



# Agenda Cover Memorandum

Meeting Date: December 19, 2016

Meeting Type:  COW (Committee of the Whole)  City Council  Budget Workshop

Item Title: Approve An Ordinance Amending Article 5, Chapter 3 of the Municipal Code of Park Ridge Regarding the Food Sanitation Regulations

Action Requested:  Approval  For discussion  
 Feedback requested  For your information

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## Background:

Note that this item was seen twice at the Committee of the Whole: at the COW's October meeting for discussion and at the November meeting for action. Under new procedural rules recently approved by the Council, this item may have final approval at its first reading, unless an Alderman wishes to place it on a subsequent agenda for the second and final reading.

Since 1993 the US Food & Drug Administration (FDA) has promulgated a food code. This code provides FDA's best advice for a uniform system of provisions that address the safety and protection of food offered at retail and in food service. The code is offered for adoption by local, state and federal government jurisdictions; to be sure, retail food regulations in every state and three territories are modeled after the FDA Food Code. The 2013 Food Code (8<sup>th</sup> edition) reflects the input of regulatory officials, industry, academia and consumers.

In July 2016 the State of Illinois, upon a proposal from the Illinois Department of Public Health (IDPH), officially incorporated FDA's 2013 Food Code into the Illinois Food Service Sanitation Code ("Illinois Food Code", 77 Ill. Adm. Code 750). A list of significant changes to the Illinois Food Code is attached as an appendix to this document.

Section 750.20(e) of the recently amended Illinois Food Code states that "the regulatory authority shall implement the provisions of this Part by July 1, 2018," i.e. local health departments have until that date to adopt and implement the new Illinois Food Code.

## Park Ridge and the Illinois Food Code:

Although the City of Park Ridge has adopted the Illinois Food Code by reference (§5.3.2, attached), an ordinance adopting the newly amended Illinois Food Code should be approved by the City Council (draft ordinance, attached). And although the State deadline for adoption and implementation of the newly amended Illinois Food Code is not until July 2018, I urge the City Council to adopt the new Illinois Food Code with an effective date of January 1, 2017. Early adoption of this code has several advantages for the City. There is also one issue regarding the way risk categories will change that may have an impact on a couple dozen of the City's food establishments.

## The New Illinois Food Code—what does it mean for Park Ridge?

The City of Park Ridge has a two-person local health department, or health division, which is part of the Community Preservation & Development Department. The City's health officials inspect all retail food and food service establishments within the corporate limits. The nature and frequency of these inspections as mandated by the Illinois Food Code are based on the assignment of a "risk category" to each food establishment:

**Risk 1 (high).** These are establishments that cater to "immuno-compromised" populations, such as hospitals and nursing homes. Also in this category are establishments that serve raw food such as sushi. High-risk establishments are inspected three times per year. The department's cycle for these inspection is March-April, July-August, November-December.



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Risk 2 (medium). Perhaps this category can best be described as the default, or the category where establishments that don't fit into Risk 1 or Risk 3 fall. Many of the restaurants and eating establishments in Park Ridge are Risk 2. Medium-risk establishments are inspected twice per year (cycle of April-May and October-November).

Risk 3 (low). These are retail or food service establishments that offer pre-packaged food items that are either shelf-stable products, e.g. a bag of cookies, or need to be maintained at a specific temperature, e.g. an ice cream bar. Drug store chain outlets usually fall into this category. Low-risk establishments are inspected once per year (inspection times determined by department workload).

In assigning risk categories to food establishments, the City's health officials evaluate food preparation procedures and menus. The current break-out by risk category is: Risk 1-131; Risk 2-79; Risk 3-18. Under the new Illinois Food Code, establishments that prepare hot food then store and cool it for later consumption (such as soup or pasta) will now be classified as Risk 1. This new criterion for assigning risk will cause, in our health officials' estimation, perhaps 22 food establishments' risk category to be elevated from 2 to 1.

There are two implications for a food establishment's risk category being elevated from 2 to 1: first, the establishment will be inspected three times per year instead of two; and second, its business license fee will increase. (The City's business license fees are based on a matrix that includes such factors as square footage, use, and food risk category—application form with fees attached.) In adopting the new Illinois Food Code, the City will not raise fees, but the effect—at least for a minimal number of establishments—will feel like it. I also note that each food establishment, through its food preparation and its menu, controls the determination of its own risk category.

### COW Discussions

The update of the food code was a discussion item at the October Committee of the Whole (P&R) and an action item COW's November meeting. Concern was raised over increased licensing costs to a number of food establishments; moreover, some aldermen questioned why other municipalities have been slow to adopt the new Illinois Food Code. Other aldermen felt the City should remain progressive in its adoption of the latest regulations regarding public safety, to include food safety. The new Illinois Food Code is based on the FDA's 2013 model code, and thus the City would be following the latest and best thinking on food safety, sanitation and fair dealing in the retail food and food service sectors. By a vote of 4-2, the item was approved to move from the COW to City Council for the first reading of the attached ordinance.

### Recommendation:

Approve An Ordinance Amending Article 5, Chapter 3 of the Municipal Code of Park Ridge Regarding the Food Sanitation Regulations.

### Budget Implications:

Does Action Require an Expenditure of Funds:  Yes  No

If Yes, Total Cost:

If Yes, is this a Budgeted Item:

Yes  No  Requires Budget Transfer

If Budgeted, Budget Code (Fund, Dept, Object)

### Attachments

1. Significant changes to Illinois Food Code
2. An Ordinance Amending Article 5, Chapter 3 of the Municipal Code of Park Ridge Regarding the Food Sanitation Regulations

Attachment - Significant Changes to Illinois Food Code

The following is a list of some of the significant changes—as they apply to Park Ridge—in the recently amended Illinois Food Code. The list is not intended to be comprehensive, but rather serve as a guide for decision makers and others with a stake in the local retail food and food service sectors.

1. The food inspection report has changed. The Retail Food Sanitary Inspection Report has been replaced with a new Food Establishment Inspection Report.
2. “Critical violations” are not part of the new Illinois Food Code; however, there is still a three-month compliance requirement for Section 750.450.
3. Under the new code, food establishments will no longer receive an inspection score. In the past, a maximum score of 100 was achievable, with a score below 60 indicating an inspection failure. Under the new grading system, only a grade of pass, fail or re-inspection will be provided.
4. The new code requires more involvement by food service managers, i.e., they are to take more of an ownership of their food safety concerns.

**CITY OF PARK RIDGE**

**ORDINANCE NO. 2016-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PARK RIDGE  
AMENDING ARTICLE 5, CHAPTER 3 OF THE MUNICIPAL CODE OF PARK RIDGE  
REGARDING THE FOOD SANITATION REGULATIONS**

**WHEREAS**, the City of Park Ridge is an Illinois home rule municipal corporation organized and operating pursuant to Article VII of the Illinois Constitution of 1970; and

**WHEREAS**, the City exercises authority to adopt and enforce regulations regarding the manner in which food service businesses operate and has codified such rules in Article 5, Chapter 3 (Food Service Establishments) of the City of Park Ridge Municipal Code; and

**WHEREAS**, the City desires to amend its codes applicable to Food Service Establishments and adopt by reference the published compilation of rules and regulations which have been adopted by the Illinois Department of Public Health, including but not limited to the Illinois Food Service Sanitation Code (the "Food Code"), 77 Illinois Administrative Code Part 750, which incorporate by reference the United States Food and Drug Administration 2013 Model Food Code; and

**WHEREAS**, full and complete copies of the regulations sought to be adopted by reference in this ordinance, as more specifically described herein, have been placed on file with the City Clerk and made available for public review and inspection for not less than thirty (30) days preceding the date of this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Park Ridge, Cook County, Illinois, pursuant to its home rule authority provided under Article VII of the Illinois Constitution of 1970 as follows:

**SECTION 1:** Recitals. The foregoing recitals represent the City Council's findings of fact and shall be incorporated as though fully set forth herein.

**SECTION 2:** Adoption of Rule. Section 5-3-2 of the City of Park Ridge Municipal Code is hereby repealed and replaced with the following new Section 5-3-2:

The State of Illinois, Department of Public Health rules and regulations pertaining to the sanitation of food service establishments effective on August 1, 2016, codified as Title 77 Illinois Administrative Code Part 750, inclusive, are hereby adopted as a municipal ordinance of the City by reference as though fully set forth herein and made a part hereof.

**SECTION 3:** Penalties. The penalty provisions described in the codes adopted by reference by this ordinance are not adopted by the City. The penalty provisions described in Article 5, Chapter 16 of the City Code for violations of health-related codes are hereby re-adopted and affirmed with respect to the new codes adopted hereby.

**SECTION 4:** Reference copies. The City Clerk shall place at least 3 copies of the regulations adopted herein on file and make such copies available for public review and inspection. Such copies may be made available in digital format.

**SECTION 5:** Severability. If any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions and any other enforcement of this Ordinance.

**SECTION 6:** Repealer and Effective Date. All prior ordinances and parts of ordinances in conflict herewith are hereby repealed. This Ordinance be in full force and effect forthwith upon its adoption, approval and publication in the manner provided by law.

**SECTION 7:** The City Clerk is hereby authorized and directed to publish said Ordinance in pamphlet form according to law.

Adopted by the City Council of the City of Park Ridge, Illinois this \_\_\_\_ day of \_\_\_\_\_, 2016.

VOTE:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Approved by me this  
\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Acting Mayor Marty Maloney

Attest:

\_\_\_\_\_  
City Clerk