an establishment. A cease and desist order may include a timeframe to achieve compliance as long as there is not an imminent health hazard to public health or safety.

(7) **Commissary** shall mean a licensed food establishment in which food, containers, or supplies are kept, handled, prepared, packaged, washed, and/or stored.

(8) **Core item** shall mean a provision in the Food Code that is not designated as a priority item or a priority foundation item. "Core item" includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

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(9) **Critical control point** shall mean any point or procedure in a specific food processing or packaging operation where loss of control may result in an unacceptable health risk.

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(10) **Customer convenience counter** shall mean an area located within a licensed retail food establishment containing, without limitation, soda dispensing machine, microwave oven for prepackaged foods, coffee machine, pastries from a licensed facility, or hot chocolate machine. No potentially hazardous foods shall be included within this definition.

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(11) **Embargo** shall mean an order issued by the health authority that acts as a temporary isolation or quarantine of food or equipment the health authority believes or has reason to believe is in violation of this ordinance.

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(12) **Event coordinator** shall mean any person or organization that is responsible for organizing and planning an event at which three or more temporary food establishments and/or mobile food units operate.

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(13) **Event participant or operator** shall mean any person providing/serving food, with or without charge, at an event at which one or more temporary food service establishments or mobile food units operate.

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(14) **Follow-up inspection** shall mean inspection(s) necessary to ensure corrective actions have been taken to correct Food Code violations documented during previous inspection(s). A follow-up inspection may be a charged inspection depending on the nature of the Food Code violations requiring a follow-up inspection.

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(15) **Food establishment** shall mean an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption.

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Such as:

a. A restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and

b. That relinquishes possession of food to a consumer directly or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

c. "Food establishment" includes:

1. An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority; and

2. An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food.

d. "Food establishment" does not include:

1. An establishment that offers only prepackaged foods that are not potentially hazardous;

2. A produce stand that only offers whole, uncut fresh fruits and vegetables;

3. A food processing plant;

4. A kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function such as a religious or charitable organization's bake sale if allowed by law, and if the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority;

5. An area where food that is prepared as specified in subparagraph (d)(4) of this definition is sold or offered for human consumption;

6. A kitchen in a private home, such as a small family day care provider; or a bed-and-breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed six (6), breakfast is the only meal offered, the number of guests served does not exceed eighteen (18), and the consumer is informed by statements contained in published advertisements, mailed brochures, or placards posted at the registration area, that the food is prepared in a kitchen that is not regulated and inspected by the regulatory authority;

7. A private home that receives catered or home-delivered food; or

8. A cottage food operation.

(16) **Hazard Analysis Critical Control Point (HACCP) plan** shall mean a comprehensive food safety control plan that includes a step-by-step description of the food processing, packaging and storage procedure, including identification of critical control points (CCPs); the food-contact surface cleaning and sanitizing procedures; lot identification procedure; and training procedures.

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(17) **Health authority** shall mean the environmental health specialist or a person designated by the building official to act with authority.

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(18) **Hearing** shall mean a meeting requested by the license holder or representative to the health authority to determine if a food license should be suspended or revoked; or to determine whether an order from the health authority to deny, suspend, or revoke said food license should be withdrawn.

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(19) **Hybrid Inspection** shall mean an inspection combining an onsite component with an offsite component that may include electronic, telephone, or virtual communication prior to the site visit.

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(20) **Imminent health hazard** shall mean a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury, based on:

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a. The number of potential injuries;

b. The nature, severity, and duration of the anticipated injury. Examples of imminent health hazards include but are not limited to:

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1. Fire;

2. Flood;

3. Extended interruption of electrical service;

4. Extended interruption of water service;

- 5. Sewage backup;
- 6. Misuse of poisonous or toxic materials;
- 7. Onset of an apparent foodborne illness outbreak;
- 8. Persons with disease or infection which can be transmitted by food or drink are not restricted to prevent food contamination within the food service establishment;
- 9. Gross unsanitary conditions; or
- 10. Any other conditions deemed prejudicial to public health.

(21) Kiosk shall mean any free-standing, temporary retail food stand selling prepackaged foods. The stand shall be limited to a location inside a covered mall. Kiosks selling potentially hazardous foods or offering open foods to the public as a sample shall meet all necessary requirements for food protection.

(22) License shall mean the document issued by the health authority that authorizes a person to operate a food establishment.

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(23) License holder (permit holder) shall mean the entity that is legally responsible for the operation of the food establishment, such as the owner, the owner's agent, or other person, and possesses a valid license to operate the food establishment.

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(24) Mobile food unit shall mean a vehicle-mounted food establishment designed and operated to be readily movable, e.g., mobile truck moving from location to location continuously. The unit shall not have permanent connections to water, wastewater, or electricity. This term includes trailer-mounted kitchens.

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(25) Multi Event Temporary Food Service Establishment License shall mean a temporary event license for those who qualify, in which the license is valid for a specified number of 1-3 day events or celebrations, per vendor, per license year. Only one application and fee must be submitted for an annual Multi-Event Temporary Food License.

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(26) Notice as used in this ordinance, shall include, without limitation, the document entitled Moline Health Department Food Establishment Inspection Report.

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(27) Operator shall mean a person who has been approved by the license holder to perform and/or oversee the day-to-day food service operation.

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(28) Plan review shall mean an evaluation process conducted by the health authority to determine whether or not a food establishment is in compliance with Chapter 14, Food Sanitation.

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(29) Priority item shall mean a provision in the Food Code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard. "Priority item" includes items with a quantifiable

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measure to show control of hazards such as cooking, reheating, cooling, handwashing; and is denoted in the Food Code with a superscript P, P.

(30) **Priority foundation item** shall mean a provision in the Food Code whose application supports, facilitates or enables one or more PRIORITY ITEMS. "Priority foundation item" includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling; and is denoted in the Food Code with a superscript Pf, Pf.

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(31) **Public event** shall mean any event open to the public where food is prepared or served. An event that is advertised with fliers, banners, newspaper articles, radio or TV announcements, social media, or by other means is considered a public event and is subject to regulation under this ordinance. Any event not considered a public event shall be considered private. The health authority shall make the final determination as to whether an event shall be considered private or public under this ordinance.

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(32) **Regulatory authority** shall mean the "City of Moline."

(33) **Seasonal concession stand** shall mean any fixed facility operating for no more than six (6) months of the calendar year. This term is intended to mean such locations as baseball parks, swimming pools, and recreational facilities serving a limited menu for a limited time based on seasonal needs. Seasonal concession stands electing to serve potentially hazardous foods shall meet all applicable requirements for a food service establishment. Those stands unable to meet basic food safety requirements, including without limitation, a potable water source under pressure, hot water heating device, proper sewage disposal facilities, required hand washing facilities, and required utensil washing facilities, shall limit their menu to prepackaged foods only.

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(34) **Temporary food service establishment** shall mean a food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

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(35) **Variance** shall mean a written document issued by the health authority that authorizes a modification or waiver of one or more requirements of this ordinance if in the opinion of the health authority, a health hazard or nuisance will not result from the modification or waiver.

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(36) All other definitions as stated in the rules and regulations as adopted by reference herein are hereby in effect. ~~(10) All other definitions shall be as contained in the "Moline Food Service Sanitation Regulations" and the "Moline Retail Food Store Sanitation Regulations."~~

ARTICLE II. FOOD ESTABLISHMENTS

DIVISION 1. LICENSE IN GENERAL

SEC. 14-221.200. IN GENERAL,

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~~No person shall~~ It shall be unlawful for any person to operate a food service establishment, ~~temporary food service establishment, mobile unit, concession stand, temporary retail food store, retail food store, or vehicle transporting device~~ who does not have a valid license issued to such person by the health authority within the scope of this ordinance and the Food Code. Only a person who complies with the requirements of this ordinance shall be entitled to receive or retain such a license. Licenses are not transferable from one person to another or from one premises to another. A valid license shall be posted in every food ~~service~~ establishment ~~or retail food store~~ and shall expire April 30th of each year and shall be renewed before May 1st of each year.

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DIVISION 2. LICENSE

SEC. 14-~~2201~~2200. ISSUANCE OF FOOD ESTABLISHMENT FOOD SERVICE ESTABLISHMENT & RETAIL FOOD STORE LICENSES.

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(a) Any person desiring to operate a food service establishment ~~or retail food store~~ shall make written application for a license on forms provided by the health authority. Such application shall include the name and address of each applicant, the location and type of the proposed food ~~service~~ establishment ~~or retail food store~~, and the signature of each applicant.

(b) Prior to approval of an application for a license for a new food service establishment and/or change of ownership, the health authority shall inspect the proposed food service establishment ~~or retail food store~~ to determine compliance with the requirements of this ordinance and the Food Code. There shall be no food present for human consumption until the license has been issued. If there are no priority or priority foundation violations, the Health Authority shall approve the food establishment to begin operations.

(c) Existing food service establishments ~~or retail food stores~~, where ownership has not changed, may automatically renew annually a non-revoked license provided that the establishment has been inspected and approved by the health authority within the preceding six (6) month period.

(d) The health authority shall issue a license to the applicant if inspection records reveal that the proposed or existing food service establishment ~~or retail food store~~ complies with the requirements of this ordinance and upon payment of the required fee.

(e) The license required by this division shall be signed by the health authority prior to presentation to the establishment.

~~(f)~~ A license issued, pursuant to this division, shall be conspicuously posted in the food service establishment for which it was issued. Upon acceptance of the license issued by the health authority, the license holder in order to retain the license shall:

1. Comply with the provisions of this ordinance including the conditions of any granted variance(s);

2. Operate under a HACCP Plan and comply with the plan as approved if one is required;

3. Immediately contact the health authority to report an illness of an employee or conditional employee;

4. Immediately discontinue operations and notify the health authority if an imminent health hazard may exist;

5. Allow the health authority access to the food establishment;

6. Replace existing facilities and equipment with facilities and equipment that comply with the Food Code if:

a. The health authority directs the replacement because the facilities and equipment constitute a public health hazard or nuisance or no longer comply with the criteria upon which the facilities and equipment were accepted;

b. The health authority directs the replacement of the facilities and equipment because of a change of ownership; or

c. The facilities and equipment are replaced in the normal course of operation.

7. Comply with directives of the health authority including time frames for corrective actions specified in inspection reports, notices, and other directives issued by the health authority in regards to the license holder's food establishment or in response to community emergencies.

8. Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with the Food Code or a directive of the health authority, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

SEC. 14-2201. LICENSE POSTING.

A license issued, pursuant to this division, shall be conspicuously posted in the food establishment for which it was issued. In the case of a temporary event, the temporary license shall be visible at the location for which it was issued.

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SEC. 14-222022. LICENSING CATEGORIES.

(a) For every food establishment operating in the City of Moline, the health authority shall assess the relative potential risks of creating a foodborne illness. This classification shall result in the establishment being placed into a license category as it relates to food safety.

(b) The following license categories are not meant to imply that any given establishment is more or less safe than others. The criteria in the Illinois Food Code 77 ILL. Adm. Code 750 shall be utilized to determine risk. The following categories shall be utilized:

- 1. Category I (High Risk)
- 2. Category II (Medium Risk)
- 3. Category III (Low Risk)

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SEC. 14-2203. -ISSUANCE OF TEMPORARY & MOBILE LICENSES.

(a) Applicants obtaining a mobile unit license shall meet the requirements set forth in this ordinance and provide the following:

- 1. Completion of forms provided by the health authority;
- 2. Drawn layout of the mobile unit depicting where fixed equipment, plumbing, and mechanical fixtures are located;
- 3. Proposed menu;
- 4. Proof of access to a commissary; and
- 5. Any other information the health authority deems necessary to evaluate the application.

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(b) Mobile retail sales vehicles shall be licensed per vehicle. This shall include, without limitation, home delivery of fresh or frozen product or door-to-door solicitation of meat and seafood items.

SEC. 14-2204. ISSUANCE OF TEMPORARY LICENSE.

(a) Applications for all temporary food service, temporary retail sales, or temporary mobile retail sales, shall be submitted at least five (5) business days prior to the event being attended, or such lesser time period as directed by the regulatory authority/city administrator.

(b) Licenses issued to temporary food service establishments shall be valid for the dates stated on the license and shall expire no more than fourteen (14) consecutive days after the date of issuance.

(Ord. No. 2002-07-08; Sec. 14-2202 (a) repealed; new Sec. 14-2202 (a) enacted; 07/23/02)

~~(b) Temporary food service applications will be approved based on Section 750.1600, "Temporary Food Service Establishments," of the Moline Food Service Sanitation Regulations.~~

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~~(c) Licensed food service establishments wishing to participate in a temporary food service event, which is beyond the scope of normal operations or requires outside food preparation, shall obtain a temporary food service license. There shall be no fee for~~

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those establishments currently licensed with approved kitchen facilities; provided, however, that said event takes place on the grounds of the licensed facility.

(d) Unlicensed applicants or licensed establishments without kitchen facilities shall meet the requirements for temporary food service and will not be exempt from the fees associated with the license.

(e) The health authority shall provide consultation and/or on-site inspections for each temporary food establishment as many times as necessary for the enforcement of this ordinance and the Food Code. All violations shall be corrected immediately. If violations are not corrected, the application for temporary food service establishment license may be denied and the food establishment shall immediately cease food service operation, until all corrections can be made.

(f) Any person found to be operating a temporary food service establishment without having applied for a license and approved to operate may be subject to a penalty fee.

(g) Any event which has a minimum of three (3) food vendors, including mobile units, must designate an Event Coordinator. The Event Coordinator shall complete and submit an "Event Coordinator Information" sheet. The Event Coordinator Information sheet must be submitted at least ten (10) business days before the scheduled event. Any changes to the Event Coordinator Information sheet shall be filed not less than five (5) business days prior to the event or as soon as possible before the event.

(h) Applicants obtaining a temporary food service license shall meet the requirements set forth in this ordinance and the Food Code.

SEC. 14-2205. ISSUANCE OF MULTI-EVENT TEMPORARY LICENSE.

(a) Multi-event temporary license applies only to multi-event temporary food service establishments as defined by this ordinance.

(b) A multi-event temporary license shall only be valid for a maximum of twenty (20) events.

(c) A multi-event temporary food service establishment shall meet the requirements set forth in this ordinance and provide the following:

1. Completion of forms provided by the health authority;
2. Properly prepared plans to scale and specifications, including location of equipment set up and arrangement for all potential set-ups;
3. Proposed menu;
4. Proof of access to a commissary;
5. A list of all known events and locations;

- 6. Event list must be updated as new events are scheduled; and
- 7. Any other information the health authority deems necessary to evaluate the application.

(d) Licenses issued to multi-event temporary food service establishments shall be valid from the date of issue and shall expire on April 30th of the following calendar year.

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(e) Any person found to be operating a multi-event temporary food service establishment without having applied for a multi-event temporary food service establishment license and approved to operate may be subject to a penalty fee.

(f) The health authority shall provide consultation and/or on-site inspections for each multievent temporary food establishment as many times as necessary for the enforcement of this ordinance, but at minimum, two (2) inspections per license year.

(g) All violations shall be corrected immediately. If violations are not corrected, the application for multi-event temporary food service establishment license may be denied or suspended and the food establishment shall immediately cease food service operations, until all corrections can be made.

of forty dollars (\$40.00) per event, with each event not to exceed five (5) consecutive days.

(e) Applicants wishing to license as a mobile unit shall meet the requirements set forth in the Moline Food Service Sanitation Regulations, Section 750.1500, "Mobile Food Units." Licensed mobile units shall notify the health authority and complete an application for each temporary event.

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(f) Mobile retail sales vehicles shall be licensed per vehicle. This shall include, without limitation, home delivery of fresh or frozen product or door-to-door solicitation of meat and seafood items.

SEC. 14-~~2222063~~. LICENSE FEES & PAYMENT.

Food Establishments:

<u>Category I (High Risk)</u>	<u>\$400</u>
<u>Category II (Medium Risk)</u>	<u>\$300</u>
<u>Category III (Low Risk)</u>	<u>\$150</u>

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Mobile Units:

<u>Category I (High Risk)</u>	<u>\$150</u>
<u>Category II (Medium Risk)</u>	<u>\$125</u>
<u>Category III (Low Risk)</u>	<u>\$100</u>

Commissary:

<u>Host Kitchen (serving more than 3 businesses)</u>	<u>\$400</u>
<u>Category I (High Risk)</u>	<u>\$150</u>
<u>Category II (Medium Risk)</u>	<u>\$125</u>

Category III (Low Risk) \$100

Temporary Events:

Single Day Event \$35
-Single Day Event (ONLY pre-packaged, Non PHFs) \$25
2-14 Day Event \$70
Fundraiser/Bake Sale \$0

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Multi Event Temporary (i.e. Mercado on 5th):

Multi-Event (Max. 20 Events) \$200
Multi-Event (Max. 20 Events) (ONLY pre-packaged, Non PHFs) \$150

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Concession Stands:

Seasonal (6 Months) \$125
Seasonal (6 Months) (ONLY pre-packaged, Non PHFs) \$75
Annual \$175
Annual (ONLY pre-packaged, Non PHFs) \$125

Schools-(ONLY Public Schools) \$0

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Kiosks:

Kiosk \$100
Kiosk (ONLY pre-packaged, Non PHFs) \$40
Customer Convenience Counter \$75

Other Fees:

Late Temporary Fee \$50
Non Compliance Fee (issued on 4th and subsequent re-checks) \$50
Re-Opening Inspection \$47
Penalty Fee (operating without a valid license) 2x the applicable fee

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(a) Annual license fees shall be assessed for each permitted establishment, fees shall be based on the risk classification of the establishment.

(a) Annual license fees for food service establishments or retail food stores shall be based on the square footage of the building or facility or part thereof where such operation (including dining area, retail sales area, storage area) exists. In the event multiple types of food service establishments are managed, conducted, operated, or carried on, in and on the same premises, then the square foot area of each category shall be totaled and the appropriate fees charged per type.

- (1) \$275.00 Food, Operations of 2000 square feet or less in size
- (2) \$325.00 Food, Operations of 2001 to 3000 square feet in size
- (3) \$425.00 Food, Operations of 3001 square feet and over in size
- (4) \$100.00 Mobile food unit with commissary

- ~~—(5) \$150.00 Mobile food unit without commissary~~
- ~~—(6) \$100.00 Mobile retail sales vehicle~~
- ~~—(7) \$40.00 Temporary food service establishment~~
- ~~—(8) \$40.00 Temporary retail food store~~
- ~~—(9) \$100.00 Seasonal concession stand (serving potentially hazardous food)~~
- ~~—(10) \$40.00 Seasonal concession stand (serving only non-potentially hazardous food)~~
- ~~—(11) no fee Food, Public schools only~~
- ~~—(12) \$100.00 Kiosk (serving potentially hazardous food)~~
- ~~—(13) \$40.00 Kiosk (serving only non-potentially hazardous food)~~

~~— (14) \$75.00 Customer Convenience Counter”~~

(b) Any and all schools serving food on a temporary basis shall be issued a license, but shall pay no fee. All schools obtaining a license shall be required to meet all of the provisions and requirements of ~~these articles~~ this ordinance and the Food Code.

(c) Any person failing to obtain a license prior to operating any type of food ~~service establishment or any type of retail food sales~~ shall be assessed two (2) times the applicable fee in addition to any other fine, penalty or cost assessed for violating this ordinance.

(d) Before any class of license is issued pursuant to this division, the applicant therefore shall pay the license and/or option fee prescribed in this section as well as any outstanding fines, fees, taxes, bills or invoices due and owing the City by the licensee or its partners if the license is a partnership or its stockholders if the licensee is a corporation.

(Ord. No. 2003-03-02; Sec. 14-2203 (a) repealed; new Sec. 14-2203 (a) enacted; 03/04/03); (Ord. No. 3041-2004; Sec. 14-2203 (a) repealed; new Sec. 14-2203 (a) enacted; 07/20/04); (Ord. No. 3070-2004; Sec. 14-2203 repealed; new Sec. 14-2203 enacted; 09/14/04); [Ord. No. 3036-2008; Sec. 14-2203(a)(1)-(3) repealed; new 14-2203(a)(1)-(3) enacted; 06/03/08]; ~~[(Ord. No. 3034-2009; Sec. 14-2203(a)(1)(2)(3) repealed; new Sec. 14-2203(a)(1)(2)(3) enacted; 102/7/09);~~ ~~[(Ord. No. 3026-2016; Sec. 14-2203(d) enacted; 10/11/16)~~

~~SEC. 14-2204. LIMITATION ON DURATION OF LICENSES FOR TEMPORARY FOOD SERVICE ESTABLISHMENTS.~~

~~—Licenses required by this division for temporary food service establishments shall be issued for a period of time not to exceed five (5) consecutive days.~~

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DIVISION 33. DOOR-TO-DOOR SALES OF FOOD COTTAGE FOOD OPERATIONS

SEC. 14-2300. COTTAGE FOOD OPERATIONS.

Cottage Food Operations must operate in accordance with of the Food Handling Enforcement Act 410 ILCS 625 and register annually with the Rock Island County Health Department.

SEC. 14-2300. GUIDELINES.

~~—Door-to-door retail sales of all food products are regulated in accordance with the Moline Retail Food Store Sanitation Regulations. If meat and poultry products are sold, an Illinois Department of Agriculture Broker's License is also required. Generally, a truck cannot be considered a "temporary retail food store" unless it operates at a fixed location for not more than fourteen (14) consecutive days in conjunction with a single event or celebration. Consequently, all vehicles used for door-to-door sales of food shall comply with all applicable retail food store requirements.~~

SEC. 14-2301. FOOD SOURCES.

- ~~— (a) Only meat and poultry inspected by USDA or the Illinois Department of Agriculture with an inspection legend on each package or piece shall be sold.~~
- ~~— (b) Other food products that shall meet applicable laws are:

 - ~~— (1) Inspected eggs;~~
 - ~~— (2) Certified shellfish;~~
 - ~~— (3) Pasteurized, processed dairy products;~~
 - ~~— (4) Commercial sources of all foods (except fresh produce).~~~~
- ~~— (c) No damaged, broken containers of packaged products shall be sold unless the operator has an Illinois Department of Public Health Salvage License. No home canned, processed, or prepared foods will be allowed.~~

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SEC. 14-2302. EQUIPMENT & SUPPLIES.

~~—(a) Food shall be protected from potential contamination by insects, dust, and other factors at all times during storage and display. All food shall be held in an enclosed building or an enclosed delivery vehicle. Canvas or tarp thrown over the freezer does not provide adequate protection and may, in fact, add to unsanitary conditions.~~

~~—(b) Mechanical refrigeration is strongly recommended, but ice may be used as a cooling medium when all of the following apply:~~

~~—(1) Only commercial ice manufactured from potable water shall be used;~~

~~—(2) Food products shall not come in direct contact with ice;~~

~~—(3) Ice shall be drained when used to cool food products.~~

~~—(c) All equipment and materials shall be non-absorbent, easily cleanable, corrosion resistant, and durable. No raw wood, rusty surfaces, or cracked/broken liners of refrigeration/freezer units are allowed.~~

~~—(d) All equipment, materials, and single-service items shall be constructed of food-grade materials.~~

~~—(e) If unpackaged food products are handled (i.e. iced shrimp, produce, etc.), hand washing facilities, including soap and paper towels, shall be provided in an approved location.~~

~~SEC. 14-2303. TEMPERATURE CONTROL.~~

~~—(a) There shall be an adequate number and capacity of mechanical refrigeration units or effectively insulated units used with dry ice or wet ice to maintain food required temperatures.~~

~~—(b) Frozen foods shall be held at an ambient temperature of zero degrees Fahrenheit (0° F.) or less.~~

~~—(c) Refrigerated products shall be maintained at a product temperature of forty-one degrees Fahrenheit (41° F.) or less.~~

~~SEC. 14-2304. CLEANING & MAINTENANCE.~~

~~—(a) All surfaces that come in direct contact with food or ice shall be cleaned and sanitized at least daily or more frequently, if necessary.~~

~~—(b) Cleaners and sanitizers shall be available wherever food is stored, sold, or handled.~~

~~SEC. 14-2305. LABELING.~~

~~—(a) If the food product is prepackaged, it shall bear the common or usual name, company name and address, and weight and list of ingredients in descending order.~~

~~—(b) If the product was previously frozen then thawed, a statement to that effect shall be made.~~

~~DIVISION 4. BROKER'S LICENSE~~

~~SEC. 14-2400. REQUIREMENTS FOR BROKER'S LICENSE.~~

- ~~—(a) The holder of a broker's license is restricted to sell only packaged meat or poultry that bears labeling and an official mark of inspection from either USDA or IDA. If boxes are broken open, labeling and legend shall be present on each individual package.~~
- ~~—(b) Sanitation of storage coolers and facilities, and transportation vehicles, shall be maintained in a sanitary condition.~~
- ~~—(c) Invoices where meat or poultry products were purchased shall be available for inspection by the health authority.~~
- ~~—(d) Sales tickets for individual sales to customers shall be available to show whether meat or poultry products were sold by the case or by the piece.~~
- ~~—(e) Frozen meat or poultry products shall show no evidence of thawing and refreezing, such as stained boxes or melted water that has been refrozen in the bottom of the box.~~
- ~~—(f) Proper temperature shall be maintained for all meat and poultry products:
 - ~~—(1) Forty-one degrees Fahrenheit (41° F.) or below for chilled products;~~
 - ~~—(2) Zero degrees Fahrenheit (0° F.) or below for frozen products.~~~~

~~ARTICLE IIII. ADMINISTRATION & ENFORCEMENT~~

~~DIVISION 1. IN GENERAL~~

~~SEC. 14-~~33~~100. RENEWAL OF LICENSE.~~

(a) Whenever the inspection for renewal of a license reveals serious or repeated violations of this ordinance, the license shall not be issued and the health authority shall notify the applicant immediately thereof. Any such notice shall state the reasons for not renewing the license. All re-licensing inspections must be completed at least thirty (30) calendar days prior to date of renewal to allow said facility ample time to correct documented violations. Such notice shall also state that an opportunity for a hearing shall be provided for the applicant at a time and place designated by the health authority. Such hearing shall be scheduled not later than fifteen (15) calendar days from the date of the notice. A license which has expired shall be removed from the establishment by the health authority.

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(b) If the applicant for renewal of a license provides adequate documentation of a reasonable time schedule for repair or correction of non-serious repeat violations, the health authority may renew the license. Failure to comply with the time schedule for corrections may result in immediate suspension of the license to operate as provided herein.

SEC. 14-~~33~~101. COMPLIANCE CONFERENCE.

Whenever a license holder fails to comply with a notice to correct on a repeat basis, that license holder may be required to attend a compliance conference. Said conference shall be conducted before the ~~building official~~~~code manager~~ and other parties deemed necessary ~~by the~~~~by the~~ health authority and the license holder. The intent of this conference shall be to achieve compliance with this ordinance prior to invoking Sec. 14-3102 of this article.

SEC. 14-3102. SUSPENSION OF LICENSE.

(a) Licenses may be suspended temporarily by the health authority ~~for failure of the~~ license holder to comply with the requirements of this ordinance. Whenever a license holder or operator has failed to comply with any notice issued pursuant to the provisions of this ordinance, the license holder or operator shall be notified in writing that the license is, upon service of a notice, immediately suspended or that the suspension shall be effective on a specific future date, and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the health authority.

(b) Notwithstanding any other provision of this ordinance, should the health authority find unsanitary or other conditions which, in the judgment of the health authority, constitute a substantial hazard to the public health, the license may be immediately suspended. The license may be suspended without warning, notice, or hearing, and upon issuance of a written notice to the license holder. The notice shall be issued to the license holder or operator citing the conditions, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken. If deemed necessary, such order shall state that the license is immediately suspended, and all food operations are to cease at once. Any person to whom such an order is issued shall comply immediately; but upon written petition to the health authority, the license holder shall be afforded a hearing as soon as practicable.

SEC. 14-~~33~~103. REINSTATEMENT OF SUSPENDED LICENSE.

Any person whose license has been suspended may, at any time, make application for a re-inspection for the purpose of reinstatement of the license. This application shall include a statement signed by the applicant that, in said applicant's opinion, the conditions causing suspension of the license have been corrected. The application shall also contain any necessary documentation required by the health authority to assure compliance with the

notice to correct. The applicant must also remit payment of the re-inspection fee in the amount of forty-seven dollars (\$47.00) prior to scheduling of the date of the re-inspection. Within three (3) business days following receipt of a written request, the health authority shall make a re-inspection. If the applicant is found to be in compliance with the requirements of this ordinance, the license shall be reinstated.

SEC. 14-~~33~~104. REVOCATION OF LICENSE.

(a) ~~For~~For serious-high risk or repeated violations of any of the requirements of this ordinance, or for interference with the health authority in the performance of any assigned duties, the license may be permanently revoked after an opportunity for a hearing has been provided by the health authority.

(b) Prior to the revocation provided for in Sec. 14-3104(~~A~~^a) above, the health authority shall notify the license holder in writing stating the reasons for which the license is subject to revocation and advising that the license shall be permanently revoked at the end of five (5) calendar days following service of such notice, unless a request for a hearing is filed with the health authority by the license holder within such five (5) calendar day period. A license may be suspended for cause pending its revocation or a hearing relative thereto.

(c) In lieu of revocation, a facility may be granted a conditional license. An agreement shall be submitted by the license holder stating the actions that said license holder deems necessary to provide a continuing sanitation program. Based on approval of the agreement from the health authority, the license shall be removed and replaced with a new license marked as "Conditional." The conditional license shall then be in effect until the April 30th licensing date. Failure to comply with the terms of the written agreement for continued compliance shall cause the license to be permanently revoked pursuant to this Sec. 14-3104.

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SEC. 14-~~33~~105. NOTICES.

A notice provided for in this ordinance is properly serviced when it is delivered to the license holder or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the license holder.

A copy of the notice shall be filed in the records of the health authority. A completed inspection report form or a letter is considered proper forms of notice.

SEC. 14-~~33~~106. HEARINGS, IN GENERAL.

Hearings provided for in this division shall be conducted through the Municipal Code Enforcement System ("MUNICES") at a place and time designated by the health authority.

Based upon the record of the hearing, the MUNICES hearing officer shall make written findings and shall sustain, modify, or rescind any official notice or order considered in the hearing.

SEC. 14-~~33~~107. VIOLATIONS; FINES.

(a) In addition to any other remedies provided herein, any person who commits an offense, violates, neglects, refuses to comply with or assists or participates in any way in the violation of any of the provisions or requirements of ~~the Food Code this Code~~ or the standards and regulations adopted by ~~the Food Code this Code~~ shall be fined not less than fifty dollars (\$50.00) and not more than seven hundred fifty dollars (\$750.00) for each such violation. Each day a violation continues shall constitute a separate offense.

(b) On the fourth (4th) and subsequent follow up inspections, the license holder will be responsible for paying a penalty fee of \$50 for each inspection.

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(c) Vendors that do not submit the temporary event application at least five (5) business days prior to the event being attended will be subject to pay a late fee of \$50 in addition to the application fee.

(Ord. No. 2003-05-05; references to standing committees changed to "City Council" or "Committee-of-the-Whole" throughout the Code; 05/13/03; Ord. No. 3033-2007; Art. III repealed; new Art. III enacted; 10/09/07)

DIVISION 2. INSPECTIONS.

SEC. 14-~~33~~200. INSPECTION FREQUENCY.

The health authority shall inspect each food ~~service establishment or retail food store~~ within Moline in accordance with requirements set forth by the Illinois Department of Public Health. Additional inspections shall be performed as often as deemed necessary by the health authority for the enforcement of this ordinance. The health authority, shall inspect each food establishment within the City of Moline as follows:

1. Category I three (3) times annually
2. Category II two (2) times annually
3. Category III one (1) time annually

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However, the health authority shall inspect all categories and types of food facilities as many times as they deem necessary to enforce the provisions within this ordinance.

SEC. 14-~~33~~201. ACCESS INTO FOOD ~~SERVICE~~ ESTABLISHMENT.

(a) The health authority, after proper identification, shall be permitted to enter at any reasonable time, but in no event less than all hours said establishment is open for business, at any food ~~service~~ establishment or ~~retail food store~~ within Moline for the purpose of making inspections to determine compliance with this ordinance. The health authority shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received or used, and persons employed.

(b) If access is denied, the health authority shall inform the person in charge that:

1. Access is a condition of the acceptance and retention of a license to operate as specified in this ordinance, and
2. If access is denied, an order issued by the appropriate authority allowing access, hereinafter referred to as an injunction or other legal remedy, may be obtained according to law, and
3. Failure to allow access may result in immediate license suspension.

(c) If after the health authority presents credentials and provides notice, explains the authority upon which access is requested, and makes a final request for access, and the person in charge continues to refuse access, the health authority shall provide details of the denial of access on an inspection report form.

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SEC. 14-~~33~~202. REPORT OF INSPECTIONS.

(a) Whenever an inspection of a food ~~service~~ establishment or ~~retail food store~~ is made, the findings shall be recorded on an inspection report form. ~~The inspection report form shall summarize the requirements of this ordinance and shall set forth a weighted point value for each requirement. The inspection~~ Inspectional remarks shall be written to reference by item number the item violated, and shall state the correction to be made. A copy (hard copy or electronic 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 is a public document that shall be made available for public disclosure to any person who requests it according to law.

(b) Refusal to sign the inspection report will not affect the license holder's obligation to correct the violations noted in the inspection report within the time frames specified in the report.

SEC. 14-~~33~~203. CORRECTION OF VIOLATIONS.

(a) The completed inspection report form shall specify a reasonable period of time for the correction of the violations found. Correction of the violations shall be accomplished within the period specified in accordance with the following provisions:

(1) If an imminent health hazard exists, including but not limited to severe pest infestation (rodent or insect), no running water, complete lack of refrigeration, no electricity, or sewage backup into the establishment, the establishment shall immediately cease food service or sales operations.

(2) All violations of Priority item(s) and/or a Priority Foundation item(s) 4- or 5-point weighted items shall be corrected and corrective actions (i.e. risk control plan/standard operating procedure) must be implemented as part of a Hazard Analysis Critical Control Point (HACCP) plan provision that is not in compliance with its critical limit as soon as possible. These corrections and implementations shall be done at the time of inspection if possible, or by a time frame agreed upon with the health authority, but at no time to exceed a period of ten (10) calendar days.

A.1. ~~but in any event, within ten (10) business days following inspection. Within fifteen (15) business days after the inspection, the license holder shall notify the health authority stating that violations have been corrected. A follow-up inspection, as deemed necessary by the health authority, shall be conducted to confirm correction.~~

1.2.

(3) When Core item(s) are documented as a violation during an inspection, such item(s) must be corrected at the time of inspection if possible, or by a time frame agreed upon by the health authority, but at least by the time of the next routine inspection.

~~(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 of the establishment is less than sixty (60), the establishment shall initiate corrective action on all identified violations within forty-eight (48) hours of inspection. One or more reinspections will be conducted at reasonable time intervals to assure correction.~~

~~(4) In the case of temporary food service establishments, all violations shall be corrected immediately. If violations are not corrected, the establishment shall immediately cease food service operations until authorized to resume by the health authority.~~

~~(5) Failure of the license holder or person in charge to comply with any time limits for corrections may result in cessation of food service operations. An opportunity for hearing on the inspection findings or the time limitations or both will be provided if a written request is filed with the health authority within ten (10) calendar days following cessation of operations. If a request for hearing is received, a hearing shall be held within three (3) business days of receipt of the request.~~

~~(6) Whenever a food service establishment or retail food store is required under the provisions of "Correction of Violations" to cease operations, it shall not resume operations until it is shown on reinspection the follow-up inspection that conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection a follow-up inspection shall be offered within a reasonable time.~~

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SEC. 14-~~33~~204. EXAMINATION & CONDEMNATION OF FOOD AND/OR EQUIPMENT.

(a) Food may be examined or sampled by the health authority as may be necessary to determine freedom from adulteration. The health authority may, upon written notice to the license holder or person in charge, place a hold order on any food which the health authority determines, or has probable cause to believe, to be adulterated. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to move or alter a hold order notice or tag placed on food by the health authority. Neither such food nor the containers thereof shall be relabeled, repackaged or reprocessed, altered, disposed of, or destroyed without permission of the health authority, except on an order by a court of competent jurisdiction. After the license holder or person in charge has had a hearing as provided in this ordinance, and on the basis of evidence produced at such hearing, or on the basis of examination in the event that a written request for a hearing is not received within ten (10) business days, the health authority may vacate the hold order or may, by written notice, direct the license holder or person in charge to denature or destroy such food or bring it into compliance with the provisions of this ordinance. Such order shall be stayed if the order is appealed to a court of competent jurisdiction within ten (10) business days.

(b) Where equipment used in the preparation of food products is found to be in a state of disrepair, unsafe, unsuitable for use, or unsanitary, such equipment shall be taken out of use and a hold order placed on said items by the health authority. Such equipment may not be put back into service until written permission is obtained from the health authority. It shall be unlawful for any person to move or alter a hold order notice or tag placed on equipment by the health authority. Such equipment shall not be altered, disposed of, or destroyed without permission of the health authority except on an order in a court of competent jurisdiction. After the license holder or person in charge has had a hearing as provided in this ordinance and on the basis of the evidence produced at such hearing or on the basis of examination in the event that a written request for a hearing is not received within ten (10) business days, the health authority may vacate the hold order or may, by written notice, direct the license holder or person in charge to remove such equipment or bring it into compliance with the provisions of this ordinance. Such order shall be stayed if the order is appealed to a court of competent jurisdiction within ten (10) business days.

SEC. 14-~~33~~205. FOOD SERVICE ESTABLISHMENTS OUTSIDE OF CITY JURISDICTION.

Food from food ~~service~~ establishments outside the jurisdiction of the health authority of the City may be sold within the City if the food service establishment conforms to the provisions of this article or to substantially equivalent provisions. To determine the extent of compliance with the requirements of this article, the health authority may accept reports from responsible authorities in other jurisdictions where such food service establishments are located.

DIVISION 3. ADDITIONAL TRAINING REQUIREMENTS

SEC. 14-3300. FOOD HANDLER CLASS TRAINING.

(a) All food handlers employed by a food establishment other than someone holding a Food Protection Manager Certificate shall receive or obtain American National Standards Institute (ANSI) - Accredited Training or Department Approved Training in basic safe food handling principles within thirty (30) calendar days after employment. Food handlers shall renew this training every three (3) years thereafter in accordance with the provisions set forth in the current and any subsequent amendments to the (410 ILCS 625) Food Handling Regulation Enforcement Act.

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(b) Each food establishment shall maintain on its premises a separate file (hard copy or electronic format) containing proof that the Food Handler has been trained in basic food safety principles. This file shall be accessible to the health authority for review at each inspection or upon request.

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SEC. 14-3301. CERTIFIED FOOD PROTECTION MANAGER.

The health authority may order any food handler, manager, or establishment owner to attend an immediate food handler training course when, in the judgment of the health authority, the work habits of said food handler constitute a hazard to public health. Fees may be charged to offset any costs incurred by the health authority. (a) Each food service establishment, except certain types of establishments deemed by the health authority to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extent of food preparation, shall be under the operational supervision of a Certified Food Protection Manager who has completed a minimum of 8 hours of Department Approved Training for food protection manager certification or attended an American National Standards Institute (ANSI) - Accredited Training, inclusive of the examination by the certification exam provider accredited under standards developed and adopted by the Conference for Food Protection or its successor organization. The certification shall be valid for five (5) years and shall not be transferable from the individual to whom it was issued.

(b) Each food establishment shall maintain on its premises a separate file (hard copy/electronic format) containing proof of Certified Food Protection Managers certificates. This file shall be accessible to the health authority for review at each inspection or upon request.

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SEC. 14-3302. ALLERGEN AWARENESS TRAINING.

(a) All Certified Food Protection Managers employed by a non-franchise Category I establishment must receive or obtain training in basic allergen awareness principles within thirty (30) days after employment and every three (3) years thereafter. Training programs must be accredited by the American National Standards Institute (ANSI) or another reputable accreditation agency under the ASTM International (Standard Practice for Certificate Programs).

(b) Each food establishment shall maintain on its premises a separate file (hard copy/electronic format) containing proof that the Certified Food Protection Managers are trained in basic allergen awareness principles. This file shall be accessible to the health authority for review at each inspection or upon request.

ARTICLE IV. EQUIPMENT & PLAN APPROVAL

SEC. 14-~~44~~100. PLAN REVIEW OF FUTURE CONSTRUCTION.

(a) Whenever a food ~~service~~ establishment ~~or retail food store~~ is constructed or remodeled, and whenever an existing structure is converted for use as a food ~~service~~ establishment ~~or retail food store~~, properly prepared plans and specifications shall be submitted to the health authority for review and approval is required before work begins.

(b) At a minimum, a food service establishment that is constructed or re-modeled shall have the following:

1. A ware washing sink with three compartments. Each compartment shall be sized to allow for the immersion of the largest piece of equipment washed, including drain boards on either side. A three compartment sink is required as a back-up ware washing option for those facilities that have automatic ware washing machines;
2. A food preparation sink for produce washing, thawing of food products etc.;
3. A utility/mop sink;
4. Handwashing stations in each food preparation and ware-washing area; and
5. Establishments that upgrade their operations to higher risk categories after opening may be required to install additional sinks/equipment.

(c) Before such work begins, food establishments shall submit the following to the health authority for review and approval:

1. A completed Plan Review Application Packet as provided by the health authority;
2. All required HACCP plans if applicable;
3. The plans and specifications shall ~~indicate~~ include the proposed menu, hours of operation, layout, arrangement, mechanical plans, ~~and~~ construction materials of work areas, and the type and model of proposed fixed equipment and facilities. All applicable food service equipment shall be of a quality as approved by the National Sanitation Foundation (N.S.F.) or equivalent. New equipment which is approved for a certain use by N.S.F. shall be automatically approved by the health authority for said use. Other applicable equipment or used equipment shall be evaluated for approval by the health authority;
4. The health authority shall approve the plans and specifications if they meet the requirements of this ordinance. No food service establishment or retail food store shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the health authority. The health authority may waive the submission of plans and specifications provided it is found that the nature of the work is such that reviewing of plans or specifications is not necessary to obtain compliance with this ordinance;
5. Any other information the health authority deems necessary to evaluate the application; and
6. See Section 14-2203 of this ordinance for additional information required for mobile units.

~~(b) Whenever plans and specifications are required by ordinance to be submitted to the health authority, the health authority shall inspect the food service establishment or retail food store prior to the start of operations to determine compliance with the approved plans and specifications and with the requirements of this ordinance. (d) A Pre-operational inspection shall be conducted by the health authority prior to the beginning or resumption of operations to determine compliance with approved plans, specifications, and the requirements of this ordinance prior to the issuance or reinstatement of a license to operate.~~

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(Ord. No. 97-6-3; Chapter 14 repealed; new Chapter 14 enacted; 06/17/97)