

**1<sup>st</sup> DRAFT Of Village Code 6-1 Proposal**

*These are Village Code 6-1 revisions to amend the Food Service Sanitation Code*

*(stare 8/3/16 GH)*

**Review Notes Guide**

- **Highlighting are new words/numbers to be added or changed from existing.**
- *Enlarged Italic Texts are used for explanation* – not part of final ordinance
- ~~Abcdef~~ & Red text are items to be **removed** (from the existing ordinance)

Orland Park, IL Code of Ordinances

## **CHAPTER 1 HEALTH CODE**

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**CHAPTER 1**

**HEALTH**

**SECTION**

**6-1-1: Administrative General Provisions**

**6-1-1-1: Purpose:**

It is the purpose of this code to enhance public protection by targeting for education and enforcement those issues which are most commonly associated with the occurrence of foodborne illness. (Ord. 4801, 3-4-13)

**6-1-1-2: Powers**

The Health Inspector shall be given specific power to make inspections and for that purpose may enter buildings, structures and premises to enforce the environmental health laws of the Village and to that end shall make such orders, requirements, decisions and determinations as are necessary to the enforcement of the environmental health laws. (Ord.4801, 3-4-13)

**6-1-1-3: Rules and Regulations:**

The current and subsequent editions of the Food Service Sanitation Code ~~and Retail Food Store Sanitation Code~~, as amended from time to time and promulgated by the Illinois Department of Public Health are hereby adopted by reference. **The (FDA) 2013 Food Code Chapters as referenced in the amended July 29, 2016 Food Service Sanitation Code are adopted by reference.** Three (3) copies of the Illinois Department of Public Health Food Service Sanitation Code (77 Ill. Adm. Code 750) ~~and Retail Food Store Sanitation Code (77 Ill. Adm. Code 760)~~ **and 2013 Food Code** shall be on file for public use, and have been for more than thirty (30) days prior to the passage of this section.

*The State of Illinois has repealed most of the Food Service Sanitation Code to allow for implementation of the FDA 2013 Food Code.*

**6-1-1-4: Ammendments to the ~~Food Service Sanitation Code (77 Ill. Adm. Code 750)~~ 2013 Food Code:**

The below listed Sections and Sub-sections are amended in the following respects:

- 1) ~~Section 750.600 of the Food Service Sanitation Code~~ **Section 4-201.11 of the 2013 Food Code** is amended to add at the end of the section: Food service equipment needs to be commercial grade and meet the standards regarding safe design, non-toxic materials, intended use, and workmanship established by one of the recognized accredited agencies for food service equipment unless otherwise approved by the Health Inspector upon inspection. These agencies include the National Sanitation Foundation International (NSF), Environmental Testing Laboratory (ETL), Underwriters Laboratories (UL-SAN), or Canadian Standards Association International (CSA). The trademark seal of one of these agencies is an indicator that the equipment is approved. Existing non-conforming equipment shall be replaced with conforming equipment when found in disrepair.
- 2) ~~Section 750.1160 of the Food Service Sanitation Code~~ **Section 6-501.111 of the 2013 Food Code** is amended to add the following at the end of the section "All food service establishments in the Village of Orland Park must have a licensed Pest Control Service monthly".
- 3) Where said rules and regulations make any reference to plumbing facilities, The Plumbing Code of the Village, as amended, shall be applicable.

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4) To the extent that when any ordinance of the Village sets forth a more stringent requirement than said rules and regulations, the more stringent requirement shall be applicable. (Ord. 3206, 12-07-98, amd. Ord. 3610, 3-4-02, amd Ord, 4-7-03)

5) Section 5-204-11 of the 2013 Food Code is amended to define "convenient" as within twenty-five feet from all food preparation, food dispensing and warewashing areas not to be separated by a door.

*Added to standardize the location and placement of handsinks for plan reviews.*

#### **6-1-1-5: Amendments to the Illinois Plumbing Code (77 Ill. Adm. Code 890):**

**This section has been repealed.**

~~The below listed Sections and Sub-sections are amended in the following respects:~~

~~Section 890.1010a of the Illinois Plumbing Code (77 Ill. Adm. Code 890) pertaining to indirect waste connections in Food and Beverage Handling shall be amended to add the following at the end of the section "All other fixtures including hand washing sinks shall be provided with a direct waste connection".~~

*The Illinois Plumbing Code no longer allows amendments unless approved by the Illinois Department of Public Health.*

#### **6-1-1-6: Inspection Frequency; Right of Entry, Fees:**

The Health Inspector, after proper identification, shall be permitted to enter any retail food store at any time when food handling occurs for the purpose of making inspections to determine compliance with this Title.

Category I facilities shall have at least three contacts with a minimum of two of those contacts a routine inspection. Category II facilities shall have two contacts with a minimum of one inspection a routine inspection. Category III and Seasonal Food Service facilities shall have one routine inspection. In addition, follow-up inspections will occur as often as deemed necessary by the Health Inspector to ensure compliance with all codes and ordinances. The category types are defined in Section 750.10 of the Illinois Food Service Sanitation Code.

Inspection fees shall be as provided in Subsection 5-2-7-9 of this Code, Health Inspection Fees. (Ord. 3448, 12-4-00)

#### **6-1-1-7: Inspection of Records:**

The health inspector, after displaying proper identification, shall be permitted to examine the records of the food establishment to obtain information pertaining to pest control services rendered, employee certifications, food and supplies purchased, received or used.

#### **6-1-1-8: Inspection Reports:**

Whenever a routine inspection of a food establishment is made, the findings will be recorded on the Food ~~Service~~ Establishment Inspection Report Form provided by the Health Inspector. ~~The inspection report shall summarize the requirements of this Article and shall be set forth a weighted point value for each requirement. Inspectional remarks shall be written and shall state the correction to be made. A perfect score is a 100 point score. Critical violations are weighted at four (4) and five (5) points and will be subtracted from the score for each observance of the violation. Non-critical violations are weighted at one (1) and (2) points and will be subtracted once independent of the number of times the violation is observed.~~ The Illinois Uniform Grading system will be used to assign a rating for the food service facility. The ratings will be awarded as Pass, Pass with Conditions, or Fail. Pass ratings will be awarded to food service facilities with three or less ( $\leq 3$ ) Foodborne Illness Risk Factors violations as determined on the Food Establishment Inspection Report form and five or less ( $\leq 5$ ) repeat violations from the previous audit. Pass with Conditions ratings will be awarded to food service facilities with four or five (4-5) Foodborne Illness Risk Factors violations and/or six to ten (6-10) repeat violations. Fail ratings will be awarded to

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food service facilities with six or more (≥6) Foodborne Illness Risk Factors violations and/or eleven or more (≥11) repeated violations. The completed Food Service Establishment Inspection Report Form is a public document that shall be made available to public disclosure to any person who requests it according to law.

*This grading system was developed by the Illinois Department of Public Health to standardize scoring systems throughout the state.*

#### **6-1-1-9: Correction of Violations:**

- A. All ~~critical~~ PRIORITY and PRIORITY FOUNDATION violations as defined in *Preface X of the 2013 Food Code* shall be corrected as soon as possible and if not immediately corrected will be given a time limit for correction as determined by the Health Inspector to prevent significant threat to health
- B. All ~~non-critical~~ CORE violations as defined in *Preface X of the 2013 Food Code* shall be corrected within a specified period of time or as soon as possible, but in any event, by the time of the next routine inspection.
- C. When ~~the score falls below sixty (60), a fail rating is awarded,~~ the establishment shall initiate corrective action on all identified violations within forty-eight (48) hours, unless otherwise specified. One or more follow-up inspections will be conducted at reasonable time intervals to assure correction.

#### **6-1-1-10: Procedures When Infection is Suspected;**

When the Health Inspector has reasonable cause to suspect possible disease transmission from any food service facility employee, it may secure a morbidity history of the suspected employee, or make any other investigation as indicated and shall take appropriate action. The Health Inspector may require any or all of the following measures:

- A. EMPLOYEE: The immediate exclusion of the employee from employment in food service establishments;
- B. LICENSE SUSPENSION: The immediate closing of the food service facility concerned until the Regulatory Authority determines that no further danger of disease outbreak exists;
- C. EMPLOYEE RESTRICTION: Restriction of the employee's services to some area of the facility where there could be no danger of transmitting disease;
- D. MEDICAL EXAMINATION: Adequate medical and laboratory examination of the employee, of other employees, and of the body discharges of such employees.
- E. EDUCATION: Require additional foodborne illness prevention education. Provides guidelines to help minimize the extent and number of occurrences of foodborne illness outbreaks.

#### **6-1-1-11: Suspension, Revocation and Appeal:**

The Health Inspector may, without warning, notice or hearing suspend any license authorized by this Article if the operator does not comply with the requirements of this Article, and the operation of the establishment constitutes an imminent hazard to public health. Whenever a license is suspended, retail food operations shall immediately cease. The suspension will be lifted once the required corrections are made as determined by a follow-up inspection to be provided within a reasonable time period not to exceed eight (8) days.

License revocation and the process to appeal are referenced in Section 7-1-16 of the Village Code.

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#### **6-1-1-12: Penalties:**

Any person, firm, corporation or entity who violates, disobeys, omits, neglects, refuses to comply with or who resists enforcement of any of the provisions of this Chapter, shall upon conviction be fined as detailed in Title One, Chapter Four (1-4-1: General Penalty)

#### **6-1-2: Definitions:**

For purposes of following regulations, words shall have the meanings assigned to them in section 7-2-1 of this Title, with the addition of the following:

**Health Inspector:** The person meeting the qualifications of a Licensed Environmental Health Practitioner as defined by the Illinois Department of Professional Regulations and designated by the Director of Development Services to enforce health regulations pursuant to the Codes and Ordinances of the village.

**Contact:** A routine food service sanitation inspection with a scored report or an in-service educational presentation performed by the Health Inspector or under the supervision of the Health Inspector.

**Critical Violation:** ~~Critical violations are those which, if not corrected, are more likely to directly contribute to food contamination, or pose a significant threat to health.~~

**Employee:** Any person working on the premises of a food service establishment who engages in management, supervision, food preparation, cleaning or service.

**Imminent Health Hazard:** means any hazard to the public health when the evidence is sufficient to show a product or practice, posing or contributing to a significant threat of danger to health, creates or may create a public health situation (1) that should be corrected immediately to prevent injury or illness and (2) that should not be permitted to continue (i.e. flooding (including sewer backup), fire, no potable water available under pressure, no electricity, no natural gas, suspected disease transmission from employee(s), operating without a business license).

#### **6-1-3: Temporary Food Service Establishment**

##### **6-1-3-1: Submittal of Plan and Application:**

Temporary Food Service Establishments shall apply for a permit prior to seven (7) days in advance of an event. Each separate food vendor must apply for a permit. As part of the application process, a list of menu items, list of equipment items, list of food sources and hours of operation must be submitted.

##### **6-1-3-2: Permitting:**

A permit may be issued after review of the application if foodborne illness risks are deemed low by the Health Inspector or will be issued after inspection. It shall be unlawful to handle food at Temporary Food Service Establishment prior to issuance of a permit. The permit shall be posted in public view.

##### **6-1-3-3: Permit Duration:**

Temporary Food Service Establishments permits are valid for fourteen (14) days after issuance. A maximum of two (2) permits may be granted for each event.