

## Chapter 12 - LOCAL HEALTH REGULATIONS

## ARTICLE 1. - DEFINITIONS

## 12.1.01. - Definitions.

The following definitions shall apply in the interpretation and the enforcement of this Chapter.

1. *Adulterated* shall mean the condition of a food (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 any 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, packed or held under unsanitary conditions, whereby, it may have become 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; or (f) if the containers are composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.
2. *Approved* shall mean acceptable to the Health Officer based on said officer's determination as to conformance with appropriate standards and good public health practice.
3. *Employee* shall mean any person working in a food-service establishment, retail food store, or food processing establishment, who transports food or food containers, who engages in food preparation, packaging, or service, or who comes in contact with any food utensils or equipment.
4. *Equipment* shall mean all stoves, ranges, hoods, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items, other than utensils, used in the operation of a food-service establishment, retail food store, or food processing establishment.
5. *Food* shall mean any raw, cooked, or processed edible substance, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
6. *Food-contact surfaces* shall mean those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces with which food may come in contact and drain back onto surfaces normally in contact with food.
7. *Food-processing establishment* shall mean a commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.
8. *Food-service establishment* shall mean food handlers, including sale of frozen foods, food processing establishments, food service establishments, mobile food units, temporary food service establishments and retail food stores as they are defined in Food Service Sanitation Rules and Regulations, State of Illinois, Department of Public Health; and Food Service Sanitation Manual, of the Food & Drug Administration, U.S. Department of Health, Education and Welfare, Public Health Services and Retail Food Store Sanitation, Illinois Department of Public Health.
9. *Health officer* shall mean that person or persons who have been designated by the City Council to administer the affairs of the City of Country Club Hills Health Department.
10. *Kitchenware* shall mean all multi-use utensils other than tableware used in the storage, preparation, conveying, or serving of food.

11. *Law* includes State and Local Statutes, Ordinances and Regulations.
12. *Misbranded* shall mean the presence of any written, printed, or graphic matter, upon or accompanying food or containers of food, which is false or misleading, or which violates any applicable State or Local labeling requirements.
13. *Mobile food-service units* shall mean any food-service establishment capable of being moved from location to location, or without a fixed location.
14. *Packaged* means bottled, canned, cartoned, or securely wrapped.
15. *Perishable food* shall mean any food of such type or in such condition as may spoil.
16. *Permanent food service establishment, retail food store or food processing establishment* shall mean any food service establishment, retail food store or food processing establishment which operates at a fixed location for a period of time exceeding two (2) weeks.
17. *Permit holder* shall mean an individual, a firm, partnership, company, corporation, trustee, association or public or private entity who is responsible for the operation of a food-service establishment, retail food store, or food processing establishment.
18. *Person* shall mean an individual, or a firm, partnership, company, corporation, trustee, association, or any public or private entity.
19. *Person in charge* means the individual present in a food establishment who is the supervisor of the food establishment at the time.
20. *Potentially hazardous food* shall mean any perishable food which consists in whole or in part of milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms.
21. *Retail food store* shall mean any establishment; whether fixed or movable, where food, intended for human consumption, off the premises, is prepared, handled, transported, sold or offered for sale at retail.
22. *Safe temperatures* as applied to potentially hazardous food, shall mean temperature of 45° F or below or 140° F above. As applied to frozen perishable foods safe temperatures shall be -0° F or below, except for a variation of 15° F during transit, unloading or defrosting during a mechanical defrosting cycle. Temperatures shall be determined by measurement of the actual product temperature or the ambient air temperature in the storage device.
23. *Sanitizing* means effective bactericidal treatment by a process that destroys micro-organisms, including pathogens. Effective bactericidal treatment is demonstrated by an average plate count per kitchenware or tableware utensil surface examined of not more than 100 colonies, or not more than 12½ colonies per square inch of equipment and utensil surfaces examined other than tableware in accordance with procedures detailed in Public Health Service Publication No. 1631 (Procedure for the Bacteriological Examination of Food Utensils and/or Food Equipment Surfaces).
24. *Sealed* shall mean free of cracks or other opening which permit the entry or passage of moisture.
25. *Single service articles* shall mean cups, containers, lids, or closures; plates, knives, forks, spoons, stirrers, paddles, straws, place mats, napkins, doilies, wrapping material; and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials, and which are intended by the manufacturers and generally recognized by the public as for one usage only, then to be discarded.

26. *Tableware* shall mean all multi-use eating and drinking, utensils, including flatware (knives, forks and spoons) single service articles.
27. *Temporary food-service establishment* shall mean any foodservice establishment which operates at a fixed location for a temporary period of time not to exceed two (2) weeks, in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering.
28. *Temporary retail food store* shall mean any retail food store which operates at fixed location for a temporary period of time not to exceed two (2) weeks.
29. *Utensils* shall mean any tableware and kitchenware used in the storage, preparation, conveying or serving of food.
30. *Wholesome* shall mean in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

## ARTICLE 2. - ADOPTION BY REFERENCE

### 12.2.01. - REGULATIONS ADOPTED BY REFERENCE.

In addition to those provisions set forth in the Country Club Hills City Code of Ordinance for food sanitation, Article 2, hereby, adopts, by reference, the current provisions set forth in the State of Illinois, Department of Public Health, "Rules and Regulations for Food Service Sanitation," and the provisions set forth in the State of Illinois, Department of Public Health, "Rules and Regulations for Retail Food Store Sanitation" and Food Service Sanitation Manual U.S. Department of Health, Education and Welfare, Publication No. (FDA) 78-2081, and any subsequent amendments or revisions thereto, three (3) certified copies of each shall be on file in the office of the City Clerk.

## ARTICLE 3. - ENFORCEMENT PROVISIONS

### 12.3.01. - Health Permits.

It shall be unlawful for any person to operate a food service establishment, retail food store or food processing establishment within the City of Country Club Hills, State of Illinois, who does not possess a valid permit issued to him by the Health Officer. Only a person who complies with the requirements of this Chapter shall be entitled to receive such a permit. Permits shall not be transferrable or assignable from one person to another person or place. A valid permit shall be posted in a conspicuous place in every food-service, retail food or food processing establishment.

### 12.3.02. - Permits.

Permits for permanent food-service establishments, retail food stores or food processing establishments shall commence on the first day of May of each year and expires on the 30th day of April following the date of issuance. Permits for temporary food-service establishments and temporary retail food stores shall be issued for a period of time not to exceed two (2) weeks.

1. *Issuance of permits.* Any person desiring to operate a food-service establishment, retail food store or

food processing establishment or to renew an expired permit shall make written application for a permit on forms provided by the Health Officer. Such application shall include; the applicant's full name and post office address and whether such applicant is an individual, firm, or corporation, and a partnership, the names of partners, together with their addresses shall be included; the location and type of the proposed food-service establishment, retail food store or food processing establishment; and the signature of the applicant or applicants. If the application is for a temporary food-service establishment or temporary retail food store it shall also include the inclusive dates of the proposed operation.

Upon receipt of such an application, the Health Officer shall make an inspection of the establishment to determine compliance with the provisions of this Chapter. When inspection reveals that the applicable requirements of this Chapter have been met, a permit shall be issued to the applicant by the Health Officer.

2. *Renewal of permits.* Whenever the inspection for renewal of a permit reveals serious or repeated violations of this Chapter, the permit will not be issued and the Health Officer shall notify the applicant immediately thereof. Such notice shall state the reasons for not renewing the permit. 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 Officer. Such hearing shall be scheduled not later than ten (10) days from the date of the notice. The notice referred to in this paragraph shall be delivered to the applicant in person by the Health Officer or may be sent registered mail, return receipt requested. A permit which has expired shall be removed from the establishment by the Health Officer.
3. *Suspension of permits.* Permits may be suspended temporarily by the Health Officer for failure of the permit holder to comply with the requirements of this Chapter. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this Chapter, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Health Officer by the permit holder.

Upon suspension of the permit, the permit shall be removed from the establishment by the Health Officer and returned to the Health Department. Notwithstanding, the other provisions of this Chapter, whenever the Health Officer finds unsanitary or other conditions in the operation of a food-service establishment, retail food store or food processing establishment which, in said officer's judgement, constitute a substantial hazard to the public health, the said officer shall issue a written notice to the permit holder or operator, citing such condition, specifying the corrective action to be taken, and, specifying the time period within which such action shall be taken and if deemed necessary, such order shall state that the permit is immediately suspended, and all operations as a food-service establishment, retail food store or food processing establishment are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately, but upon written petition to the Health Officer shall be afforded a hearing.

4. *Reinstatement of suspended permits.* Any person whose permit has been suspended may at any time make application for a reinspection for the purpose of reinstatement of the permit. Within three (3) days following receipt of a written request, including a statement signed by the applicant that in his opinion the

conditions causing suspension of the permit have been corrected, the Health Officer shall make a reinspection. If the applicant is complying with the requirements of this chapter, the permit shall be reinstated upon the finding of compliance of the Health Officer.

5. *Revocation of permits.* For serious or repeated violations of any of the requirements of this Chapter, or for interference with the Health Officer in the performance of said officer's duties, the permit may be revoked by the Health Officer. Prior to such action, the Health Officer shall notify the permit holder, in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be revoked at the end of five (5) days following service of such notice, unless a request for a hearing is filed with the Health Officer, by the permit holder, within such five (5) day period. If no request for a hearing is filed within the five (5) day period, the revocation of the permit becomes final.
6. *Hearing (suspension or revocation).* The hearing provided for in this section shall be conducted by the City Manager at a time and place designated by him. Based upon the record of such hearing, the City Manager shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. Any further appeal shall be heard by the Mayor and the City Council within seven (7) days.
7. *Application after revocation.* Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit.

#### ARTICLE 4. - INSPECTIONS

##### 12.4.01. - Inspection of Food-Service Establishments and Retail Food Stores.

At least once every three (3) months, the Health Officer shall inspect each food-service establishment and retail food store located in the city of country Club Hills, State of Illinois, and shall make as many additional inspections and reinspections as are necessary for the enforcement of this Chapter in accordance with the "inspection report" and in particular; potentially hazardous food, safe temperatures and sanitizing.

1. *Access to establishment.* The Health Officer, after proper identification, shall be permitted to enter at any reasonable time any food-service establishment, retail food store or food processing establishment within the City of Country Club Hills, State of Illinois, for the purpose of making inspections to determine compliance with this Chapter. Said officer shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received, or used, and person employed.
2. *Report of inspection.* Whenever an inspection of a food service establishment, retail food store, or food processing establishment is made, the findings shall be recorded on the inspection report forms set out in the Illinois Department of Public Health Division, Food and Drugs, Food Service Establishment Inspection Report.
3. *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, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the regulatory authority.
  - b. All violations of 4- or 5-point weighted items shall be corrected as soon as possible, but in any event,

within ten (10) days following inspection. Within fifteen (15) days after the inspection, the holder of the permit shall submit a written report to the regulatory authority stating that the 4- or 5-point weighted violations have been corrected. A follow-up inspection shall be conducted to confirm correction.

- c. 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.
- d. When the rating score of the establishment is less than 60, the establishment shall initiate corrective action on all identified violations within forty-eight (48) hours. One or more reinspections will be conducted at reasonable time intervals to assure correction.
- e. In the case of temporary food-service establishments, all violations shall be corrected within twenty-four (24) hours. If violations are not corrected within twenty-four (24) hours, the establishment shall immediately cease food service operations until authorized to resume by the regulatory authority.
- f. The inspection report shall state that failure 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 City Manager within ten (10) days following cessation of operations. If a request for hearing is received, a hearing shall be held within twenty (20) days of receipt of the request.
- g. Whenever a food-service establishment, retail food store or food processing establishment is required under these provisions 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.
- h. All point weighted items and scours referred to in Subsection (a) through (g) shall be those reflected in the Illinois Department of Public Health Division, Food and Drugs, Food Service Establishment Inspection Report.

#### 12.4.02. - Inspection Records.

Whenever the Health Officer makes inspection, said officer shall furnish a copy of such inspection report form to the permit holder or operator. The current inspection report shall be posted in a conspicuous place in the establishment.

#### 12.4.03. - Issuance of Notices.

Whenever the Health Officer makes an inspection of an establishment and discovers that any of the requirements of this Chapter have been violated, said officer shall notify the permit holder or operator of such violations by means of an inspection report form or other written notice. In such notification the Health Officer shall:

1. Set forth the specific violations found.
2. Establish a specific and reasonable period of time for the correction of the violations found.
3. State that failure to comply with any notice issued in accordance with the provisions of this Chapter may result in immediate suspension of the permit or other prosecution.
4. State that an opportunity for appeal from any notice or inspection findings will be provided if a written

request for a hearing if filed with the Health Officer within the period of time established in the notice of correction.

#### 12.4.04. - Service of Notice.

Notices provided for under this section shall be deemed to have been properly served when a copy of the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. The original of such notice shall be filed with the records of the Health Officer.

#### 12.4.05. - Examination and Condemnation of Food.

Food may be examined or sampled by the Health Officer as often as may be necessary to determine freedom from adulteration or misbranding. The Health Officer may, upon written notice to the owner or person in charge, place a hold order on any food which said officer determines, or has probable cause to believe to be unwholesome, or otherwise adulterated or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order notice or tag placed on food by the Health Officer and neither such food nor the containers thereof, shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the Health Officer, except on order by a court of competent jurisdiction.

After the owner or person in charge has had a hearing, as provided for in 12.4.03(4), and on the basis of evidence produced at such hearing or on the basis of said officer examination in the event a written request for a hearing is not received within ten (10) days, the Health Officer may vacate the hold order, or may by written order, direct the owner or person in charge of the food which was placed under the hold order, to denature or destroy such food, or bring it into compliance with the provisions of this Chapter, shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.

#### 12.4.06. - Food-Service Establishments Outside Jurisdiction of the Health Officer.

Food from food establishments outside the jurisdiction of the Health Officer of the City of Country Club Hills, State of Illinois, may be sold within the City of Country Club Hills, State of Illinois, if such food establishments conform to the provisions of this Chapter or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Health Officer may accept reports from responsible authorities in other jurisdictions where such food establishments are located.

#### 12.4.07. - Plan Review of Future Construction.

When a food-service establishment, retail food store or food processing establishment is, hereafter, constructed or extensively remodeled, or when an existing structure is converted for use as food-service establishment, retail food store or food processing establishment, properly prepared plans and specifications for such construction, remodeling, or alteration, showing layout, arrangement, and construction materials of work areas, and the location size and type of fixed equipment and facilities, shall be submitted to the Health Officer for approval before such work is begun. Fees may be charged to offset the cost of plan reviews. The Health Officer shall report in writing to the Building Commissioner within five (5) days of receipt of plans.

#### 12.4.08. - Procedure when Infection is Suspected.

When the Health Officer has reasonable cause to suspect possibility of disease transmission from any food-service establishment, retail food store or food processing establishment employee, the Health Officer shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated, and take following measures:

1. The immediate exclusion of the employee from all food service establishments, retail food stores or food processing establishments.
2. The immediate closure of the establishment concerned until, in the opinion of the Health Officer, no further danger of disease outbreak exists.
3. Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease.
4. Professional medical and laboratory examination of the employee, and of his and their body discharges.

#### ARTICLE 5. - CONTAGIOUS DISEASES

##### 12.5.01. - Adoption of Regulations by Reference.

The control of communicable diseases within the City shall be regulated in accordance with the current "Rules and Regulations for the Control of Communicable Disease," issued by the Department of Public Health, State of Illinois, which is hereby adopted by reference and incorporated herein.

#### ARTICLE 6. - PENALTY

##### 12.6.01. - Penalty.

Any person, firm, or corporation who violates, disobeys, commits, neglects, refuses to comply with, or resists the enforcement of any provision of this chapter shall be subject to a penalty as prescribed in Chapter 10 of this Code. Each day a violation is permitted to exist or continue shall constitute a separate offense.