



## Legislation Text

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**File #:** 2016-0643, **Version:** 3

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### Title/Name/Summary

AN ORDINANCE AMENDING TITLE 6, "HEALTH, NUISANCES", CHAPTER 1, "HEALTH CODE" OF THE ORLAND PARK VILLAGE CODE (SECTIONS 6-1-1-3, 6-1-1-4, 6-1-1-5, 6-1-1-8, 6-1-1-9, 6-1-2) AND ADOPTING THE FDA 2013 FOOD CODE AS REFERENCED IN THE FOOD SERVICE SANITATION CODE WITH AMENDMENTS

### Body

WHEREAS, the Village of Orland Park is authorized by law to adopt codes by reference pursuant to Illinois Municipal Code, 65 ILCS 5/1-3-2; and

WHEREAS, from time to time the Village of Orland Park determines that further changes are necessary to the text of the Village's adopted Health Code; and

WHEREAS, the Village of Orland Park currently uses the "Food Service Sanitation Code" (77 Ill. Adm. Code 750) and the "Retail Food Store Sanitation Code" (77 Ill. Adm. Code 760) from the Illinois Department of Public Health with Village amendments as the basis for food service establishment regulations; and

WHEREAS, the latest edition of the Food Service Sanitation Code repealed the majority of the regulations and incorporated the U.S. Food And Drug Administration's 2013 Food Code; and

WHEREAS, the Retail Food Store Sanitation Code has been repealed in its entirety; and

WHEREAS, the Illinois Department of Public Health has developed a new inspection form and rating system to be adopted by all counties and municipalities in the State; and

WHEREAS, the Village has reviewed these new regulations and has determined that it is in the best interest of the Village and its residents to amend and revise Title 6, "Health, Nuisances", Chapter 1, "Health Code" of the Village Code to correlate with the change in verbiage and rating system enacted by the Illinois Department of Public Health in its adoption of the 2013 Food Code; and

WHEREAS, a copy of Illinois Department of Public Health Food Service Sanitation Code and the 2013 Food Code as referenced in the Food Service Sanitation Code have been on file with the Office of the Clerk of the Village of Orland Park for thirty (30) days and has, during that time, been available for public use, inspection, and examination; and

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

### SECTION 1

Section 6-1-1-3 of the Village Code of the Village of Orland Park is hereby amended to delete in its entirety the

text of Section 6-1-1-3, “Rules and Regulations”, and to substitute the following as new text for Section 6-1-1-3, “Rules and Regulations”:

#### 6-1-1-3 RULES AND REGULATIONS:

The current and subsequent editions of the Food Service 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 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.

#### SECTION 2

Section 6-1-1-4 of the Village Code of the Village of Orland Park is hereby amended to delete in its entirety the text of Section 6-1-1-4, “Amendments to the Food Service Sanitation Code (77 Ill. Adm. Code 750)”, and to substitute the following as new text for Section 6-1-1-4:

#### 6-1-1-4 AMENDMENTS TO THE 2013 FOOD CODE:

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

- 1) 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 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.
- 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.
- 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.

#### SECTION 3

Section 6-1-1-5 “Amendments to the Illinois Plumbing Code (77 Ill. Adm Code 890)” of the Village Code of the Village of Orland Park is hereby repealed.

## SECTION 4

Section 6-1-1-8 of the Village Code of the Village of Orland Park is hereby amended to delete in its entirety the text of Section 6-1-1-8, "Inspection Reports", and to substitute the following as new text for Section 6-1-1-8, "Inspection Reports":

### 6-1-1-8 INSPECTION REPORTS:

Whenever a routine inspection of a food establishment is made, the findings will be recorded on the Food Establishment Inspection Report Form provided by the Health Inspector. Inspectional remarks shall be written and shall state the correction to be made. 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 food service facilities with six or more ( $\geq 6$ ) Foodborne Illness Risk Factors violations and/or eleven or more ( $\geq 11$ ) 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.

## SECTION 5

Section 6-1-1-9 of the Village Code of the Village of Orland Park is hereby amended to delete in its entirety the text of Section 6-1-1-9, "Correction of Violations", and to substitute the following as new text for Section 6-1-1-9, "Correction of Violations":

### 6-1-1-9 CORRECTION OF VIOLATIONS:

- A. All 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 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 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.

## SECTION 6

Section 6-1-2 of the Village Code of the Village of Orland Park is hereby amended to delete the term "critical violation" and its accompanying definition from the text of Section 6-1-2, "Definitions".

## SECTION 7

All other parts of Title 6, "Health, Nuisances," Chapter 1, "Health Code," of the Village Code of the Village of

Orland Park not specifically amended by this Ordinance shall remain in full force and effect unless and until they are amended by another ordinance.

## SECTION 8

This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.