

# ARTICLE 5

## HEALTH

### CHAPTER

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*(Ord 2004-26, 4/5/2004, S23)*

*(Ord. 2013-46, 09/16/2013, entire chapter)*

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### HEALTH

#### CHAPTER 1 ENVIRONMENTAL HEALTH OFFICER

##### SECTION

- 5-1-1 Position Created
- 5-1-2 Duties
- 5-1-3 Powers
- 5-1-4 Notice of Violation
- 5-1-5 Interference with the Environmental Health Officer

##### **5-1-1 POSITION CREATED**

There is hereby created in the Department of Community Preservation and Development, the position of Environmental Health Officer. Upon vacancy of this position, the Environmental Health Officer shall be appointed by the Director of Community Preservation and Development. Such appointment shall be based upon the demonstrated ability, knowledge and experience in applying scientific and practical principles for the control of but not limited to air, water, waste, food, drink, chemicals, cosmetics, drugs, shelter, undesirable biological organisms, rodents, insects, birds, other vermin and other external and internal physical conditions of human environment to the extent and solely for the purpose that these activities promote and preserve health, safety, comfort and well being of mankind. In addition, screening, testing, devising and evaluation of materials, methods and equipment shall be done to accomplish the above applications.

##### **5-1-2 DUTIES**

The Environmental Health Officer shall carry out all acts and duties prescribed by the environmental health laws of the City and of the Illinois State Statutes and to perform such other acts and duties as may be required.

##### **5-1-3 POWERS**

The Environmental Health Officer shall be given specific power to make inspections and for that purpose may enter buildings, structures and premises in order to enforce the environmental health

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laws of the City and to that end shall make such orders, requirements, decisions and determinations as are necessary with respect to the enforcement of the environmental health laws. The Environmental Health Officer may also delegate such authority as may be deemed necessary. While in the performance of his duties he shall have the authority of a conservator of the peace.

### **5-1-4 NOTICE OF VIOLATION**

Whenever a section of this Article has been violated, the Environmental Health Officer or his designated representative, and such assistants, as may be acting under his direction and authority shall issue a written notice setting forth the alleged violations, and advising the owner or any occupant, operator, or agent that such violations must be corrected.

*(Ord 2006-01, 1/9/06, S24)*

### **5-1-5 INTERFERENCE WITH THE ENVIRONMENTAL HEALTH OFFICER**

It shall be unlawful for any person who shall in any way interfere with or hinder or prevent the Environmental Health Officer from discharging or performing his duty.

*(Ord 2006-01, 1/9/06, S24)*

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#### CHAPTER 2 DEFINITIONS

##### SECTION

**5-2-1** Definitions

##### **5-2-1** DEFINITIONS

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

**COMMISSARY:** Catering establishments, restaurants, or other places in which food, beverage or ingredients, containers or supplies are kept, handled, prepared or stored.

**EQUIPMENT:** Includes but is not limited to stoves, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, protective eyewear, handrails, washers, dryers and similar items other than utensils, used in the operation of food service establishments, retail food stores, tanning facilities, laundries, barber shops, beauty shops, etc.

**EXTERMINATION:** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigation, trapping, or by any other means.

**FURNITURE:** Tables, chairs, stools, etc. used by the customer and not serving any equipment use.

**HEALTH AUTHORITY:** The Environmental Health Officer of the City or his designated representative, and such assistants, as may be acting under his direction and authority.

**INFESTATION:** The presence, within or around a building or structure of any insects, rodents or other pests.

**LITTER:** Any discarded, used or consumed substance or waste. Litter includes, but is not limited to any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper containers, wood, motor vehicle parts, furniture, oil, carcass of dead animal, animal or human excreta, any nauseous or offensive material or liquid of any kind, any object which creates a public health or safety hazard, public nuisance or a fire hazard or anything else

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of an unsightly or unsanitary nature which has been discarded, abandoned, disposed or otherwise stored or improperly.

**OPERATOR:** (Business) Person responsible for furnishing, installing, servicing, operating or maintaining a food service establishment, retail food store, vending machine, laundry, barber shop, day care facility, tanning facility, beauty shop, etc.

**OWNER:** (Realty) Any person who, alone or jointly or severally with others:

- A. Shall have legal or beneficial title to any premise, building or structure with or without accompanying actual possession thereof; or
- B. Shall have charge, care or control of any premise, building or structure; as owner or agent of the owner or as executor, administrator, trustee or guardian of the estate of the owner.

Any such person thus representing the actual owner shall be bound to comply with the provisions of this Article, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

**PARK:** A park, reservation, playground, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.

**PERSON:** Any person, firm, partnership, association, corporation, company or organization of any kind.

**PREMISES:** A platted lot or part thereof, or unplatted lot or parcel of land, or plot of land, either occupied or unoccupied by any building or structure.

**PUBLIC NUISANCE:** The term "public nuisance" shall have the meaning as provided in Article 14, Chapter 1-1 of the Municipal Code of the City.

**PUBLIC PLACE:** Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings; and any and all public school buildings and grounds.

**STANDARD REFUSE CONTAINER:** A receptacle of not more than thirty-two (32) gallons capacity, of impervious material and sturdy construction with a tight-fitting cover, equipped with at least two (2) handles properly placed to facilitate handling. Plastic bags shall also be deemed a standard refuse container; provided, however, that they are stored prior to pickup day in a manner which will prevent them from being torn and the contents strewn; that is, they shall be stored inside an acceptable refuse container. For purposes of this definition, pick-up day shall be deemed to be that time during which garbage receptacles are permitted on City parkways under the terms and provisions of Section 5-12-7 of this Article. Dumpsters shall be deemed a standard refuse container on property used for multiple-family purposes or commercial purposes.

*(Ord 2006-01, 1/9/06, S24)*

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#### CHAPTER 3 FOOD SERVICE ESTABLISHMENTS

##### SECTION

- 5-3-1 Compliance with State Regulations
- 5-3-2 Adoption by Reference
- 5-3-3 Publication in Pamphlet Form
- 5-3-4 Permits
- 5-3-5 Issuance of Permit
- 5-3-6 Permit Restrictions
- 5-3-7 Suspension of Permit
- 5-3-8 Revocation of Permit
- 5-3-9 Service of Notices
- 5-3-10 Application After Revocation
- 5-3-11 Inspection Frequency
- 5-3-12 Access
- 5-3-13 Inspection Reports
- 5-3-14 Correction of Violations
- 5-3-15 Inspection Report
- 5-3-16 Rating Score
- 5-3-17 Interpretations
- 5-3-18 Examination and Condemnation of Adulterated  
or Misbranded Foods
- 5-3-19 Submission of Plans
- 5-3-20 Pre-Opening Inspection
- 5-3-21 Food Service Establishments Outside Jurisdiction of  
the City of Park Ridge

##### **5-3-1 COMPLIANCE WITH STATE REGULATIONS**

It shall be unlawful for any person operating a food service establishment within the City, as hereinafter defined, to violate any of the terms and provisions of the State of Illinois, Department of Public Health Rules and Regulations pertaining to sanitation of food service establishments.

*(Ord 2006-01, 1/9/06, S24)*

**5-3-2            ADOPTION BY REFERENCE**

The State of Illinois, Department of Public Health Rules and Regulations, pertaining to the sanitation of food service establishments and any future revisions or amendments thereto are hereby adopted as a Municipal ordinance of the City by reference as though fully set forth herein and made a part hereof.

**5-3-3            PUBLICATION IN PAMPHLET FORM**

The City Clerk is hereby authorized to publish said Rules and Regulations herein adopted by reference by maintaining a copy thereof for public inspection in the office of the City Clerk in the City.

**5-3-4            PERMITS**

No person shall operate a food service establishment who does not have a valid permit issued by the Health Authority. Only a person who complies with the State of Illinois, Department of Public Health Rules and Regulations of Food Service Sanitation shall be entitled to receive or retain such a permit. Permits are not transferable. When structural, plumbing, electrical, ventilation, or similar such defects exist in an established food facility that may require a significant expenditure to correct, but are not considered to be an imminent health hazard, a conditional license or permit may be granted at the discretion of the Health Authority. A conditional permit may be issued to operate for a period not to exceed ninety (90) days and may be renewed not more than once. A valid permit shall be posted in every food service establishment. The food service Health Permit is in addition to the certificate of registration required under Article 12-2-2.

**5-3-5            ISSUANCE OF PERMIT**

- A. Any person desiring to operate a food service establishment shall make written application for a permit on forms provided by the Health Authority. Such application shall include the name and address of each applicant, the location and type of proposed food service establishment and the signature of each applicant.
  
- B. Prior to approval of an application for a permit, the Health Authority shall inspect the proposed food service establishment to determine compliance with the requirements of this Article.
  
- C. The Health Authority shall issue a permit to the applicant if the inspection reveals that the proposed food service establishment complies with the requirements of this Article.

**5-3-6            PERMIT RESTRICTIONS**

- A. A food service establishment permit shall be issued to the operator for the premises stated in the application and shall not be transferable.
  
- B. A permit for a temporary food service establishment shall be valid for a period not to exceed two (2) weeks. The permit shall state "Temporary Food Service Establishment" and the time for

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which it is valid. The permit shall be issued to the operator for the premises stated in the application, and shall not be transferable.

- C. The permit shall state whether the establishment is limited to beverage service only, or whether it may serve food.

### **5-3-7 SUSPENSION OF PERMIT**

- A. The Health Authority may without warning, notice or hearing suspend any permit authorized by this Article if the operator does not comply with the requirements of this Article, or if the operation of the food service establishment does not comply with the requirements of this Article, and the operation of the establishment constitutes an imminent hazard to public health. Suspension is effective upon service of the notice required in Section 5-3-7C.
- B. When a permit is suspended, food service operations shall immediately cease. Whenever a permit is suspended, the operator shall be afforded an opportunity for a hearing within twenty (20) days of receipt of a request for hearing.
- C. When a permit is suspended, the operator or the person in charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if a written request for a hearing is filed with the Health Authority by the operator within ten (10) days. The Health Authority may end the suspension at any time if reasons for the suspension no longer exist.

### **5-3-8 REVOCATION OF PERMIT**

- A. The Health Authority may, after providing an opportunity for a hearing, revoke a permit for violations of any of the requirements of this Article, or for interference with the Health Authority in the performance of his duties.
- B. Prior to revocation, the Health Authority shall notify, in writing, the operator, or the person in charge, of the specific reasons for which the permit is to be revoked, and that the permit shall be revoked at the end of the ten (10) days following service of such notice unless a written request for a hearing is filed with the Health Authority by the operator within such ten (10) day period. If no request for a hearing is filed within the ten (10) day period, the revocation of the permit becomes final.

### **5-3-9 SERVICE OF NOTICES**

A notice provided for in this Article is properly served when it is delivered to the holder of the permit, 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 holder of the permit. A copy of the notice shall be filed in the records of the Health Authority.

**5-3-10            APPLICATION AFTER REVOCATION**

Whenever a revocation of a permit has become final, the holder of the revoked permit may make a written application for a new permit.

**5-3-11            INSPECTION FREQUENCY**

An inspection of a food service establishment shall be performed in accordance with the Illinois Administrative Code, 77 Il. Adm. Code 615.310 *et seq.* Additional inspections of the food service establishment shall be performed as often as necessary for enforcement of this Article.

*(Ord. 2008-20, 4/7/2008)*

**5-3-12            ACCESS**

The Health Authority, after proper identification, shall be permitted to enter any food service establishment at any time when the operator or an employee is present for the purpose of making inspections to determine compliance with this Article. 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.

**5-3-13            INSPECTION REPORTS**

Whenever an inspection of a food service establishment or commissary is made, the findings shall be recorded on the Inspection Report Form set out in Section 5-3-16. The Inspection Report Form shall summarize the requirements of this Article and shall set forth a weighted point value for each requirement. Inspectional remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. A perfect score is 100 points. Each violation is categorized and has a corresponding value. To calculate the score, the point value for each violation is deducted from the 100 point score. A 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 Form is a public document that shall be made available for public disclosure to any person who requests it according to law.

*(Ord. 2008-20, 4/7/2008)*

**5-3-14            CORRECTION OF VIOLATIONS**

The completed Inspection Report Form shall specify a reasonable period of time for the correction of violations found, and correction of the violations shall be accomplished within the period specified or, if not specified, as set forth below.

- A. All violations of four (4) or five (5) point weighted items shall be corrected as soon as possible, but within ten (10) days following inspection. Within fifteen (15) days after the inspection, the Health Authority shall receive from the operator a written report stating that the four (4) or five (5) point weighted violations have been corrected. A follow-up inspection shall be conducted to confirm correction.

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- B. All one (1) or two (2) point weighted items 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 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, unless otherwise specified. One or more re-inspections will be conducted at reasonable time intervals to assure correction.
- D. In the case of temporary food service establishments, defined in 77 Illinois Administrative Code 751.10, 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 Health Authority.
- E. If an imminent health hazard occurs or exists because of emergency occurrence such as a sewage backup, fire, flood, possible disease transmission, smoke damage, water line break, power outage, refrigeration failure, cessation of potable running water or similar event, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the Health Authority.

*(Ord. 2008-20, 4/7/2008)*

### **5-3-15 INSPECTION REPORT**

An Inspection Report Form similar to Department of Health and Human Services, Public Health Service, Food and Drug Administration, Food Service Establishment Inspection Report Form FD 2420 (2/76) shall be used.

### **5-3-16 RATING SCORE**

Establishments shall maintain a sanitation level that will result in an inspectional rating score above sixty (60).

*(Ord. 2008-20, 4/7/2008)*

### **5-3-17 INTERPRETATIONS**

Interpretation of the provisions of the Park Ridge regulations pertaining to the Sanitation of Food Service Establishments, Chapter 3, shall be based on the current edition of the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, Model Food Code.

*(Ord 2006-01, 1/9/06, S24)*

### **5-3-18 EXAMINATION AND CONDEMNATION OF ADULTERATED OR MISBRANDED FOOD**

Food may be examined or sampled by the Health Authority as often as necessary for enforcement of this Article. The Health Authority may, upon written notice to the operator or person in charge, specifying with particularity the reasons therefor, place a hold order on any food which it believes to be in violation of the Rules and Regulations of Food Service Sanitation of the Illinois Department of Public Health Rule 2.01 and 2.02 or any other rule of the Article. The Health Authority shall tag, label or otherwise identify any food subject to the hold order.

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No food subject to a hold order shall be used, served or moved from the establishment. The Health Authority shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a request for hearing may be filed within ten (10) days and that if no hearing is requested the food shall be destroyed. If a request for hearing is received, the hearing shall be held within twenty (20) days after receipt of the request. On the basis of evidence produced at the hearing, the hold order may be vacated, or the operator or person in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of this Article.

### **5-3-19 SUBMISSION OF PLANS**

Whenever a food service establishment is constructed, altered or remodeled, and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for such construction, altering, remodeling or conversion shall be submitted to the Health Authority for review and approval before construction, altering, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, construction materials of work areas, mechanical plans and equipment specifications. All newly constructed or remodeled food service establishments or mobile food service establishments shall conform in its construction to the requirements of this Article.

### **5-3-20 PRE-OPENING INSPECTION**

Whenever plans and specifications are required to be submitted by Section 5-3-19 of this Article, the Health Authority shall inspect the food service establishment prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of this Article.

### **5-3-21 FOOD SERVICE ESTABLISHMENTS OUTSIDE JURISDICTION OF THE CITY OF PARK RIDGE**

Food from food service establishments outside the jurisdiction of the City may be sold within the City if such food service establishments conform to the provisions of this Article or to substantially equivalent provisions. The Health Authority may accept reports from responsible authorities in other jurisdictions where such food service establishments are located.

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### HEALTH

#### CHAPTER 3.1 OUTDOOR CAFES

*(Ord 2004-26, 4/5/2004, S23)*

#### SECTION

- 5-3.1-1 Definitions
- 5-3.1-2 Outdoor Café License
- 5-3.1-3 Eligibility; Application for License
- 5-3.1-4 Compliance with Chapter 3, Food Service Establishments
- 5-3.1-5 Requirements for all Outdoor Cafes
- 5-3.1-6 Additional Requirements for Sidewalk Cafes
- 5-3.1-7 Term of License; Renewal; Revocation; Termination
- 5-3.1-8 Annual License Fee

#### 5-3.1-1 DEFINITIONS

OUTDOOR CAFE: An outdoor food service area operated adjacent to and in conjunction with a Restaurant or Fast Food Restaurant or on a rooftop deck of a Restaurant or Fast Food Restaurant. This definition shall include Sidewalk Cafes and Private Outdoor Cafes located on private property.

*(Ord. 2010-47, 5/03/2010)*

PRIVATE OUTDOOR CAFE: An Outdoor Café on private property.

PUBLIC AREA: A public sidewalk and/or public right of way.

SIDEWALK CAFE: An Outdoor Cafe on the public sidewalk and/or public right of way.

#### 5-3.1-2 OUTDOOR CAFÉ LICENSE

No person or entity shall operate an Outdoor Café without a valid Outdoor Café license. This license shall be in addition to any other license required by this Chapter, including a Health Permit as issued by the Health Authority.

#### 5-3.1-3 ELIGIBILITY; APPLICATION FOR LICENSE

An Outdoor Cafe license shall be granted only to the operator of a restaurant or fast-food restaurant which is in conformance with the Zoning Ordinance and which holds a valid Health Permit for a food

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service establishment or retail food store, as provided in Sections 5-3-4 and 5-4-4. An application for an Outdoor Cafe license shall be on a form as provided by the Director of Community Preservation and Development and shall require at least the following:

- A. The name and mailing address of the applicant.
- B. A detailed drawing to scale of the proposed site indicating the following: the existing façade, the points of ingress and egress, the proposed location of the tables, chairs, serving equipment, planters, borders, awnings, umbrellas and other facilities to be included in the seating area. If the proposed café is to be a Sidewalk Café, the drawings must also include the location of existing public improvements, including fire hydrants, street signs, street lights, traffic signals, bus shelters, mail boxes, trees and tree grates, parking meters, planting boxes or planting areas, fire escapes or other overhead obstructions and any other public obstruction.
- C. A copy of a valid Health Permit.
- D. The annual license fee.

### **5-3.1-4 COMPLIANCE WITH CHAPTER 3, FOOD SERVICE ESTABLISHMENTS**

An Outdoor Café must comply with the regulations of Chapter 3, Food Service Establishments, Chapter 4, Retail Food Store and all other State and City health regulations.

### **5-3.1-5 REQUIREMENTS FOR ALL OUTDOOR CAFES**

#### **A. General Standards:**

- 1. All tables, chairs and other equipment shall be constructed and set up in such a manner as to be easily removed during winter months or any other time required by the City.
- 2. The sale and consumption of alcoholic beverages in the Outdoor Café shall be restricted by the liquor license governing the restaurant.
- 3. The Outdoor Cafe shall not be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity.
- 4. An outdoor Café may only be open from between the hours of 7:00 a.m. and 11:00 p.m. on any day. *(Ord. 2006-01, 1/9/06, S24)*
- 5. The proprietor shall be required to provide additional outdoor trash receptacles for the Outdoor Café as required by the City's Health Authority. All trash receptacles shall be kept clean and covered.
- 6. An Outdoor Café permit shall be subject to an annual review.
- 7. An Outdoor Cafe must be located on an impervious surface.

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8. Outdoor Café seating will be included when figuring the restaurant's maximum occupancy to determine compliance with the State Plumbing Code public toilet facility requirements.
9. No food may be stored, cooked or otherwise prepared in the Outdoor Café area.
10. No soiled food service equipment, utensils or tableware may be kept in the Outdoor Café area.
11. All clean food service equipment, utensils or tableware must be covered at all times.
12. The Outdoor Café shall be accessible to the disabled, and the Licensee shall at all times comply with all applicable federal, state and City laws, ordinances and regulations concerning accessibility and non-discrimination in the providing of service.
13. The Outdoor Café shall not obstruct any fire exit, fire escape or other required means of ingress and egress.
14. In no event shall the operation of the Outdoor Cafe interfere with the passage of pedestrian or vehicular traffic, or reduce the open portion of the public sidewalk to less than five (5) feet, clear of all obstructions, measured from edge of the sidewalk closest to the curb, lamppost or parking meter. In addition, no seating or other equipment shall be closer than five feet (5') to any tree, trellis, tree wall or government sign.
15. In no event shall the operation of, or placement of equipment or furnishings for, the Outdoor Café obstruct access to any taxi stand, bus stop, crosswalk, mailbox, curb cut, parking space or any other public property. The furnishings or equipment shall not obstruct access to any fire hydrant, fire escape or fire door, or obstruct the clear view of any traffic signal, regulatory sign or street sign. Whether the placement of equipment or furnishings obstructs access to any of the foregoing shall be the sole determination of the City Manager or his designee.
16. Outdoors furnishing materials and finishes shall be durable, smooth and easily cleanable and shall be kept in sound condition and good repair.
17. Pets may be allowed in an Outdoor Café area only with approval from the Health Authority. Health Authority approval will be based upon compliance with each of the following criteria:
  - a. The owner of the food establishment would request approval.
  - b. The Outdoor Café must be open and available for use by the public including customers and non-customers.
  - c. The Outdoor Café must be on or immediately adjoining a public area.
  - d. The Café may not be enclosed by a border.
  - e. There may be no wait staff service in the Outdoor Café.
  - f. Food sold by the establishment for consumption in the Outdoor Café must be packaged for off premise consumption and only single service utensils and tableware may be provided.
18. Rooftop decks must comply with all building codes, fire codes, and all other applicable public health and safety codes.

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### B. Design Standards:

1. Canopies that are attached to the building will be permitted for a Private Outdoor Café only when in conformance with the regulations set forth in the Municipal Code, the Zoning Ordinance and the Appearance Commission rules and procedures. No additional canopy for a Sidewalk Cafe shall be permitted.
2. All outdoor furnishings shall be designed to withstand a wind pressure of not less than thirty (30) pounds per square foot so that the furnishings will not be moved by the wind.
3. Trash receptacles shall be constructed of an impervious material and be of sturdy construction equipped with a tight fitting cover.

### C. Submittal Requirements:

1. The following shall be submitted at the time of application:
  - a. A completed application form with a letter from the building owner granting permission for the Outdoor Café.
  - b. A twenty-dollar (\$20.00) application fee.
  - c. A Site plan, drawn to accurate scale, illustrating the location of the proposed Outdoor Café.
  - d. Catalog cuts and/or photographs of all furniture and other equipment to be located within the Outdoor Café.
  - e. A Plat of Survey of the property, which shall include the right-of-way between the building and the curb.

### **5-3.1-6          ADDITIONAL REQUIREMENTS FOR SIDEWALK CAFES**

In addition to the requirements set forth above, issuance and continued enjoyment of an Outdoor Cafe license for a Sidewalk Cafe, shall be conditioned on the following:

- A. Sidewalk Café may be located only along that portion of the perimeter of the restaurant building that is co-terminus with the interior of the restaurant and shall be subject to the approval of the Director of Public Works.
- B. A Sidewalk Café may only be open between the hours of 7:00 a.m. and 11:00 p.m. on any day.  
*(Ord. 2008-19, 4/7/2008)*
- C. The licensee shall provide the City, in a form acceptable to the City Attorney, the following:
  1. An agreement to indemnify, defend and hold harmless the City for any and all claims for liability or damages arising from the operation of the Sidewalk Cafe; and
  2. A certificate of general liability insurance and workers compensation insurance. The amount of required general liability coverage shall be not less than \$1,000,000 per

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occurrence and \$2,000,000 annual aggregate. The City shall be named as an additional insured on the face of the certificate and the insurer shall have no less than a B++ rating by the most recent AM Best Insurance Rating Guide.

- D. The Licensee shall be responsible for the maintenance and upkeep of the Public Area used for the Sidewalk Cafe and the replacement of damaged public property, including brick pavers. No furniture or furnishings may be attached by any means to the Public Area or any other public property. Maintenance shall include daily cleaning of the area by an employee of the Licensee.
- E. The Licensee shall submit a plan showing the manner in which the furnishings and equipment will be stored during the hours that the Sidewalk Cafe portion of the restaurant is closed. The plan shall be subject to the City's approval. All furnishings and equipment left outside shall be moved as close to the building wall as may be practical during the hours when not in use.
- F. The Licensee shall submit a detailed drawing showing the placement of every item of furniture or equipment to be used as a part of the Sidewalk Cafe. The proposed locations shall be subject to the review and approval of the City.
- G. Any seating area where alcoholic beverages are sold or consumed shall be enclosed by a border and shall be supervised at all times by an employee of the restaurant. No alcoholic beverages may be removed from the Sidewalk Cafe, except to the interior of the restaurant.

### **5-3.1-7 TERM OF LICENSE; RENEWAL; REVOCATION; TERMINATION**

- A. Term. Each Outdoor Cafe license shall be valid for a term of one year. A renewal application shall provide the same information as an original application, but copies of the previous year's site plan may be used if there are no changes from the prior submission.
- B. Suspension. Outdoor Cafe licenses may be suspended or revoked by the Health Authority as provided in Section 5-3-7 and 5-3-8 of this Code.
- C. License Not Property. An Outdoor Cafe license shall not constitute personal property. The City shall retain at all times, the right to terminate any Outdoor Café license, or may completely eliminate this class of license, upon thirty (30) days written notice to the license holder(s). Should the City terminate any license other than for reason of a violation of City regulations, the City shall refund to the Licensee the pro-rated portion of the annual fee paid by the Licensee. If an Outdoor Café subsequently becomes subject to any Zoning Ordinance regulations, those regulations shall apply to each Outdoor Café irrespective of the date of its establishment. No Outdoor Café shall be deemed, either now or hereafter, to be a legal nonconforming use.

### **5-3.1-8 ANNUAL LICENSE FEE**

The annual fee for an Outdoor Cafe license shall be \$50.00 plus \$5.00 for each seat available for use on public property.

*(Ord 2006-01, 1/9/06, S24)*

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### HEALTH

#### CHAPTER 4 RETAIL FOOD STORES

##### SECTION

- 5-4-1 Adoption by Reference
- 5-4-2 Unlawful to Violate Rules and Regulations of Illinois Department of Public Health
- 5-4-3 Publication in Pamphlet Form
- 5-4-4 Permits
- 5-4-5 Issuance of a Permit
- 5-4-6 Suspension of Permit
- 5-4-7 Revocation of a Permit
- 5-4-8 Service of Notices
- 5-4-9 Application After Revocation
- 5-4-10 Inspection Frequency
- 5-4-11 Access
- 5-4-12 Inspection Reports
- 5-4-13 Correction of Violations
- 5-4-14 Examination and Condemnation of Adulterated or Misbranded Foods
- 5-4-15 Submission of Plans
- 5-4-16 Pre-Opening Inspection
- 5-4-17 Rating Score
- 5-4-18 Interpretations

##### **5-4-1 ADOPTION BY REFERENCE**

The State of Illinois, Department of Public Health Rules and Regulations pertaining to the sanitation of retail food stores and any future revisions or amendments thereto are hereby adopted as a Municipal ordinance of the City by reference as though fully set forth herein and made a part hereof.

**5-4-2 UNLAWFUL TO VIOLATE RULES AND REGULATIONS OF ILLINOIS DEPARTMENT OF PUBLIC HEALTH**

It shall be unlawful for any person, firm or corporation operating a retail food store within the City, as hereinafter defined, to violate any of the terms and provisions of the State of Illinois, Department of Public Health Rules and Regulations pertaining to the Sanitation of Retail Food Stores.

*(Ord 2006-01, 1/9/06, S24)*

**5-4-3 PUBLICATION IN PAMPHLET FORM**

The City Clerk is hereby authorized to publish said Rules and Regulations herein adopted by reference by maintaining one copy thereof for public inspection in the office of the City Clerk of the City.

**5-4-4 PERMITS**

No person shall operate a retail food store who does not have a valid permit issued by the Park Ridge Health Authority. Only a person who complies with the State of Illinois Department of Public Health Rules and Regulations pertaining to the Sanitation of Retail Food Stores shall be entitled to receive or retain such a permit. Permits are not transferable. A valid permit must be posted in every retail food store. The Retail Food Store Health Permit is in addition to the certificate of registration required under Article 12-2-2.

**5-4-5 ISSUANCE OF A PERMIT**

- A. Any person desiring to operate a retail food store shall make written application for a permit on forms provided by the Health Authority. Such application shall include the name and address of each applicant, the location of the proposed retail food store and the signature of each applicant.
- B. Prior to approval of an application for a permit, the Health Authority shall inspect the proposed retail food store to determine compliance with the requirements of this Article.
- C. The Health Authority shall issue a permit to the applicant if the inspection reveals that the proposed retail food store complies with the requirements of this Article.

**5-4-6 SUSPENSION OF PERMIT**

- A. The Health Authority may, without warning, notice or hearing suspend any permit authorized by this Article if the operator does not comply with the requirements of this Article, or if the operation of the retail food store does not comply with the requirements of this Article, and the operation of the establishment constitutes an imminent hazard to public health. Suspension is effective upon service of the notice required in Section 5-4-6C.
- B. When a permit is suspended, retail food operations shall immediately cease. Whenever a permit is suspended, the operator shall be afforded an opportunity for a hearing within twenty (20) days of receipt of a request for hearing.

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- C. When a permit is suspended, the operator or the person in charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if a written request for a hearing is filed with the Health Authority by the operator within ten (10) days. The Health Authority may end the suspension at any time if reasons for the suspension no longer exist.

### **5-4-7 REVOCATION OF A PERMIT**

- A. The Health Authority may, after providing an opportunity for a hearing, revoke a permit for violations of any of the requirements of this Article or for interference with the Health Authority in the performance of his duties.
- B. Prior to revocation, the Health Authority shall notify, in writing, the operator, or the person in charge, of the specific reasons for which the permit is to be revoked and that the permit shall be revoked at the end of the ten (10) days following service of such notice unless a written request for a hearing is filed with the Health Authority by the operator within such ten (10) day period. If no request for hearing is filed within the ten (10) day period, the revocation of the permit becomes final.

### **5-4-8 SERVICE OF NOTICES**

A notice provided for in this Article is properly served when it is delivered to the holder of the permit, 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 holder of the permit. A copy of the notice shall be filed in the records of the Health Authority.

### **5-4-9 APPLICATION AFTER REVOCATION**

Whenever a revocation of a permit has become final, the holder of the revoked permit may make a written application for a new permit.

### **5-4-10 INSPECTION FREQUENCY**

An inspection of a retail food store shall be performed in accordance with the Illinois Administrative Code, 77 Il. Adm. Code 615.310 *et seq.* Additional inspections of the retail food store shall be performed as often as necessary for enforcement of this Article.

*(Ord. 2008-20, 4/7/2008)*

### **5-4-11 ACCESS**

The Health Authority, after proper identification, shall be permitted to enter any retail food store at any time when the operator or an employee is present for the purpose of making inspections to determine compliance with this Article. The Health Authority shall be permitted to examine the records of the retail food store to obtain information pertaining to food and supplies purchased, received or used.

**5-4-12            INSPECTION REPORTS**

Whenever an inspection of a retail store is made, the findings will be recorded on the Inspection Report Form provided by the Health Authority. The inspection report shall summarize the requirements of this Article and shall set forth a weighted point value for each requirement. Inspectional remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. A perfect score is 100 points. Each violation is categorized and has a corresponding value. To calculate the score, the point value for each violation is deducted from the 100 point score. A 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 Form is a public document that shall be made available for public disclosure to any person who requests it according to law.

*(Ord. 2008-20, 4/7/2008)*

**5-4-13            CORRECTION OF VIOLATIONS**

The completed Inspection Report Form shall specify a reasonable period of time for the correction of violations found, and correction of the violations shall be accomplished within the period specified or, if not specified, as set forth below.

- A. All violations of four (4) or five (5) weighted items shall be corrected as soon as possible, but within ten (10) days following inspection. Within fifteen (15) days after the inspection, the Health Authority shall receive from the operator a written report stating that the four (4) or five (5) point weighted violations have been corrected. A follow-up inspection shall be conducted to confirm correction.
- B. All one (1) or two (2) point weighted items 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 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, unless otherwise specified. One or more re-inspections will be conducted at reasonable time intervals to assure correction.
- D. In the case of temporary retail food store, 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 retail food operations until authorized to resume by the Health Authority.
- E. If an imminent health hazard occurs or exists because of an emergency occurrence such as a sewage backup, fire, flood, possible disease transmission, smoke damage, waterline break, power outage, refrigeration failure, cessation of potable running water or similar event, the establishment shall immediately cease operations. Operations shall not be resumed until authorized by the Health Authority.

*(Ord. 2008-20, 4/7/2008)*

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### **5-4-14 EXAMINATION AND CONDEMNATION OF ADULTERATED OR MISBRANDED FOOD**

Food may be examined or sampled by the Health Authority as often as necessary for enforcement of this Article. The Health Authority may, upon written notice to the operator or person in charge, specifying with particularity the reasons therefor, place a hold order on any food which it believes to be in violation of the rules and regulations pertaining to the Sanitation of Retail Food Stores of the State of Illinois, Department of Public Health Rule 2.01, 2.02, 2.03, 2.04, 2.05, 2.06, 2.07, or any other rule of this Article. The Health Authority shall tag, label or otherwise identify any food subject to the hold order. No food subject to the hold order shall be used, served or moved from the establishment. The Health Authority shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a request for hearing may be filed within ten (10) days and that if no hearing is requested the food shall be destroyed. If a request for hearing is received, the hearing shall be held within twenty (20) days after receipt of the request. On the basis of evidence produced at the hearing, the hold order may be vacated, or the operator or person in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of this Article.

### **5-4-15 SUBMISSION OF PLANS**

Whenever a retail food store is constructed, altered or remodeled and whenever an existing structure is converted to use as a retail food store, properly prepared plans and specifications for such construction, altering, remodeling or conversion shall be submitted to the Health Authority for review and approval before construction, altering, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, construction materials of work areas, mechanical plans and equipment specifications. All newly constructed, altered or remodeled retail food stores shall conform in its construction to the requirements of this Article.

### **5-4-16 PRE-OPENING INSPECTION**

Whenever plans and specifications are required to be submitted by Section 5-4-15 of this Article, the Health Authority shall inspect the retail food store prior to the start of operations to determine compliance with the approved plans and specifications and with the requirements of this Article.

### **5-4-17 RATING SCORE**

Establishments shall maintain a sanitation level that will result in an inspectional rating score above sixty (60). *(Ord. 2008-20, 4/7/2008)*

### **5-4-18 INTERPRETATIONS**

Interpretation of the provisions of the Park Ridge regulations pertaining to the Sanitation of Retail Food Stores, Chapter 4, shall be based on the current edition of the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, Model Food Code.

*(Ord 2006-01, 1/9/06, S24)*

## ARTICLE 5

### HEALTH

#### CHAPTER 5 SANITARY VENDING OF FOOD AND BEVERAGES

##### SECTION

- 5-5-1 Adoption by Reference
- 5-5-2 Unlawful to Violate Rules and Regulations of Illinois Department of Public Health
- 5-5-3 Publication in Pamphlet Form
- 5-5-4 Access
- 5-5-5 Commissaries Outside Jurisdiction of the Health Authority
- 5-5-6 Inspection Reports
- 5-5-7 Correction of Violations
- 5-5-8 Examination and Condemnation of Adulterated or Misbranded Food
- 5-5-9 Interpretations

##### **5-5-1 ADOPTION BY REFERENCE**

The State of Illinois, Department of Public Health Rules and Regulations, pertaining to the sanitary vending of food and beverages and any future revisions or amendments thereto are hereby adopted as a Municipal ordinance of the City by reference as though fully set forth herein and made a part thereof.

##### **5-5-2 UNLAWFUL TO VIOLATE RULES AND REGULATIONS OF ILLINOIS DEPARTMENT OF PUBLIC HEALTH**

It shall be unlawful for any person, firm or corporation operating a food or beverage vending machine within the City, as hereinafter defined, to violate any of the terms and provisions of the State of Illinois, Department of Public Health Rules and Regulations pertaining to the Sanitary Vending of Food and Beverages.

**5-5-3 PUBLICATION IN PAMPHLET FORM**

The City Clerk is hereby authorized to publish said Rules and Regulations herein adopted by reference by maintaining one copy thereof for public inspection in the office of the City Clerk in the City.

**5-5-4 ACCESS**

The Health Authority, after proper identification, shall be permitted to enter at any time when the operator or any employee is present, upon any private or public property within the City, or its police jurisdiction, where vending machines or commissaries are operated, or from which such machines are otherwise serviced, for the purpose of determining compliance with this Article. The operator shall make provision for the Health Authority to have access, either in company with an employee or otherwise, to the interior of all vending machines operated by him. The Health Authority shall be permitted to examine records to obtain information pertaining to food and supplies purchased, received or used.

**5-5-5 COMMISSARIES OUTSIDE JURISDICTION OF THE HEALTH AUTHORITY**

Food from outside the jurisdiction of the City may be sold within the City if such commissaries conform to the provisions of the Food Service Establishment Sanitation Regulations of the City, or equivalent provisions. To determine extent of compliance with such provisions, the Health Authority may accept reports from responsible authorities in the jurisdictions where the commissary or commissaries are located.

**5-5-6 INSPECTION REPORTS**

Whenever an inspection of a food or beverage machine is made, the findings shall be recorded on the Inspection Report Form provided by the Health Authority. A copy of the completed Inspection Report Form shall be furnished to the person in charge of the vending machines at the conclusion of the inspection. The inspection report shall summarize the requirements of this Article. The completed Inspection Report Form is a public document that shall be made available for public disclosure to any person who requests it according to law.

**5-5-7 CORRECTION OF VIOLATIONS**

- A. The completed Inspection Report Form shall specify a reasonable period of time for the correction of violations found, and correction of the violations shall be accomplished within a period specified or as soon as possible, but in any event by the time of the next routine inspection.
- B. If an imminent health hazard occurs or exists because of an emergency occurrence such as a sewage backup, fire, flood, possible disease transmission, smoke damage, waterline break, power outage, refrigeration failure, cessation of potable running water or similar event, the

vending machine shall immediately cease operations. Operations shall not be resumed until authorized by the Health Authority.

**5-5-8            EXAMINATION AND CONDEMNATION OF ADULTERATED  
OR MISBRANDED FOOD**

Food may be examined or sampled by the Health Authority as often as necessary for enforcement of this Article. The Health Authority may, upon written notice to the operator or person in charge, specifying with particularity the reasons therefor, place a hold order on any food which it believes to be in violation of the Rules and Regulations pertaining to the Sanitary Vending of Food and Beverages of the State of Illinois, Department of Public Health Rule 1.01, 1.20, 2.01, or any other rule of this Article. The Health Authority shall tag, label or otherwise identify any food subject to the hold order. No food subject to the hold order shall be used, served or moved from the establishment where the vending machine is located. The Health Authority shall permit storage of the food under conditions specified in the hold order unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a request for hearing may be filed within ten (10) days and that if no hearing is requested the food shall be destroyed. If a request for hearing is received, the hearing shall be held within twenty (20) days after receipt of the request. On the basis of evidence produced at the hearing the hold order may be vacated, or the operator or person in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of this Article.

**5-5-9            INTERPRETATIONS**

Interpretation of the provisions of the Park Ridge regulations pertaining to the Sanitation of Retail Food Stores, Chapter 4, shall be based on the current edition of the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, Model Food Code.

*(Ord 2006-01, 1/9/06, S24)*

## ARTICLE 5

### HEALTH

#### CHAPTER 6 BODY CARE ESTABLISHMENTS

##### SECTION

5-6-1	Definitions
5-6-2	Structural Requirements
5-6-3	Sanitary Requirements
5-6-4	Health and Disease Control of Personnel
5-6-5	Inspection Frequency
5-6-6	Access
5-6-7	Inspection Reports
5-6-8	Correction of Violations
5-6-9	Submission of Plans
5-6-10	Pre-Opening Inspection
5-6-11	State License Required

##### **5-6-1 DEFINITIONS**

Body Care Establishment: A store, establishment or place of business in which one or more persons are engaged in the practice of nail technology, esthetics, naprapathy, acupuncture, barbering, or cosmetology. The practice of nail technology, esthetics, naprapathy, acupuncture, barbering, and cosmetology shall have the meaning as specified in Chapter 225 of the Illinois Compiled Statutes.

Equipment: Includes but is not limited to counters, refrigerators, sinks, washing machines, dryers, handrails, and similar items other than furniture used in the operation of a body care establishment.

Furniture: Includes but is not limited to tables, chairs, stools, and similar items other than equipment used in the operation of a body care establishment.

Health Authority: The Environmental Health Officer of the City or his designated representative, and such assistants as may be acting under his direction and authority.

Operator: Any person responsible for furnishing, installing, servicing, operating, or practicing nail technology, esthetics, naprapathy, acupuncture, barbering, and cosmetology at a body care establishment.

Person: Any person, firm, partnership, association, corporation, company or organization of any kind.

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### 5-6-2            **STRUCTURAL REQUIREMENTS**

- A.     Floors, floor coverings and walls in areas where hair is cut or washed shall be constructed of a smooth, easily cleanable and non-absorbent material. Floors, walls and ceilings in areas that may be exposed to water or steam such as toilet rooms and showers shall be constructed of a smooth, non-absorbent and easily cleanable material.
- B.     Permanently fixed artificial light sources shall provide a minimum of 30-foot candles of light in hair cutting and dressing areas.
- C.     The ventilation in body care establishments shall conform to all applicable provisions of this Code. The ventilation system shall be designed to properly remove any potential air contaminants specific to the type of body care establishment.
- D.     The plumbing shall be sized, installed and maintained in accordance with the applicable provisions of this Code. An adequate supply of both hot and cold running water shall be provided.
- E.     The minimum number of toilet fixtures as required by this Code shall be provided. Toilet fixtures shall be of a sanitary design and readily cleanable. Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair. Toilet tissue shall be provided. Easily cleanable receptacles shall be provided for waste materials and such receptacles in toilet room used by women shall be covered.
- F.     Body care establishments shall provide at least one service sink.
- G.     In addition to the plumbing fixture requirements contained in this Code, body care establishment shall provide a lavatory that is located in or in close proximity to each room used for nail technology, esthetics, naprapathy, acupuncture, barbering, or cosmetology in order to permit convenient use by all employees before and after serving a patron.
- H.     The building, structure or portion thereof where a body care establishment is located shall be maintained in conformance to Article 22 entitled, "Property Maintenance Code".

*(Ord 2006-01, 1/9/2006, S24)*

### 5-6-3            **SANITARY REQUIREMENTS**

- A.     Employee outer clothing shall be clean.
- B.     Employees shall thoroughly wash their hands immediately before and after serving a patron and immediately after using the toilet.
- C.     All towels, sheets or other cloth materials shall be properly laundered after each use.
- D.     Soiled linens shall be stored in covered non-absorbent containers or washable laundry bags.
- E.     All powders, lotions, creams and other cosmetics shall be kept in clean covered containers, which are properly labeled and shall be dispensed in a sanitary manner. Alum or other astringents used to stop the flow of blood shall be applied in powdered or liquid form only. The stick form shall not be used.

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- F. No animal or pets shall be kept in or allowed to enter a body care establishment. This exclusion does not apply to support animals trained to assist disabled persons.
- G. Unless disposable blades are used, razors, after having been stropped and before being placed on the skin of the patron, shall be dipped into a sanitizing solution.
- H. Clean towels, sheets, or other cloth materials, shall be stored in a sanitary manner. Employees shall use separate and clean towel, sheet or other cloth material for each patron. Unless a separate and clean apron or cape is used for each patron, a separate and clean towel or fresh paper shall be placed around the neck to prevent the apron or cape from touching the skin. Headrests shall be covered with a separate clean towel or fresh paper for each patron or they may be thoroughly sanitized after each patron.
- I. All implements, instruments, equipment and furniture including combs, brushes, scissors, tweezers, razors, headrests, neck dusters, shears, head coverings, hairpins, bobby pins, curlers, etc., used in a body care establishment shall be thoroughly sanitized, with a compound that has the same germicidal effect as 100 parts per million of available chlorine as a hypochlorite, after having been used on or in contact with a patron and shall be stored in a sanitary manner thereafter. In acupuncture establishments, only pre-sterilized, single-use, disposable needles shall be used.
- J. Body care establishments shall be kept in a clean and sanitary condition. Floors, walls, furniture, equipment and other fixtures shall be kept clean and in good repair. Hair droppings shall be stored in a covered waste container. Acupuncture needles shall be stored and disposed as required in the State Regulations for potentially infectious medical waste.

### **5-6-4 HEALTH AND DISEASE CONTROL OF PERSONNEL**

No person while afflicted with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores or an acute respiratory infection, shall work in any area of a body care establishment in any capacity in which there is a likelihood of contaminating anything with pathogenic organisms, or transmitting disease to other individuals; nor shall any service be performed on any person known to have any such disease or condition, unless adequate measures are used to prevent transmission.

The Health Authority may require any or all of the following measures:

- A. The immediate exclusion of that person from any body care establishment.
- B. The adequate medical and bacteriological examination of the person, of his associates, and his and their body discharges.

*(Ord. 2006-01, 1/9/2006, S24)*

### **5-6-5 INSPECTION FREQUENCY**

Inspections of body care establishments may be performed as often as necessary for the enforcement of this Article.

**5-6-6            ACCESS**

The Health Authority, after proper identification, shall be permitted to enter any body care establishment at any time when the operator or an employee is present for the purpose of making inspections to determine compliance with this Article.

**5-6-7            INSPECTION REPORTS**

Whenever an inspection of a body care establishment is made, the findings shall be recorded on the Inspection Report Form provided by the Health Authority. The Inspection Report Form shall summarize the requirements of this article. A copy of the Inspection Report Form shall be furnished to the person in charge of the establishment at the conclusion of the inspection.

**5-6-8            CORRECTION OF VIOLATIONS**

The completed Inspection Report Form shall specify a reasonable period of time for the correction of violations found, and correction of the violations shall be accomplished within a period specified or as soon as possible, but in any event by the time of the next routine inspection.

**5-6-9            SUBMISSION OF PLANS**

Whenever a body care establishment is constructed, altered, or remodeled and whenever an existing structure is converted to use as a beauty/barber shop, properly prepared plans and specifications for such construction, altering, remodeling or conversion shall be submitted to the Health Authority for review and approval before construction, altering, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, construction, altered or remodeled beauty/barber shops shall conform in their construction to the requirements of this Article.

**5-6-10           PRE-OPENING INSPECTION**

The Health Authority shall inspect a body care establishment prior to the start of Operations to determine compliance with the requirement of this Article.

**5-6-11           STATE LICENSE**

No person may engage in the practice of nail technology, esthetics, naprapathy, acupuncture, barbering, or cosmetology in the City of Park Ridge without a license from the State of Illinois as required by Chapter 225 of the Illinois Compiled Statutes.

## ARTICLE 5

### HEALTH

#### CHAPTER 7 LAUNDRIES

##### SECTION

- 5-7-1 Definitions
- 5-7-2 Health and Disease Control of Personnel
- 5-7-3 Hygienic Practices
- 5-7-4 Toilet Facilities
- 5-7-5 Coin-Operated Cleaning Facilities
- 5-7-6 Provision for Cleanliness and Sanitary Condition
- 5-7-7 No Contact Between Clean and Soiled Articles
- 5-7-8 Laundry Rooms Not Used for General Living Purposes
- 5-7-9 Drains and Ventilation
- 5-7-10 Animals
- 5-7-11 Building Maintenance
- 5-7-12 Inspection Frequency
- 5-7-13 Access
- 5-7-14 Inspection Reports
- 5-7-15 Correction of Violation
- 5-7-16 Submission of Plans
- 5-7-17 Pre-Opening Inspection

##### **5-7-1 DEFINITIONS**

Laundry: Any establishment where washing, cleaning, dyeing, or repair of fabric or wearing apparel takes place on the premises.

##### **5-7-2 HEALTH AND DISEASE CONTROL OF PERSONNEL**

No person while afflicted with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores or any acute respiratory infection, shall work in any area of a laundry establishment in any capacity in which there is a likelihood of contaminating anything with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in any such area or capacity. If the manager or person in charge of the establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such

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disease, he shall notify the Health Authority immediately. The Health Authority may require any or all of the following measures:

- A. The immediate exclusion of that person from any laundry activities.
- B. The clothing, which may have been handled by the suspected employee, shall be re-cleaned.
- C. The adequate medical and bacteriological examination of the person, of his associates, and his and their body discharges.

### **5-7-3 HYGIENIC PRACTICES**

Employees shall conform to good hygienic practices.

- A. Employees shall consume food only in designated dining areas. An employee dining area shall not be so designated if consuming food there may result in contamination of clean laundry, equipment or utensils.
- B. Employees shall not use tobacco in any form while engaged in handling clean laundry. Employees shall use tobacco only in designated areas. An employee tobacco use area shall not be designated for the purpose if the use of tobacco there may result in the contamination of clean laundry.
- C. Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices during working periods in laundry establishments.

### **5-7-4 TOILET FACILITIES**

Each laundry establishment shall be provided with adequate, conveniently located toilet facilities for its employees. Toilet fixtures shall be of a sanitary design and readily cleanable. Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair. The doors of all toilet rooms shall be self-closing. Toilet tissue shall be provided. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered. When toilet facilities are provided for patrons, such facilities shall meet the requirements of this Section.

### **5-7-5 COIN-OPERATED CLEANING FACILITIES**

Every coin-operated cleaning facility or establishment wherein cleaning of any material is accomplished or undertaken by carbon tetrachloride, perchlorethylene, or any other hydro-carbon or chlorinated hydro-carbon, naphtha or any other chemical, shall be attended by at least one attendant during all hours of operation.

**5-7-6                    PROVISION FOR CLEANLINESS AND SANITARY CONDITION**

Every place used as a laundry or dry cleaning establishment shall be kept in a clean and sanitary condition, including, but not limited to its floors, sidewalls, ceilings, woodwork, fixtures, tools, machinery and utensils. All rooms used in connection with such laundry or dry cleaning establishment shall be provided with adequate ventilation by means of windows, air shafts, air ducts or other mechanical apparatus, if needed, so as at all times to insure a free circulation of fresh air in such laundry or dry cleaning establishment. In any laundry or dry cleaning establishment maintained or operated under the provisions of this Chapter, it shall be arranged that all water upon the floor of any such washroom shall immediately run into drains or gutters to be connected with the sewers of the City and every such laundry or dry cleaning establishment shall be provided with adequate plumbing and drainage facilities, including wash sinks and water faucets.

**5-7-7                    NO CONTACT BETWEEN CLEAN AND SOILED ARTICLES**

In any laundry or dry cleaning establishment maintained or operated under the provisions of this Chapter, it shall be arranged that no soiled linen or clothing shall come in contact with clean laundry, and that no clean wearing apparel shall be packaged in containers in which soiled wearing apparel have been received, unless said containers have been cleaned and sanitized as approved by the Health Authority.

**5-7-8                    LAUNDRY ROOMS NOT USED FOR GENERAL LIVING PURPOSES**

No apartments or rooms used for the purpose of washing, starching, ironing or drying wearing apparel, table or bed linen, towels or other clothes in any laundry or dry cleaning establishment, shall be used by any person for general living, cooking or sleeping purposes.

**5-7-9                    DRAINS AND VENTILATION**

Rooms including toilet rooms, areas and equipment, from which aerosols, obnoxious odors or noxious fumes or vapors may originate, shall be vented effectively to the outside in compliance with all City and State statutes, ordinances and regulations. All plumbing shall be sized, installed and maintained in accordance with the applicable provisions of the Illinois State Plumbing Code and the Park Ridge Plumbing Code.

*(Ord 2006-01, 1/9/2006, S24)*

**5-7-10                  ANIMALS**

Animals shall be excluded from any room in a laundry where clean clothing is stored or handled.

**5-7-11                  BUILDING MAINTENANCE**

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The building, structure or portion thereof where a laundry is located shall be maintained in conformance to Article 22 entitled, "Property Maintenance Code".

*(Ord 2006-01, 1/9/2006, S24)*

### **5-7-12 INSPECTION FREQUENCY**

Inspections of laundries shall be performed at least once every twelve (12) months. Additional inspections of the laundries shall be performed as often as necessary for enforcement of this Article.

### **5-7-13 ACCESS**

The Environmental Health Officer, after proper identification, shall be permitted to enter any laundry at any time when the operator or an employee is present for the purpose of making inspections to determine compliance with this Article.

### **5-7-14 INSPECTION REPORTS**

Whenever an inspection of a laundry is made, the findings shall be recorded on the Inspection Report Form provided by the Health Authority. The Inspection Report Form shall summarize the requirements of this Article. A copy of the Inspection Report Form shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed Inspection Report Form is a public document that shall be made available for public disclosure to any person who requests it according to law.

### **5-7-15 CORRECTION OF VIOLATIONS**

The completed Inspection Report Form shall specify a reasonable period of time for the correction of violations found, and correction of the violations shall be accomplished within a period specified or as soon as possible.

### **5-7-16 SUBMISSION OF PLANS**

Whenever a laundry is constructed, altered or remodeled and whenever an existing structure is converted to use as a laundry, properly prepared plans and specifications for such construction, altering, remodeling or conversion shall be submitted to the Health Authority for review and approval before construction, altering, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, construction materials of work areas, mechanical plans and equipment specifications. All newly constructed, altered or remodeled laundries shall conform in their construction to the requirements of this Article.

### **5-7-17 PRE-OPENING INSPECTION**

The Environmental Health Officer shall inspect a laundry prior to the start of operations to determine compliance with the requirements of this Article.

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*(Ord 2006-01, 1/9/2006, S24)*

## ARTICLE 5

### HEALTH

#### CHAPTER 8 ANIMALS

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#### 5-8-1 DEFINITIONS

ANIMAL: Any vertebrate creature except homo sapiens.

AT LARGE: To be off the premises of the owner, not confined or under the control of the owner or a member of his immediate family over twelve (12) years of age by a leash.

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### AT-RISK ANIMAL:

*(Ord. 2010-15, 02/03/2010)*

- A. Any animal that has inflicted a single unprovoked bite or nip on a person's extremity without abrading the skin; or
- B. Any animal that has inflicted an unprovoked single bite on another domestic animal and did not maul the other animal; or
- C. Any individual animal that has a trait, characteristic, or generally known reputation for viciousness, dangerousness, or unprovoked attacks upon persons or other domestic animals; or
- D. Any animal which has been declared by the Animal Commission, in consultation with the Health Authority, to have exhibited any of the traits or behaviors described in (A) through (C) above; or
- E. Notwithstanding anything to the contrary contained in this Chapter, no animal shall be deemed At-Risk solely on the grounds that it (1) bites, attacks, or menaces a trespasser on the property of its Owner; (2) harms or menaces anyone who has tormented or abused it; or (3) bites, attacks, or menaces (but does not maul) another domestic animal in a dog park owned by a park district organized under the laws of the State of Illinois.

BITE: Seizure of a person with the jaws or teeth of any cat, dog or other animal capable of transmitting rabies so that the person so seized has been wounded, pierced or has incurred a break or abrasion of the skin.

CAT: All members of the classification, *Felis catus*.

CONFINED: Restriction of the cat, dog or other animal at all times by the owner in a manner that will isolate the cat, dog or other animal from the public and other cats, dogs or other animals.

### DANGEROUS ANIMAL:

*(Ord. 2010-15, 02/03/2010)*

- A. Any animal that has inflicted an unprovoked bite or attack on a person resulting in injuries that include, but are not limited to broken skin or that has bitten, attacked, or mauled another domestic animal, and has inflicted an injury greater than that described in Paragraph B of the definition of "At-Risk Animal"; or
- B. Any dog which has been trained as an attack dog or guard dog, except such dogs which may be used by or at the direction of the Park Ridge Police Department; or
- C. Any animal which has been declared by the Animal Commission, upon consultation with the Health Authority, to have exhibited any of the traits or behaviors described in (A) above; or
- D. Notwithstanding anything to the contrary contained in this Chapter, no animal shall be deemed dangerous solely on the grounds that it (1) bites, attacks, or menaces a trespasser on the property of its Owner; (2) harms or menaces anyone who has tormented or abused it; or (3) bites, attacks, or menaces (but does not maul) another domestic animal in a dog park owned by a park district organized under the laws of the State of Illinois; or
- E. Any individual animal with a known propensity, tendency, or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of persons or other animals.

DOG: All members of the classification, *Canis familiaris*.

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**GUARD DOG:** A dog used in commercial business or by a Municipal department for the purposes of patrol and protection.

**LEASH:** A cord, thong or chain not more than ten feet (10') in length, by which an animal is controlled by the person accompanying it.

**MAUL:** To injure (1) due to failure to release upon submission; (2) by inflicting multiple bites that break the skin in multiple places; or (3) by shaking and/or pulling of bitten animal or person that exacerbates damage to animal or person or otherwise inflicting similar, serious injuries. *(Ord. 2010-15, 02/03/2010)*

**OWNER:** (Animal) Includes any person owning, harboring, or keeping an animal, and the occupant of any premises on which an animal remains or to which it customarily returns daily is presumed to be harboring or keeping the animal within the meaning of this Article.

**PROPER CONTROL:** On the enclosed premises of its Owner or on a leash and under the control of a person of age and capacity to restrain the animal in a reasonable and responsible manner. *(Ord. 2010-15, 02/03/2010)*

**SERVICE ANIMAL:** An animal trained in obedience and task skills to meet the needs of a disabled person. *(Ord. 2010-15, 02/03/2010)*

**STRAY ANIMAL:** Any animal that is at large. *(Ord. 2006-68, 8/21/06, S24)*

### **5-8-2 LICENSE**

It shall be unlawful for any person to keep a dog or cat within the City unless a dog or cat license shall have first been secured from the City. Each day such dog or cat does not have a license shall constitute a separate offense. Any unlicensed dog or cat is hereby declared to be a public nuisance. No license for a Dangerous Animal shall be issued to an Owner who is renting a residential premises unless the landlord has issued a signed consent that the Dangerous Animal is allowed to reside on the premises. *(Ord. 2010-15, 02/03/2010)*

### **5-8-3 APPLICATION**

Applications for dog or cat licenses shall be made to the Department of Finance and shall state the name, breed, sex, color and the Cook County Rabies Inoculation Certification Number of the dog or cat proposed to be licensed. No license shall be issued for any dog or cat unless such dog or cat has been inoculated against rabies within the time prescribed by law.

### **5-8-4 FEES**

Any Owner of any dog or cat within the City shall pay an annual tax or license fee of ten dollars (\$10.00) for each such dog or cat, except that (A) Any Owner of any At-Risk Animal shall pay an annual tax or license fee of twenty-five (\$25.00) for each At-Risk Animal; and (B) any Owner of any Dangerous Animal shall pay an annual tax or license fee of one hundred dollars (\$100.00) for each Dangerous Animal. With respect to a Dangerous Animal, each Owner shall provide evidence of a

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current owner's or renter's insurance policy covering the address where the Dangerous Animal is kept or resides.

Such annual tax or license fee shall be payable immediately upon the acquiring of any unlicensed dog or cat, and shall be valid for the remainder of the term of issue. Licenses shall be valid for one year from and after June 15 of each year, and the annual license fee shall be due and payable on June 15 of each year. The license fee shall be reduced by 50% if the applicant obtained the animal after December 15 of the license year or if the applicant was not a resident of the City prior to December 15 of the license year.

*(Ord. 2006-30, 4/3/06, S24); (Ord. 2010-15, 02/03/2010)*

### **5-8-5 REGISTRATION AND TAG**

The Department of Finance shall keep a record of all licenses issued on which shall also be entered the number of the license tag issued, as herein provided. The Department of Finance shall provide each year such number of metallic tags, having stamped thereon the term for which the license is paid, and also the number of the tag, and it shall be the duty of the Department of Finance to deliver one of said metallic tags numbered to correspond with the number of the registry of said dog or cat to the person having paid the license upon any such dog or cat. Such license tag shall be attached to a collar securely placed and kept about the neck of the dog in addition to a current Cook County Rabies Inoculation Tag. For cats, such license tags may either be attached to a collar placed and kept about the neck of the cat or kept by the owner as evidence of having obtained a license for his or her cat.

### **5-8-6 DOGS, CATS, NUMBER LIMITED**

It shall be unlawful for any person to keep or harbor within the City more than a combined total of four dogs and/or cats over the age of three (3) months in or about any dwelling unit. Violation of this Section 5-8-6 is hereby declared to be a public nuisance.

*(Ord. 2011-52, 9/19/2011)*

### **5-8-7 DOGS AND CATS AT LARGE**

- A. It shall be unlawful for any person to permit a dog to run or be at large within the corporate limits of the City. Any dog found running or being at large within the corporate limits of the City is hereby declared to be a public nuisance.  

*(Ord. 2007-43, 5/21/07)*
- B. It shall be unlawful for any person to permit a cat to run or be at large within the corporate limits of the City unless such cat is neutered; inoculated against rabies; licensed for the current year; and wearing a tag identifying the owner of such cat. Any cat which is not neutered, inoculated against rabies, licensed for the current year, and wearing a tag identifying the owner of such cat found running or being at large within the corporate limits of the City is hereby declared to be a public nuisance.  

*(Ord. 2007-43, 5/21/07)*
- C. The Health Authority or any authorized member of the Police Department may order any cat creating a public nuisance by its howling, viciousness, defecation, killing of wildlife or repeated unwanted presence confined to its owner's premises regardless of whether such cat is neutered, inoculated against rabies, licensed for the current year, and wearing a tag identifying the owner of such cat. It shall be unlawful for any person that has been issued a notice ordering the

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confinement of the cat owned by such person to permit such cat to run or be at large within the corporate limits of the City.

### **5-8-8           IMPOUNDMENT OF ANIMALS**

A. Animals may be impounded in any of the following circumstances:

1. If the animal has been deemed a public nuisance in accordance with this Chapter;
2. If the owner or keeper of an animal fails to take it to a licensed veterinary hospital in accordance with Section 5-8-12;
3. If the animal is dangerous, mad, vicious, suffering from rabies or has bitten another animal inflicted with rabies in accordance with Section 5-8-16;
4. If the animal is an animal prohibited by Section 5-8-18;
5. If the animal is a dangerous or vicious animal as defined by this Chapter and is not kept confined within a building or secure enclosure in accordance with Section 5-8-20; and
6. If the animal is being treated cruelly or improperly as described in Section 5-8-23.

B. Whenever an animal is impounded, the owner, when known, will be notified that the animal has been impounded and of the process for redemption of the animal.

*(Ord. 2007-43, 5/21/07)*

### **5-8-9           ANIMAL NOISE**

It shall be unlawful for any person to permit his or her animal to bark, whine, howl, or in any manner disturb the quiet of any person or neighborhood so as to cause an annoyance or discomfort to the public. All such animals are hereby declared a public nuisance.

### **5-8-10          ANIMAL BITES**

Any animal, which bites or injures any person so as to cause an abrasion of skin, shall be taken by the owner within twenty-four (24) hours to a licensed veterinary hospital to be examined and confined for a period of ten (10) days all at the expense and cost of the owner or keeper of such animal.

Exceptions:

- A. If the Police Department is presented with evidence that such animal has been inoculated against rabies within the time prescribed by law prior to the biting, such animal shall be confined in the house of its owner for a period of ten (10) days. At the end of the ten (10) day period, the owner is responsible to ensure that the animal shall again be examined by a licensed veterinarian.
- B. If the animal does not have a valid rabies inoculation and a licensed veterinarian determines that the animal may be confined in the house of its' owner, such animal shall again be

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examined by a licensed veterinarian on the fifth day after the first examination and then again on the tenth day.

- C. Owners of guard dogs that have bitten a person in performance of guard duty and have been officially registered with Cook County Department of Animal and Rabies Control shall not be required to obtain a veterinary examination of the dog, but shall report the health of the animal to the Police Department and the Cook County Department of Animals and Rabies Control on the first and tenth day following the bite.
- D. If during the ten (10) day home confinement time period an animal bites or attacks another person, the animal's owner or keeper shall be required to immediately place such animal in a duly licensed veterinary hospital where such animal shall be confined for ten (10) days, all at the expense and cost of the owner or keeper of such animal, which said expense and cost shall be paid on demand.
- E. In all cases where the animal dies for any reason before the tenth day following the bite, the owner shall forthwith deliver the animal to the Police Department from where it will be sent for rabies virus analysis.
- F. When an animal confined for biting shows signs of rabies or acts in a manner which would lead a person to believe that such animal may have rabies, the owner or veterinarian shall notify the Police Department and the Cook County Department of Animal and Rabies Control immediately by telephone or in person of these signs. The Police Department shall immediately notify the physician attending the victim and if the animal is in home confinement, advise the owner that the animal is to be examined by a licensed veterinarian at the expense of the owner. In the event that the owner fails to furnish proof of compliance within twenty-four (24) hours, the Police Department shall immediately notify the City Attorney who shall seek an immediate order compelling compliance by the owner.
- G. In the event it is documented that any animal has bitten or caused personal injury on three (3) separate occasions wherein the victim required medical treatment or such animal has caused a severe personal injury in an unprovoked attack on one (1) occasion wherein the victim's injuries were classified by the attending physician as being life threatening or the animal has caused the death of a person or domestic animal on one (1) occasion, it shall be the duty of the owner to make provisions for the animal's destruction within seventy-two (72) hours after the most recent injury when the injury is a bite attributed to the animal. The animal shall then be delivered to the Police Department from where it will be sent for rabies virus analysis.
- H. In the event the owner does not comply with subsection G of this Section within the seventy-two (72) hours, the Police Department is empowered to make provision for the animal's destruction with the owner paying all costs. The animal shall then be sent for rabies virus analysis.
- I. Owners of caged rabbits, guinea pigs, hamsters, gerbils, rats and mice that have been owned over thirty (30) days shall not be required to obtain a veterinary examination when their caged animal has bitten a person, but shall report the health of the biting animal by telephone or in person to the Police Department and the Cook County Department of Animal and Rabies Control on the first and tenth day following the bite.

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If the caged animal has been owned less than thirty (30) days, the owner shall be required to have the animal examined by a licensed veterinarian on the date of the bite and then again at the end of ten (10) days. The owner shall report the incident to the Police Department and the Cook County Department of Animal and Rabies Control.

- J. Stray animals including cats and dogs that have bitten a person shall be apprehended and held for ten (10) days or less. In the event the officer cannot apprehend a biting stray animal without subjecting himself to bodily injury, the animal may be destroyed (without unnecessary damage to the head) by the police officer or any designated person. When the biting stray animal is not held for ten (10) days, it shall be destroyed in a humane manner unless otherwise directed by the Police Chief. The animal shall then be sent for rabies virus analysis.
- K. It shall be unlawful for the owner or keeper of any animal when notified that such animal has bitten any person or has injured any person so as to cause an abrasion of skin, to sell, give away or dispose of said animal until such animal has been examined by a licensed veterinarian after the ten (10) day confinement period.
- L. Any animal that cannot be safely taken up without subjection to bodily injury may be destroyed, without unnecessary damage to the head, by a police officer or any duly authorized person. Whenever an animal is destroyed by such persons, the animal shall be sent for rabies virus analysis unless it has been determined that such animal has been inoculated against rabies within the time prescribed by law. *(Ord2006-68,8/21/06,S24)*
- M. If an animal without provocation attacks or injures any person or other animal the Owner of the animal shall, in addition to any civil proceedings between the private parties, be in violation of this Chapter for failure to properly control the animal, as defined in this Chapter, and shall be subject to penalties as set forth in this Article. *(Ord. 2010-15, 02/03/2010)*

### **5-8-11 ANIMAL BITE REPORT PROCEDURES**

The Police Department is empowered to investigate all animal bite incidents. The Department shall accept bite reports from medical victims and their families, animal owners and any other person having knowledge of a bite.

### **5-8-12 FAILURE TO TAKE ANIMAL TO LICENSED VETERINARIAN**

In the event that such owner or keeper of any animal upon receiving notice that his animal has bitten or injured any person so as to cause an abrasion of skin fails to take such animal to a licensed veterinary hospital within twenty-four (24) hours, it shall be lawful for any police officer to seize and impound such animal at a licensed veterinary hospital where it shall be confined for ten (10) days at the expense of the owner payable on demand.

### **5-8-13 REDEMPTION OF IMPOUNDED ANIMALS**

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Any animal impounded under the provisions of this Chapter may be redeemed by any person within seven (7) days from the date of impounding. Except that if an animal has been impounded after biting or causing injury to any person, such animal shall not be redeemable until after a full ten (10) day confinement period. Animals may be redeemed upon payment by such person to the pound keeper or to the person in charge of the impounded animal for the City, the following sums:

- A. A redemption fee of thirty dollars (\$30.00) to the City of Park Ridge for the first impoundment in a calendar year, a redemption fee of one hundred dollars (\$100.00) to the City of Park Ridge for the second impoundment in a calendar year and a redemption fee of two hundred and fifty dollars (\$250.00) to the City of Park Ridge for the third impoundment in a calendar year.
- B. If the dog or cat has not been licensed for the current year, then the amount of the license fee, and
- C. If unable to present proof of current rabies inoculation, and registration, the cost for the rabies inoculation and registration.
- D. The cost for the board of the animal for the period it was impounded. The cost of keeping impounded animals shall be determined from time to time by the City Manager.
- E. The cost for any required examination by a licensed veterinarian.

*(Ord. 2006-68,8/21/06,S24); (Ord. 2010-15, 02/03/2010)*

### **5-8-14 FAILURE TO REDEEM IMPOUNDED ANIMALS**

If such animal is not redeemed within seven (7) days after being impounded or if the owner of an animal that has been impounded is unknown and the animal is not redeemed within five (5) days, the pound keeper or the person in charge of the pound shall: cause such animal to be destroyed in a humane manner and the body thereof to be incinerated; or, offered for adoption; or, otherwise disposed of by the pound as a stray animal in accordance with all laws that exist or may hereafter exist. If the animal impounded is under confinement for rabies observation and is not redeemed within four (4) days following the final examination, such animal shall be dealt with as herein provided.

*(Ord2006-68,8/21/06,S24)*

### **5-8-15 RECORDS OF DELIVERY OF ANIMALS**

The Police Chief shall cause to be kept under his direction a record of the disposition of each animal redeemed, destroyed, delivered to an institution or otherwise disposed of, and shall in said record note the date of disposition and the name of the person to whom said animal has been delivered, together with the amount so paid by such person.

### **5-8-16 ANIMAL REMOVAL**

If the owner of any dangerous, mad or vicious animal, or any animal suffering from rabies, or any animal bitten by another animal afflicted with rabies refuses to deliver such animal to a police officer or any person duly authorized hereunder upon request, such officer may, without warrant, enter upon the premises where such animal is located to seize and impound such animal. In the event such officer cannot seize any such animal without subjecting himself to bodily injury, he may destroy it.

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Knowledge by such officer of one or more of the foregoing facts, the affidavit of a citizen of the City stating same or a certificate from a licensed veterinarian that such animal is suffering from rabies, shall be authorization for such officer to enter such premises and either impound such animal or destroy it.

### **5-8-17 HUNTING**

It shall be unlawful for any person to willfully hunt or engage in killing any animal in the City other than prescribed by law or ordinance.

### **5-8-18 PROHIBITED ANIMALS**

It shall be unlawful for any person to keep any cattle, goats, swine, horses, poultry, fowl or pigeons of any kind, nature or description or any animal defined as a dangerous animal in 720 ILCS 585/0.1 *et seq.* All cattle, goats, swine, horses, poultry, fowl or pigeons or any animal defined as a dangerous animal in 720 ILCS 585/0.1 *et seq.* so harbored, kept or maintained are declared a public nuisance.

*(Ord2006-68,8/21/06,S24)*

### **5-8-19 MAINTAINING PENS**

It shall be unlawful to own, keep or use any yard, pen, place or premises in or upon which any permitted animal shall be confined, kept or harbored so as to create a public health or safety hazard or public nuisance.

### **5-8-20 DANGEROUS ANIMALS**

Owners of Dangerous Animals shall comply with the following requirements:

- A. All Dangerous Animals must be confined within a building or secure enclosure approved by the Police Chief or his/her designee.
- B. Whenever the Dangerous Animal is off the premises of its Owner it must be securely muzzled and confined by a leash or cage and must be under the direct control and supervision of the Owner or a family member, 16 years of age or older. The leash shall not be more than six feet in length.
- C. Within ten (10) days after receiving the designation of a "Dangerous Animal", the Owner of a Dangerous Animal shall post City-approved signage on all entrances to the Owner's property. Such sign shall state, "Dangerous Animal". The lettering shall be clearly legible and at least two inches (2") in height. The sign shall be posted in a conspicuous location on the fence enclosing the yard of the residence or gate thereto. Where a Dangerous Animal is also kept within the residence, the sign shall be posted at all entrance doors to the building or residence.
- D. No Dangerous Animal may be permitted outside the building where it resides except if it is: (1) crated; or (2) under Proper Control; or (3) in a self-locking enclosure consisting of a solid or chain link fence that is not more than five feet (5') in height with no means of escape. Nothing contained in this Chapter shall allow any exceptions to any requirements in the

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Zoning Ordinance. All gates on fences at residences and on enclosures where a dangerous animal is kept or resides shall be equipped with self-closing and self-latching mechanisms designed to securely close and lock the gate.

- E. No Dangerous Animal may be kept on a porch, patio or in any part of a house or structure that would allow the dangerous animal to exit the building or premises on its own volition. No such animal may be kept in a house or structure when the windows are open or when screen doors or screen windows are the only obstacles preventing the dog from exiting the structure.
- F. Any person owning or harboring or having the care of a Dangerous Animal shall maintain an insurance policy in an amount not less than one hundred thousand dollars (\$100,000.00) insuring the person against any claim, loss, damage or injury to persons, domestic animals, or property resulting from the acts of the Dangerous Animal. Such person shall produce evidence of such insurance upon the request of a police officer and/or animal control officer and shall present evidence of such insurance as a condition to obtain an animal license.
- G. Every Owner of a Dangerous Animal must spay/neuter the animal at the Owner's expense and have an identifying microchip implanted in the Dangerous Animal at the Owner's expense. The microchip must be implanted by a veterinarian. The Owner or keeper shall provide the microchip number to the Finance Department for inclusion in the licensing records.
- H. The Owner of an animal deemed or designated by the Animal Commission to be a Dangerous Animal may appeal the designation by filing a written request with the City Manager, within ten (10) days of such designation for review of the designation. The request shall include proof that that animal has a current City license and facts to support the Owner's belief that the animal is not a Dangerous Animal. The City Manager shall render a written decision within fourteen (14) business days of receipt of the request for review. The review process may be conducted by written correspondence and non face-to-face interview or hearing is necessary.
- I. The Dangerous Animal must receive private obedience training from a certified, licensed trainer and have passed the obedience test related to the training within ninety (90) days of being designated as a Dangerous Animal.
- J. No Dangerous Animal may be kept at and no City license shall be issued for ownership of a Dangerous Animal for a residence that is within 500 feet of a school, public park, playground, daycare facility, or other similar facility. This section shall not apply to the following:
  - 1. Dangerous Animals who reside at such a residence prior to the effective date of this amendatory ordinance of 2010 and for whom valid City licenses evidencing such residency has previously been obtained, or
  - 2. Dangerous Animals who reside at a residence within 500 feet of a school, public park, playground, daycare facility, or other similar facility that is constructed after the effective date of this amendatory ordinance of 2010 and for whom valid City licenses evidencing such residency has previously been obtained.

*(Ord. 2010-15, 02/03/2010)*

**5-8-21            REFUSAL TO REMOVE ANIMALS**

It shall be unlawful for any owner or keeper of any animal which is a public nuisance or a public health or safety hazard to refuse or neglect to remove or kill or cause such animal to be removed or killed contrary to the provisions of this Chapter.

**5-8-22            CONTROL OF DEFECATION**

- A. It shall be unlawful for any person to fail to have in his or her immediate possession an appropriate device for removing animal excrement whenever such person permits or causes an animal under his or her control to be on property not owned or possessed by such person.
- B. It shall be unlawful for any person to fail to remove the excrement left by any animal under his or her control that was deposited on any public or private property not owned or possessed by such person. Excrement that is removed shall be placed in a standard refuse container located upon the property owned or possessed by the person in control of such animal.
- C. It shall be unlawful for any person to allow animal excrement to accumulate in any yard, pen, building, structure or premises so as to cause an annoyance or discomfort to the public. The accumulation of animal excrement is hereby declared to be a public nuisance.

**5-8-23            ANIMAL CARE**

- A. No owner shall fail to provide his or her animals with sufficient wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- B. No person shall beat, torment, overload, overwork or otherwise abuse an animal.
- C. No person shall promote, stage, hold, manage, conduct or carry on any animal fight or any other type of contest, game or fight of a similar nature, nor any simulated version of same that involves baiting or inciting an animal toward intent to fight.
- D. No person shall be permitted to keep animals to violation of the "Illinois Humane Care for Animals Act" or the "Illinois Animal Welfare Act" in Chapter 8 of the Illinois Revised Statutes.
- E. No owner may abandon any animal.
- F. No person shall keep any animal within a building, structure or vehicle or upon any premises without food, water or proper care and attention for a period of time sufficient to cause undue discomfort or suffering. If the owner cannot be located after reasonable search, or if the owner shall be known to be absent due to injury, illness, incarceration or other involuntary circumstance, it shall be the duty of the Department of Police to act upon the complaint as directed by the "Illinois Humane Care for Animals Act".
- G. No person shall bring or cause to have brought into the City, sell, offer for sale, barter or display living baby chicks, ducklings or other fowl, turtles or rabbits which have been dyed, colored or

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otherwise treated so as to impart to them an artificial color or give away as pets or sell, offer for barter or give away at no cost or as novelties or prizes. Nothing in this Section shall be construed to prohibit legitimate commerce in poultry for agriculture or food purposes.

- H. No person shall keep or permit to be kept or display for exhibition purposes any wild animal contrary to Federal, State or Local laws or regulations.
- I. No person shall allow animal feces to accumulate in any yard, pen or premises in or upon which an animal shall be confined or kept so that it becomes a health hazard to the residing animal.
- J. It shall be unlawful for any person to keep any animal which:
  - 1. Runs uncontrolled;
  - 2. Molests persons or chases vehicles;
  - 3. Attacks other animals;
  - 4. Damages property other than the owner's.

*(Ord 2006-01, 1/9/06, S24)*

### **5-8-24 POWERS OF ENFORCING OFFICERS**

The enforcing officers of this Chapter are hereby given specific power to make investigations and inspections and for that purpose may enter buildings, structures and premises without warrant in order to enforce the provisions of this Chapter and to that end are hereby empowered to make such orders, requirements, decisions and determinations as are necessary with respect to the enforcement of this Chapter.

### **5-8-25 INTERFERENCE**

No person shall hinder or molest the Police Chief, or any police officer or any person duly authorized hereunder, while engaged in the performance of any duty enjoined by the provisions of this Chapter and any person so hindering or molesting said Police Chief, police officer, or such other person as authorized, shall be guilty of a violation of this Chapter.

*(Ord 2006-01, 1/9/06, S24)*

### **5-8-26 AT-RISK ANIMALS**

Owners of At-Risk Animals shall comply with the following requirements:

- A. Whenever the At-Risk Animal is off the premises of its Owner it must be securely leashed or in a cage and must be under the direct control and supervision of the Owner or a family member, 16 years of age or older. The lease shall not be more than six feet in length.
- B. Every Owner of an At-Risk Animal shall, at the Owner's expense, have an identifying microchip implanted in the At-Risk Animal by a veterinarian. The Owner or keeper shall provide the microchip number to the Finance Department for inclusion in the licensing records.
- C. The Owner of an animal deemed or designated by the Animal Commission to be an At-Risk Animal may appeal the designation by filing a written request with the City Manager, within

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ten (10) days of such designation for review of the designation. The request shall include proof that that animal has a current City license and facts to support the Owner's belief that the animal is not At-Risk. The City Manager shall render a written decision within fourteen (14) business days of receipt of the request for review. The review process may be conducted by written correspondence and no face-to-face interview or hearing is necessary.

- D. The At-Risk Animal must receive obedience training from a certified, licensed trainer and have passed the obedience test related to the training within ninety (90) days of being designated as an At-Risk Animal.
- E. Upon written request of the Owner, if an At-Risk Animal has had no further incidents, the Animal Commission, in its sole discretion, may withdraw the At-Risk Animal designation not less than two years after the At-Risk Animal has passed obedience training. If the request is denied, the Owner may file a written request with the City Manager, within ten (10) days of the Animal Commission's decision, for review of the designation by following the procedure in Paragraph D above. *(Ord. 2010-15, 02/03/2010)*

### **5-8-27            UNLAWFUL USE OF PREMISES**

No Person shall permit premises owned or controlled by him or her to be used for the purpose of dog fighting nor permit a dog to engage in dog fighting, or train, torment, badger, bait, or use any dog for the purpose of causing or encouraging said dog to unprovoked attacks upon human beings or domestic animals. *(Ord. 2010-15, 02/03/2010)*

## ARTICLE 5

### HEALTH

#### CHAPTER 9 DAY CARE CENTERS

##### SECTION

5-9-1	Definitions
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5-9-3	Physical Plant
5-9-4	Thermal and Lighting Provisions
5-9-5	Furnishings
5-9-6	Recreation Area and Equipment
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5-9-11	Housekeeping
5-9-12	Sleeping
5-9-13	Diapering of Children
5-9-14	Health and Safety
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5-9-18	Inspection Frequency
5-9-19	Access
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5-9-21	Correction of Violations
5-9-22	Submission of Plans
5-9-23	Pre-Opening Inspection

##### **5-9-1 DEFINITIONS**

CHILD: Means any person under eighteen (18) years of age.

COT: Means a portable bed, mattress, cushion, or similar pad which a child may use for sleeping or resting upon which may be placed directly on the floor or elevated not more than twelve (12) inches above the floor.

DAY CARE CENTER: "Day Care Center" means any childcare facility that receives more than eight (8) children for daytime care during all or part of a day and/or is operating under a license issued by

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the State of Illinois. The term "Day Care Center" includes facilities commonly called "child care centers," "day nurseries," "nursery schools," "kindergartens," "pre-schools," "play groups," and "centers or workshops for mentally or physically handicapped".

**INFANT:** Means a child from six (6) weeks to fifteen (15) months of age.

**PARENT(S):** Person(s) assuming legal responsibility for the care and protection of a child on a twenty-four (24) hour basis; including guardian or legal custodian.

*(Ord 2006-01, 1/9/06, S24)*

### **5-9-2 COMPLIANCE WITH STATE REGULATIONS**

Every day care center within the City, as defined herein, shall be operated in conformance with the appropriate statutes, ordinances and regulations of the City and State.

*(Ord 2006-01, 1/9/06, S24)*

### **5-9-3 PHYSICAL PLANT**

- A. The building or portion of the building to which children from the center have access shall be used solely for a program of childcare during the hours that the center is in operation.
- B. All walls, floors and ceilings, equipment, toys, furnishings and cribs shall be maintained in good repair and free from characteristics which may be hazardous or injurious to children including lead-based paint and sharp and rough edges.
- C. A telephone shall be on the premises, easily accessible for use in an emergency.
- D. The space used for an activity area shall not include space for exit passages and fire escapes, which must be clear, or administrative space, storage areas, bathroom, kitchen or other space required for equipment that is not used for direct activity with children.
- E. Adequate storage space shall be provided for all equipment and supplies including cots and bedding. Equipment or supplies, which might be harmful to children, shall be kept in areas inaccessible to children.
- F. Extension cords shall not be used. Electrical outlets not being used shall be covered or be otherwise shock resistant.

### **5-9-4 THERMAL AND LIGHTING PROVISIONS**

- A. Any thermal hazards (radiators, hot water pipes, steam pipes, heaters) shall be out of reach of the children by the use of partitions, screens or other means.
- B. During the heating season and during periods of occupancy by children, the room temperature shall not be less than 68 degrees Fahrenheit and not more than 74 degrees measured three (3) feet above the floor. The facility shall be provided with adequate natural or mechanical ventilation.

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- C. Areas where children read, play, or participate in other activities shall be equipped with lighting sufficient to provide a minimum of fifty (50) foot candles measured two (2) feet above the floor. Artificial light sources shall be protected from hazards of breakage by installation of covers or shields.
- D. Windows shall be a minimum of two (2) feet above the floor or shall be made inaccessible to children by means of screens, partitions or similar means. All windows shall be equipped with drapes, venetian blinds, or adjustable shades.

### **5-9-5 FURNISHINGS**

Furnishings and equipment shall be durable, safe and scaled to the size of the children and shall meet or exceed the following requirements:

- A. Child size chairs shall be used.
- B. Tables shall be of appropriate height and of a size to accommodate a comfortable small group of not more than eight (8) to ten (10) children.
- C. Lockers, cubicles, or separate hooks and shelves shall be provided for each child's personal belongings, including towels, washcloths, combs and toothbrushes.

### **5-9-6 RECREATION AREA AND EQUIPMENT**

- A. Play space shall be safely enclosed or otherwise protected from traffic and other hazards, with protective surfaces such as grass, pea gravel, mulching and wood chips in areas where climbing apparatus is used and with surfaces suitable for children's wheeled vehicles and pull toys.
- B. Play areas shall be well drained and maintained in a safe, clean and sanitary manner.
- C. If an area not connected with the facility such as a public park or playground is used for play or recreation, the children shall be closely supervised both during play and while traveling to and from the area.
- D. Outdoor equipment shall be placed so as to avoid collisions and accidents while still permitting freedom of action by the children.
- E. Supports for climbing apparatus and large equipment shall be securely fastened.
- F. Sandboxes, if provided, shall be covered when not in use and shall be cleaned daily of animal fecal matter if present.

### **5-9-7 WATER AND SEWAGE DISPOSAL**

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Toilets and lavatories shall be readily accessible to the children and staff and shall meet or exceed the following requirements:

- A. If toilets and lavatories are not child sized, safety steps shall be provided.
- B. Hot and cold running water shall be provided.
- C. Mild soap and sanitary towels shall be available and used. Common towels and common washcloths are prohibited.
- D. Hot water supplied to lavatories, bathing facilities, and other plumbing fixtures used by children shall be tempered or thermostatically controlled to provide water at a minimum temperature of 100 degrees Fahrenheit (100<sup>0</sup>F) and a maximum temperature of not higher than 120 degrees Fahrenheit (120<sup>0</sup>F). *(Ord. 2006-01, 1/9/06, S24)*
- E. The following ratio of lavatories and toilet facilities shall be provided:

<u>Number of Children In Day Care Facility</u>	<u>Toilet</u>	<u>Lavatories</u>
1 - 10	1	1
11 - 25	2	2
26 - 50	3	3
51 - 75	4	4
76 - 100	5	5
101 - 125	6	6
126 - 150	7	7
151 - 175	8	8

- F. Bathroom door locks shall be openable from the outside.
- G. Toilets shall be within close proximity to the children's activity areas. If this is not possible in existing facilities, an adult shall accompany children four years of age and younger.
- H. Drinking water shall be available to children of all ages from an approved fountain and/or individual disposable cups.

**5-9-8 FOOD SERVICES**

If food is served, the facilities shall comply with all applicable provisions of the Park Ridge Municipal Code governing food service establishments.

**5-9-9 SOLID WASTE MANAGEMENT**

Litter storage and disposal shall comply with all applicable provisions of the Park Ridge Municipal Code.

**5-9-10            ANIMAL CARE AND PEST CONTROL**

Animal care and pest control shall be maintained at all times and shall meet or exceed the following requirements:

- A. All outer openings shall be effectively protected against the entrance of insects and rodents by tight fitting self-closing doors, closed windows, screening or other means.
- B. Pesticides and rodenticide shall be administered only by a certified pest control operator. Chemicals for insect and rodent control shall not be applied in areas accessible to children when children are present in the facility.
- C. If the facility has dogs and cats, they shall be immunized for any disease which can be transmitted to humans. A licensed veterinarian shall certify that the animals are free of diseases communicable to the children and free of any vectors of disease.
- D. The keeping of an animal shall comply with all applicable provisions of the Park Ridge Municipal Code governing animals.

**5-9-11            HOUSEKEEPING**

- A. Floors, walls and ceilings shall be kept in a sanitary condition at all times.
- B. Toys, table tops, furniture, toilets, refuse containers, beds and other equipment used by children shall be easily cleanable and shall be cleaned and sanitized at least once each week and when they become soiled or contaminated with matter such as food, body secretions, and/or excrement.
- C. Only equipment necessary for the operation and maintenance of the establishment shall be stored on the premises. The premises shall be free of any accumulation of litter.

**5-9-12            SLEEPING**

- A. Day care facilities shall provide a separate crib, bed, or cot for each child.
- B. No two children shall share the same cot, crib or bed in any day care facility unless separate sets of clean sheets and other bedding are provided each user, and the cot, crib, or bed has been sanitized.
- C. Clean sheets or blankets shall be provided at least once a week or as frequently as needed when wet and soiled.
- D. Waterproof mattress covers or undersheets for cribs, beds or cots shall be provided for all children who are bedwetters.
- E. Each cot, bed or crib shall be identified with the name of the child.

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- F. When cots are in use, at least two (2) feet of space on at least two (2) sides between cots shall be provided.
- G. Young infants who cannot turn over alone shall be placed on their abdomen for their naps and immediately after feeding unless a physician has ordered otherwise.

### **5-9-13 DIAPERING OF CHILDREN**

- A. The following equipment shall be provided:
  - 1. If the child's cot, bed or crib is not used, a firm, non-porous, safe table that can be cleaned and sanitized may be used.
  - 2. A handwashing sink shall be in the diaper changing area.
  - 3. An easily cleanable covered container for soiled items including soiled disposable diapers or soiled cloth diapers shall be within reaching distance of the table.
  - 4. Cleaning and sanitizing solutions, toweling, etc., shall be kept on a convenient shelf out of reach of children.
- B. If a table is used, the table surface shall be cleaned and sanitized after each use with a fresh solution of an iodophor, phenolic, chlorine or any other approved sanitizing solution and dried. The chemical sanitizing agent shall provide the equivalent bactericidal effect of a solution containing 100 ppm of available chlorine.
- C. Disposable diapers or a diaper service shall be used.
- D. Responsibility of Personnel:
  - 1. All personnel involved in diapering shall wash their hands after diapering each child.
  - 2. Personnel shall discard soiled diapers in a covered container.
- E. Cleaning of the child's skin:
  - 1. Remove as much fecal matter as possible prior to cleansing.
  - 2. Cleanse skin with mild soap and water.
  - 3. Washcloths used for cleaning, if not disposable, must be placed immediately after use with soiled linens for laundering.

### **5-9-14 HEALTH AND SAFETY**

- A. A first aid kit and a chart or handbook of first aid instructions that complies with the State of Illinois Licensing Standards for Day Care Centers shall be available for staff use.

*(Ord 2006-01, 1/9/06, S24)*

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- B. Each facility must include a designated area for children who become ill. Such space shall be adequately ventilated and heated, and equipped with a bed or cot and materials that can be sanitized easily. Linen and disposable bedding shall be changed after each use. If the area is not a separate room it shall be separated from space used by other children by a partition, screen, or other suitable means. It shall be in close proximity to toilet and lavatory facilities, and where health and sanitation measures can be carried out without interruption of activities of other children and staff.
- C. Medications shall be administered only upon the direction of a physician.
- D. All toxic materials including medications and cleaning agents shall be properly labeled and stored in a segregated area inaccessible to children.
- E. If formula or food is brought by the parent for his child, it shall be labeled and properly stored and served.
- F. Hands of staff members shall be washed and dried before each feeding of individual children.

### **5-9-15 DISEASE CONTROL OF PERSONNEL**

No person while afflicted with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores or an acute respiratory infection, shall work in any area of a day care center in any capacity in which there is a likelihood of contaminating anything with pathogenic organisms, or transmitting disease to other individuals.

The Health Authority may require any or all of the following measures:

- A. The immediate exclusion of that person from any day care center activity.
- B. The adequate medical and bacteriological examination of the person, of his associates, and his and their body discharges.

### **5-9-16 SWIMMING POOLS**

- A. All swimming pools shall be constructed and operated in conformance with all applicable provisions of the Park Ridge Municipal Code.
- B. The use of portable wading pools, splash pools and other basins is prohibited.

### **5-9-17 BUILDING MAINTENANCE**

The building, structure or portion thereof where a day care center is located shall be maintained in conformance to Article 22 entitled, "Property Maintenance Code".

*(Ord 2006-01, 1/9/06, S24)*

**5-9-18            INSPECTION FREQUENCY**

Inspections of day care centers may be performed as often as necessary for enforcement of this Article.

**5-9-19            ACCESS**

The Health Authority, after proper identification, shall be permitted to enter a day care center at any time when the operator or an employee is present for the purpose of making inspections to determine compliance with this Article.

**5-9-20            INSPECTION REPORTS**

Whenever an inspection of a day care center is made, the findings shall be recorded on the Inspection Report Form provided by the Health Authority. The Inspection Report Form shall summarize the requirements of this Article. A copy of the Inspection Report Form shall be furnished to the person in charge of the establishment at the conclusion of the inspection.

**5-9-21            CORRECTION OF VIOLATIONS**

The completed Inspection Report Form shall specify a reasonable period of time for the correction of violations found, and correction of the violations shall be accomplished within a period specified or as soon as possible, but in any event by the time of the next routine inspection.

**5-9-22            SUBMISSION OF PLANS**

Whenever a day care center is constructed, altered or remodeled and whenever an existing structure is converted to use as a day care center, properly prepared plans and specifications for such construction, altering, remodeling or conversion shall be submitted to the Health Authority for review and approval before construction, altering, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, construction materials of work areas, mechanical plans and equipment specifications. All newly constructed, altered or remodeled day care centers shall conform in their construction to the requirements of this Article.

**5-9-23            PRE-OPENING INSPECTION**

The Health Authority shall inspect a day care center prior to the start of operations to determine compliance with the requirements of this Article.

## ARTICLE 5

### HEALTH

#### CHAPTER 10 SWIMMING POOLS

##### SECTION

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5-10-2	Compliance
5-10-3	Public Pools
5-10-4	Submission of Plans
5-10-5	Pre-Operational Inspection
5-10-6	Re-circulation Pools
5-10-7	Skimmers
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5-10-9	Inlets
5-10-10	Outlets
5-10-11	Re-circulation System and Appurtenances
5-10-12	Health Hazard or Nuisance Prohibited
5-10-13	Safety Precautions
5-10-14	Operation and Maintenance
5-10-15	Inspections
5-10-16	Closures
5-10-17	Regulations

##### **5-10-1 DEFINITIONS**

**HOT TUB:** A hydrotherapy spa constructed of wood with sides and bottom formed separately; and, the whole shaped to join together by pressure from surrounding hoops, bands or rods; as distinct from spa units formed of plastic, concrete, metal, and other materials.

**PRIVATE RESIDENTIAL SWIMMING POOL:** A receptacle for water, or an artificial pool of water having a depth at any point of more than two feet (2') intended for the purpose of immersion or partial immersion therein of human beings, and including all appurtenant equipment constructed, installed and maintained in or above the ground; provided, further that such private residential swimming pool is maintained by a person or persons primarily for the sole use of members of dwelling units or guests and not for the purpose of profit or in connection with any business operated for profit.

**PUBLIC HYDRO-THERAPY SPA:** A unit designed for public recreational and therapeutic use, which is not drained, cleaned or refilled for each user. It may include, but not be limited to hydrojet

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circulation, hot water, cold-water mineral baths, air induction bubbles, or any combination thereof. Industry terminology for a spa include, but is not limited to, therapeutic pool, hydrotherapy pool, whirlpool, hot spa, hot tubs, etc. This includes spas for community use, at apartments, condominiums and other groups or associations, clubs, churches, camps, schools, institutions, Y.M.C.A.'s, Y.W.C.A.'s, parks, motels, hotels and other commercial establishments.

**SWIMMING POOL:** (Above-ground) Any pool whose sides rest fully above the surrounding earth.

**SWIMMING POOL:** (In-ground) Any pool whose sides rest in partial or full contact with the earth.

**WADING POOL:** (Public) A public pool used and intended only for small children and having a maximum depth of less than thirty inches (30"). It is not used for swimming nor instruction in swimming.

*(Ord 2006-01, 1/9/06, S24)*

### **5-10-2 COMPLIANCE**

Every private residential swimming pool and public swimming pool, wading pool, hydrotherapy spa and hot tub constructed, installed and maintained hereafter shall comply with all applicable provisions of the Park Ridge Municipal Code.

### **5-10-3 PUBLIC POOLS**

Public swimming and wading pools, their equipment and operation, shall comply with the minimum sanitary requirements for the design and operation of swimming pools and bathing beaches, prescribed under the "Illinois Swimming Facility Act, 210 ILCS 125/1 et seq."

*(Ord 2006-01, 1/9/06, S24)*

### **5-10-4 SUBMISSION OF PLANS**

Properly prepared plans and specifications for the construction, installation, enlargement or alteration of a private residential swimming pool and public swimming pool, hydrotherapy spa and hot tub shall be submitted to the Health Authority and Building Official for review and approval before construction, installation, enlargement or alteration is begun. The plans shall include type and model of skimmers, pumps, filters, and disinfection equipment; and the swimming pool requirements set forth in Article 15. No building permit shall be issued until approval for the skimmers, pumps, filters and disinfection equipment has been obtained from the Health Authority or Building Official.

### **5-10-5 PRE-OPERATIONAL INSPECTION**

Whenever plans and specifications are required by Section 5-10-2 of this Chapter to be submitted to the Health Authority and Building Official, the Health Authority and/or Building Official shall inspect the swimming pool, spa or hot tub prior to the start of the operation to determine compliance with the approved plans and specifications and with all applicable requirements of the Park Ridge Municipal Code.

**5-10-6            RECIRCULATION POOLS**

All private residential swimming pools and public swimming pools, hydrotherapy spas and hot tubs shall be of the re-circulation type in which circulation of the water is maintained through the pool, spa or hot tub by pumps; the water drawn from the pool, spa or hot tub being clarified before returning to the pool, spa or hot tub. Each pool, spa or hot tub shall be provided with appropriate disinfection equipment.

**5-10-7            SKIMMERS**

- A. In every private residential swimming pool at least one skimming device shall be provided for each eight hundred (800) square feet of surface area or fraction thereof. When more than one skimmer is required they shall be located at least thirty feet (30') apart. In every public hydrotherapy spa and hot tub, at least one skimming device shall be provided for every one hundred (100) square feet of surface area or fraction thereof.
- B. All skimmers shall comply in all respects with the National Sanitation Foundation "Standards Relating to Recessed Automatic Surface Skimmers for Swimming Pools", or equivalent.
- C. Skimming devices shall not protrude from the wall into the swimming area.
- D. When rim type overflow systems are used, the corresponding section of the State of Illinois Minimum Sanitary Requirements for the design and operation of swimming pools and bathing beaches shall apply.

**5-10-8            WATER SUPPLY**

Water shall be secured either from the City or any other sanitary source approved by the Health Authority or Building Official. Water shall not be drawn to fill the pool from the City water supply at any time that the City Manager may determine that a water shortage exists.

**5-10-9            INLETS**

- A. In every private residential swimming pool and public hydrotherapy spa and hot tub circulation system, inlets shall be located to produce uniform circulation of water and to facilitate the maintenance of a uniform disinfectant residual throughout the entire pool, spa or hot tub. Where skimmers are used, the inlet(s) shall be located so as to help bring floating particles within range of the skimmers. Inlets for private residential swimming pools shall discharge at a minimum depth of ten inches (10") below the pool overflow level.
- B. Inlet(s) from the re-circulating system shall be designed so as not to constitute a projecting surface hazardous to the bathers.
- C. The number of inlet(s) for private residential swimming pools shall be based on either one inlet per six hundred (600) square feet of pool area or one inlet per fifteen thousand (15,000) gallons of pool capacity, whichever is greater.

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- D. Pools shall be equipped with suitable facilities for adding make-up water as needed. There shall be no physical connection between the water supply line and the pool system. If the make-up water is added directly to the pool, the outlet shall be at least six inches (6") above the upper rim of the pool. If the make-up water line discharges to a surge or balancing tank, the point of discharge shall be at least six inches (6") above the rim of the tank. If a hose connection from a sill cock or other plumbing fixture is to be used for supplying make-up water, then an approved vacuum breaker shall be installed between the sill cock or control valve at the fixture and the hose connection. The vacuum breaker shall be installed at a height not less than seven feet six inches (7'6") above the floor, platform or ground upon which a person would stand when operating the sill cock or control valve.
- E. The systems supplying re-circulated water and make-up water to the pool shall be constructed in conformance with all applicable provisions of the Park Ridge Municipal Code and the Illinois State Plumbing Code.

### **5-10-10 OUTLETS**

- A. All private residential swimming pools and public hydrotherapy spas and hot tubs shall be provided with a means to permit the pool, spa or hot tub to be completely and easily emptied. Floor and wall outlets must be covered by a grating which is not readily removable by bathers. Outlet openings of the grating in the floor or wall of the pool shall provide sufficient area so the maximum velocity of the water passing through the grate will not exceed two feet (2') per second, or shall be of the anti-vortex type. The maximum width of grate openings shall be one-half inch (1/2"). Sidewall outlets shall be designed so as not to create a vortex of sufficient velocity to be hazardous to bathers.
- B. Piping carrying pool, spa and hot tub waste water shall be installed as an indirect connection to the sewer system.
- C. Water drained from pools, spas and hot tubs shall not be discharged to the sewer system during periods of rain or storms.
- D. Where provided, the vacuum cleaner fitting(s) shall be located in an accessible position at least six inches (6") below minimum operating water level or as an integral part of the skimmer(s).
- E. Discharge of pool waste water must be accomplished in such a way that a nuisance or damage to other property is avoided.

### **5-10-11 RECIRCULATION SYSTEM AND APPURTENANCES**

- A. Private residential swimming pool and public spa and hot tub re-circulation systems shall consist of pumps, piping or conduits, overflows, skimmers, filters, equipment for disinfecting pool water and other necessary equipment shall be provided for complete and continuous circulation of water through all parts of the pool, spa or hot tub. Private residential swimming pools shall have a minimum of one turnover in twelve (12) hours. Public spas and hot tubs shall have a

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minimum of one turnover every thirty (30) minutes. A meter which measures the flow of water in the circulating system shall be provided on all swimming pools, spas and hot tubs.

- B. Pumps of three (3) horsepower and smaller shall comply in all respects with the National Sanitation Foundation "Standards Relating to Centrifugal Pumps for Swimming Pools," or equivalent.
- C. Pool piping shall be sized to permit the rate flows for filtering and cleaning without exceeding the maximum head at which the pump will provide such flows.
- D. All filters shall comply in all respects with the appropriate National Sanitation Foundation Standards covering such filters, or equivalent.
- E. Equipment shall be provided for the disinfection of all pool, spa and hot tub water. Chemical feeding equipment, when used, shall comply with the appropriate National Sanitation Foundation Standards, or equivalent. Any disinfection method other than a flow through type chemical feeder shall be subject to the approval of the Health Authority or Building Official. Any disinfectant method using materials other than chlorine compounds shall be subject to the approval of the Health Authority or Building Official. Any disinfectant method using materials other than chlorine compounds shall be subject to the approval of the Health Authority or Building Official. The disinfectant applied from a flow through type or adjustable output rate chemical feeder shall be introduced into the re-circulation system ahead of the filters where sand media is employed, and into the filter effluent line where other types of media are used.
- F. Gaseous chlorination systems shall not be made use of as disinfection method for pool water.

### **5-10-12 HEALTH HAZARD OR NUISANCE PROHIBITED**

No pools, spas or hot tubs shall be used, kept, maintained or operated if such use, keeping, maintaining or operating shall constitute or be the occasion of any nuisance of any kind, or shall be dangerous to life or limb, or detrimental to health in any way.

### **5-10-13 SAFETY PRECAUTIONS**

- A. A skilled swimmer shall be present at all times that private residential swimming pools are in use.
- B. Every private residential swimming pool shall be equipped with one light, strong pole with blunt ends and not less than ten feet (10') long.
- C. Every private residential swimming pool shall be equipped with a one-quarter inch (1/4") throwing rope as long as one and one-half (1-1/2) times the maximum width of the pool or fifty feet (50'), whichever is less, to which has been firmly attached a ring buoy with an outside diameter of approximately fifteen inches (15") or some other similar flotation device.

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### 5-10-14      OPERATION AND MAINTENANCE

- A. No private residential pool shall be made use of between the hours of ten thirty o'clock (10:30) P.M. and six o'clock (6:00) A.M.
- B. A suitable substantial protective cover shall be provided and installed over all private residential swimming pool surfaces whenever the swimming pool water re-circulation system has been shut off for more than twenty-four (24) hours.
- C. All private residential swimming pools and public swimming pools, hydrotherapy spas and hot tubs shall be maintained in a clean and sanitary condition, and all equipment shall be maintained in a satisfactory operating condition during periods the pools, spas or hot tubs are in use.
- D. Pool, spa and hot tub water shall be disinfected by chlorine in a form of sodium or calcium hypochlorite. The chlorine residual shall be maintained between .5ppm and 2.0ppm as free available chlorine. Chlorinated cyanurates, when used, shall meet the following criteria:
  - 1. 1.0 to 4.0 ppm free available chlorine residual.
  - 2. Cyanuric acid concentration 25 ppm to 1,000 ppm.Any other approved disinfectants shall be used at concentrations determined by the health authority in accordance with national, state and regional standards and regulations.

*(Ord 2006-01, 1/9/06, S24)*
- E. The water shall show a neutral or alkaline condition. The pH of the pool shall be maintained in a range of between 7.0 and 7.8.
- F. A test kit with permanent color standards shall be provided at all pools, spas and hot tubs and be used at frequent intervals to check on the adequacy of disinfection and pH levels of the water.
- G. Sanitation of Premises: All pool, spa and hot tub facilities, including buildings and grounds, shall be kept clean and in a sanitary condition and maintained free from garbage, trash and other refuse.
- H. Chemicals other than disinfectants used for controlling water quality shall be subject to the approval of the Health Authority or Building Official.

### 5-10-15      INSPECTIONS

The Health Authority and/or Building Official, after displaying proper identification, shall be permitted to inspect any private or public pool, or public spa(s) or public hot tub(s) for the purpose of determining compliance with this Article.

**5-10-16 CLOSURES**

If the Health Authority and/or Building Official shall find, after inspection, that the operation of a swimming pool, spa or hot tub does not meet the hygienic, sanitary and safety requirements of this Article, he shall direct that it will be closed until such requirements are met.

**5-10-17 REGULATIONS**

The Health Authority or Building Official may promulgate regulations for the construction, alteration, operation and maintenance of private residential swimming pools and public swimming pools, hydrotherapy spas and hot tubs to carry out the provisions and purposes of this Chapter. The regulations may provide from time to time for the use of materials, devices, structures and appurtenant equipment substantially equivalent to that required herein, so long as the degree of protection afforded is not less than the protection provided herein.

## ARTICLE 5

### HEALTH

#### CHAPTER 11 WEED CONTROL

##### SECTION

- 5-11-1 Specific Weeds, as Nuisance
- 5-11-2 Unlawful to Permit Weeds
- 5-11-3 Destruction of Weeds
- 5-11-4 Removal of Weeds by City
- 5-11-5 Recovery Costs

##### **5-11-1 SPECIFIC WEEDS, AS NUISANCE**

All weeds including but not in limitation thereof, the following are hereby declared to be a nuisance:

- A. Noxious weeds - Ragweed, and all its varieties; Canada thistle and all its varieties; musk thistle, perennial sow thistle, sorghum alum and all its varieties; johnson grass and wild hemp (marijuana);
- B. Other weeds - Beggar tick, bindweed and all its varieties; buckhorn plantain, burdock, cocklebur, curled docked, dandelion, gray and stiff leafed goldenrod, hoary cress, Indian mallow, jimson weed, knapweed, lambsquarter, leafy spurge, milkweed, mustard and all its varieties; nightshade, pigweed and all its varieties; poison ivy, shepherd's purse, smartweed and all its varieties; sow thistle and all its varieties; tumble weed, vervain and all its varieties; wild carrot, and wild or prickly lettuce;
- C. Grasses over eight inches (8"). *(Ord. 2009-72, 10/05/2009)*

##### **5-11-2 UNLAWFUL TO PERMIT WEEDS**

It shall be unlawful for any person to permit the growth of weeds on any plot of ground which the person owns, leases, occupies or controls or on any portion of City street, sidewalk, parkway or alley immediately adjoining said plot of ground.

**5-11-3            DESTRUCTION OF WEEDS**

All weeds or grass shall be pulled or cut by the owner, lessee, tenant, occupant or person in control of a plot of ground or the portion of City street, sidewalk, parkway or alley immediately adjoining said plot of ground, at any time when any weeds or grass on such property are in excess of eight inches (8") in height. The failure to cut or to pull or to destroy such weeds or grass shall constitute a violation of this Article.

*(Ord 2006-01, 1/9/06, S24) (Ord. 2009-72, 10/05/2009)*

**5-11-4            REMOVAL OF WEEDS BY CITY**

In the event the owner, lessee, tenant, occupant or person in control of said parcel of land neglects or refuses to cut or remove such weeds or grass which are in excess of eight inches (8") in height, the City may cut or remove the weeds or grass or authorize some person to cut or remove the same on behalf of the City and the violator shall pay the costs and expenses incurred.

*(Ord. 2009-72, 10/05/2009)*

**5-11-5            RECOVERING COSTS**

If weeds or grass referred to in this Chapter are cut by the City or by someone directed to cut them on behalf of the City, the cost of cutting the weeds or grass and interest thereon at the rate specified for interest on judgments in 735 ILCS 5/2-1303 shall constitute a debt in favor of the City against the owner of said parcel of land. In the event such owner fails, neglects or refuses to pay the City the amount of this debt, a notice of lien may be filed in the office of Recorder of Deeds in Cook County or in the office of Registrar of Titles in Cook County, if the real estate affected is registered under the Torrens System. The cost and interest may also be recoverable in a civil action against the owner or his successor, brought in court of competent jurisdiction by the City, which shall possess all rights of a private creditor.

## ARTICLE 5

### HEALTH

#### CHAPTER 12 ENVIRONMENTAL QUALITY CONTROL

##### SECTION

5-12-1	Definitions
5-12-2	Littering
5-12-3	Litter in Receptacles
5-12-4	Elimination of Rodent Harborage
5-12-5	Accumulation of Litter and Offensive Waste
5-12-6	Refuse Containers, Condition
5-12-7	Location of Refuse Containers
5-12-8	Refuse Removal
5-12-9	Refuse Containers on City Parkways
5-12-10	Dense Smoke and Fumes
5-12-11	Offensive Odor
5-12-12	Water Pollution
5-12-13	Stagnant Water
5-12-14	Pests
5-12-15	Multi-Use Utensils
5-12-16	Acts Detrimental to Health or Safety
5-12-17	Cleanup by City
5-12-18	Collection of Recyclable Materials and Yard Waste

##### 5-12-1 DEFINITIONS

**EXTERMINATION:** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigation, trapping, or by any other means.

**INFESTATION:** The presence, within or around a building or structure of any insects, rodents or other pests.

**LITTER:** Any discarded, used or consumed substance or waste. Litter includes but is not limited to any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper containers, wood, motor vehicle parts, furniture, oil, carcass of dead animal, animal or human excreta, any nauseous or offensive material or liquid of any kind, any object which creates a public health or safety hazard, public nuisance or a fire hazard or anything else

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of an unsightly or unsanitary nature which has been discarded, abandoned, disposed, or otherwise stored improperly.

**STANDARD REFUSE CONTAINER:** An automated container, provided by the waste disposal contractor, of not more than ninety-five (95) gallons, sixty-five (65) gallons or thirty-five (35) gallons must be used. For purposes of this definition, pick-up day shall be deemed to be that time during which garbage receptacles are permitted on City parkways under the terms and provisions of Section 5-12-7 of this Article. Dumpsters shall be deemed a standard refuse container on property used for multiple-family purposes or commercial purposes.

*(Ord 2006-01, 1/9/06, S24); (Ord. 2008-86, 12/01/2008)*

### **5-12-2 LITTERING**

It shall be unlawful to throw, dump, deposit, drop, leave, or in any way place litter upon any public or private property, or upon or into any fountain, pond, stream, lake, river or any other body of water in the City unless:

- A. The property has been designated by the State or any of its agencies, political subdivisions, units of local government or school districts, for the disposal of litter, and the litter is disposed of on that property in accordance with the applicable rules and regulations of the Illinois Pollution Control Board.
- B. The litter is deposited or placed in public receptacles, standard refuse containers, or other approved receptacles as herein provided for collection except that no person shall use public receptacles for their regular refuse, storage and service.
- C. The person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant and does not create a public health or safety hazard, public nuisance or a fire hazard.
- D. The person is acting under the direction of or with the approval of the proper public officials.

### **5-12-3 LITTER IN RECEPTACLES**

Persons placing litter in public receptacles, standard refuse containers, or other approved receptacles as herein provided shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any private or public property.

### **5-12-4 ELIMINATION OF RODENT HARBORAGES**

All premises, improved or unimproved, and all open lots, areas, streets, sidewalks and alleys shall be kept clean and free of all rubbish and materials that might serve as harborage for rodents; and all lumber, boxes, barrels and loose iron, scrap metal, auto bodies, as well as other materials that may be permitted to rest thereon and that may be used as harborage by rodents shall be placed on supports and elevated from the ground with a clear intervening space of twelve inches (12") between said material and the ground.

**5-12-5 ACCUMULATION OF LITTER AND OFFENSIVE WASTE**

No person shall allow litter to accumulate on any real property of which the person owns, leases, occupies or controls, or on any portion of City street, sidewalk, parkway or alley immediately adjoining said real property.

**5-12-6 REFUSE CONTAINERS, CONDITION**

- A. It shall be unlawful for any person to have on property owned or controlled by such person any refuse container authorized herein in an uncovered condition when outside of the building or structure except for the container authorized for recyclable materials.
- B. It shall be unlawful to use any refuse container otherwise authorized herein which is unusable or damaged.

**5-12-7 LOCATION OF REFUSE CONTAINERS**

The standard refuse container shall be placed in the following manner:

- A. Except as otherwise authorized herein for collections, all refuse containers shall be located on private property concealed as nearly as practical from public view.
- B. Where alley collections are permitted abutting the alley lot line on the premises serviced so as to be immediately accessible to refuse collection vehicles, it shall be the duty of the owner, his manager or agent, lessor, lessee or occupant to provide a suitable space abutting the alley line for such container.
- C. For street or curb collections at the curb or street line (but not on the street) at such times as authorized under Section 5-12-8 herein.
- D. Refuse not collected shall be removed to private property not later than twelve o'clock (12:00) midnight on the evening of the collection day unless collection is scheduled for the following day.
- E. No container used for the storage, collection, and removal of garbage or other refuse, and no litter shall be placed so as to be unsightly, odorous, or so as to constitute a nuisance to adjacent property or the occupants thereof.

**5-12-8 REFUSE REMOVAL**

- A. Garbage and other refuse shall be collected by the City in accordance with the schedules and regulations announced and made by the Director of Public Works. The City will provide a once per week normal household refuse collection and disposal service. The pickup will be at the

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curbside or alley as appropriate. Bulky household items such as sofas, furniture, carpeting, beds, box springs, mattresses, fixtures, televisions, and stereos will be picked up weekly. Excluded from regular pickup will be construction materials including earth, sod, concrete, lumber, stoves, ovens, microwave ovens, washing machines, dryers, air conditioners, refrigerators, freezers, dehumidifiers, water softeners, water heaters, trash compactors, and dishwashers. This material shall be disposed of by the resident.

- B. The owner or occupant of a store, restaurant or other commercial premises, shall provide refuse collection and disposal service for the premises. Refuse must be collected from such premises and disposed of by a contractor licensed by the City, at least once each week between the hours of 7:00 A.M. and 6:00 P.M. The City Council may determine to make payment to or on behalf of the owner or occupant of such premises for such portion of the cost of disposal services as it may deem appropriate.

*(Ord. 2004-37, 5/3/04, S23)*

- C. All garbage and refuse shall be properly disposed of and kept in a suitable receptacle in such manner as not to become a public nuisance. The Director or Public Works and the Health Officer may make such rules and regulations as they may deem appropriate for the proper collection and disposal of garbage and other refuse.

### **5-12-9 REFUSE CONTAINERS ON CITY PARKWAYS**

It shall be unlawful and it is hereby declared to be a nuisance for any person to allow or to permit any refuse container or other receptacle to remain upon the City streets or parkways after the collection of refuse by the refuse vehicle for a period of longer than twenty-four (24) hours. It shall be unlawful and it is hereby declared to be a nuisance for any person to deposit litter, or any can, container or other receptacle containing same upon the City streets or parkways prior to 3:00 p.m. the day before collection of garbage and refuse by refuse vehicles.

*(Ord. 2009-73, 10/05/2009)*

### **5-12-10 DENSE SMOKE AND FUMES**

It shall be unlawful to allow or permit any dense smoke, dust, soot, cinders, vapor, gas or noxious fumes to be emitted to the air which creates a public health or safety hazard, public nuisance or fire hazard.

### **5-12-11 OFFENSIVE ODOR**

It shall be unlawful to conduct any business or use any premises as to create such an offensive odor as it may taint the air and render it unwholesome or disagreeable to the public.

### **5-12-12 WATER POLLUTION**

It shall be unlawful to pollute any well, cistern, spring, underground water stream, lake, canal, water source, drinking hydrant or body of water.

**5-12-13 STAGNANT WATER**

It shall be unlawful for any person, firm or corporation to allow the existence of any stagnant pool of water on property which is under his or its control.

**5-12-14 PESTS**

It shall be unlawful for any person owning, occupying, possessing or having charge of any premise, building or structure, to permit the same to become infested with animal pests including but not limited to insects, rodents, birds or other wildlife or used as a harborage for pests. It shall be the duty of any owner, his agent, manager, occupant or lessee, upon any knowledge or notice, to at once proceed and continue to exterminate such pests by any appropriate means as may be necessary or suggested by the Health Authority. It shall also be the duty of any owner, his agent, manager, occupant or lessee of any building or structure within the City to pest-proof such building or structure by closing all unnecessary openings which could provide a means of entry with materials impervious to the pests. The Health Authority may declare the maintenance of such pest harborage a nuisance and summarily abate the same.

**5-12-15 MULTI-USE UTENSILS**

It shall be unlawful to allow common drinking cups, roller towels, combs, brushes or eating utensils in public or semi-public places which are not properly sanitized after each use.

**5-12-16 ACTS DETRIMENTAL TO HEALTH OR SAFETY**

It shall be unlawful to permit any other conditions, acts, practices, conduct, business, occupations, callings, trades, uses of property that result in annoyance or discomfort to the public or that is detrimental to the health or safety of the inhabitants of the City.

**5-12-17 CLEANUP BY CITY**

Upon failure to collect or refusal of any owner or property so notified to properly dispose of litter dangerous to public health, safety or welfare within five (5) days after mailing of a written notice, the City Manager is hereby authorized and empowered to pay for the disposal of such litter or to order its disposal by the City and the violator shall pay the costs and expenses incurred.

**5-12-18 COLLECTION OF RECYCLABLE MATERIALS AND YARD WASTE**

- A. The waste disposal contractor shall furnish to each single family, two-family, and townhouse residence a container for the deposit and collection of recyclable materials. Such container shall be specially marked and shall be used only for its designated purpose. The container shall be the property of the waste disposal contractor and a fee shall be charged for its replacement in the event of loss or damage or for additional containers. Containers for apartment and condominium buildings shall be furnished by a licensed waste hauler pursuant to contract with the City.

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- B. Recyclable materials to be deposited in designated recycling containers shall be as determined from time-to-time by the City and a licensed waste hauler pursuant to contract. Residents shall be notified of those materials which are recyclable. Non-recyclable materials shall not be deposited in any recycling container.
- C. Any material deposited in the designated recycling container shall be deemed to be the property of the collection agency and the City of Park Ridge, the value of which may be recovered to offset the cost of recycling. It shall be unlawful for any person other than the refuse collection agency designated by the City to remove any material from the recycling container.
- D. A monthly fee for the recycling service is hereby assessed for each dwelling unit, which shall be billed and paid with the regular bill for City water service and shall be subject to the delinquency fee provided therefor.
- E. Yard waste including grass clippings, twigs, leaves and other similar materials shall not be comingled with regular household refuse but shall be placed only in specially designated biodegradable 30 gallon paper bags or in 90 gallon carts provided by the collection agency at cost, used exclusively for such yard waste and clearly marked "Yard Waste."

*(Ord. 2008-86, 12/01/2008)*

## ARTICLE 5

### HEALTH

#### CHAPTER 13 TANNING FACILITIES

##### SECTION

5-13-1	Definitions
5-13-2	Tanning Equipment
5-13-3	Operating Requirements
5-13-4	Building Maintenance
5-13-5	Inspection Frequency
5-13-6	Access
5-13-7	Inspection Reports
5-13-8	Correction of Violations
5-13-9	Submission of Plans
5-13-10	Pre-Opening Inspection

##### 5-13-1 DEFINITIONS

**SUNLAMP PRODUCT:** Means any electronic product designed to incorporate one or more ultraviolet lamps and intended for irradiation of any part of the living human body, by ultraviolet radiation to induce skin tanning.

**TANNING FACILITY OR TANNING FACILITIES:** A store, establishment, or place of business or portion thereof which uses sunlamp products to induce skin tanning.

*(Ord 2006-01, 1/9/06, S24)*

##### 5-13-2 TANNING EQUIPMENT

- A. For each sunlamp product and ultraviolet lamp, the ratio of the ultraviolet irradiance within the wavelength of greater than 200 nanometers through 260 nanometers to the irradiance within the wavelength range of greater than 260 nanometers through 400 nanometers shall not exceed 0.003 at any distance or direction from the product or lamp.
- B. Each sunlamp product shall incorporate a timing device with multiple timer settings adequate for the manufacturer's recommended exposure intervals to produce the expected results.

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- C. The timing device shall not provide a timing interval in excess of the product's recommended maximum exposure time, or ten minutes. This requirement does not preclude the ability of the user to reset the time. The timer may not automatically reset and cause radiation emission to resume for a period greater than the unused portion of the timer cycle when emission from the sunlamp product has been terminated.
- D. Each sunlamp product shall incorporate a control on the product to enable the user to manually terminate radiation without pulling the electrical plug or coming in contact with the ultraviolet lamp.
- E. Each sunlamp product shall be accompanied by the number of sets of protective eyewear that is equal to the maximum number of persons intended to be exposed simultaneously to product radiation. The eyewear shall be provided by the sunlamp product manufacturer or tanning facility operator and shall meet or exceed the sunlamp product recommendations.
- F. Each ultraviolet lamp contained within the sunlamp product shall be shielded so as not to come into contact with the user. A screen or transparent cover shall be used for this purpose.
- G. Each sunlamp product in which the person is in a standing position shall provide a handrail for the user to hold onto during operation of the tanning facility. Each tanning facility shall have, clearly marked, the appropriate position the user is to assume prior to operation.
- H. Each sunlamp product shall prominently display the following label: "DANGER - Ultraviolet radiation. Follow instructions. As with natural sunlight, overexposure can cause eye injury and sunburn, repeated exposure may cause premature aging of the skin and skin cancer. Medications or cosmetics applied to the skin may increase your sensitivity to ultraviolet light. Consult physician before using lamp if taking any medication or if you believe yourself especially sensitive to sunlight".
- I. Each tanning facility shall be so equipped to dissipate heat in order that the interior temperature does not exceed one hundred degrees Fahrenheit or thirty-four degrees centigrade.

### **5-13-3 OPERATING REQUIREMENTS**

- A. Each tanning facility shall have on hand at all times an employee adequately trained in the correct operation of the facility and the tanning equipment so as to be able to inform and assist the public in its proper use.
- B. Each person desiring to use the facility shall fill out a form provided by the operator specifying any and all medications that the person is presently taking. Said form shall be kept as a permanent record of the individual's attendance and progress.
- C. Each user shall be instructed in the proper use of the tanning equipment including protective eyewear, proper position and how to manually terminate the radiation.
- D. Floors shall be clean and dry in each tanning facility prior to each individual's use.

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- E. Signs shall be posted warning the users of the potential effects of radiation on persons taking medications and the possible relationship of radiation to skin cancer.
- F. Tanning equipment and furniture or portions thereof which come in contact with the user shall be sanitized after each use. The chemical sanitizing agent shall provide the equivalent bactericidal effect of a solution containing 100 ppm of available chlorine.

### **5-13-4 BUILDING MAINTENANCE**

The building, structure or portion thereof where a tanning facility is located shall be maintained in conformance to Article 22 entitled, "Property Maintenance Code".

*(Ord 2006-01, 1/9/06, S24)*

### **5-13-5 INSPECTION FREQUENCY**

Inspections of tanning facilities may be performed as often as necessary for enforcement of this Article.

### **5-13-6 ACCESS**

The Health Authority, after proper identification, shall be permitted to enter any tanning facility at any time when the operator or an employee is present for the purpose of making inspections to determine compliance with this Article.

### **5-13-7 INSPECTION REPORTS**

Whenever an inspection of a tanning facility is made, the findings shall be recorded on the Inspection Report Form provided by the Health Authority. The Inspection Report Form shall summarize the requirements of this Article. A copy of the Inspection Report Form shall be furnished to the person in charge of the establishment at the conclusion of the inspection.

### **5-13-8 CORRECTION OF VIOLATIONS**

The completed Inspection Report Form shall specify a reasonable period of time for the correction of violations found, and correction of the violations shall be accomplished within a period specified or as soon as possible, but in any event by the time of the next routine inspection.

### **5-13-9 SUBMISSION OF PLANS**

Whenever a tanning facility is constructed, altered or remodeled and whenever an existing structure is converted to use as a tanning facility, properly prepared plans and specifications for such construction, altering, remodeling or conversion shall be submitted to the Health Authority for review and approval before construction, altering, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, construction materials of work areas, mechanical plans and

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equipment specifications. All newly constructed, altered or remodeled tanning facilities shall conform in their construction to the requirements of this Article.

### **5-13-10 PRE-OPENING INSPECTION**

The Health Authority shall inspect a tanning facility prior to the start of operations to determine compliance with the requirements of this Article.

## ARTICLE 5

### HEALTH

#### CHAPTER 14 CHILDREN'S HOSPITAL LICENSE

##### SECTION

5-14-1	License Required
5-14-2	Definitions
5-14-3	Regulations
5-14-4	Application for License
5-14-5	License Fee
5-14-6	Denial, Suspension, or Revocation of License

##### **5-14-1 LICENSE REQUIRED**

No person shall establish, open, conduct, operate, or maintain a children's hospital without first obtaining a license from the Health Authority.

##### **5-14-2 DEFINITIONS**

- A. CHILDREN'S HOSPITAL means a hospital devoted exclusively to caring for children or any facility within a hospital devoted exclusively to caring for children.
- B. HOSPITAL means a health-care facility as defined in Section 3(a) of the Illinois Hospital Licensing Act (210 ILCS 85/3).

##### **5-14-3 REGULATIONS**

Any children's hospital licensed under this Chapter shall substantially comply with all applicable standards and regulations of the Illinois Department of Public Health as provided in the Hospital Licensing Act and Title 89, Chapter 1, Section 148.120 of the Illinois Administrative Code, which are hereby adopted and incorporated herein as the applicable standards and regulations of the City of Park Ridge.

**5-14-4 APPLICATION FOR LICENSE**

Application for issuance or renewal of a City of Park Ridge children's hospital license shall be made to the Health Authority in the same manner as provided in the Illinois Hospital Licensing Act for issuance and renewal of a hospital license by the Illinois Department of Public Health, and shall specifically identify any facility within a hospital devoted exclusively to caring for children for which licensing is sought pursuant to this Chapter.

**5-14-5 LICENSE FEE**

The fee for issuance or renewal of a children's hospital license shall be one hundred dollars (\$100.00).

**5-14-6 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE**

Denial, suspension, or revocation of a hospital license by the Illinois Department of Public Health shall be grounds for denial, suspension, or revocation of a children's hospital license by the Health Authority. The children's hospital shall immediately report to the Health Authority any notice by the Illinois Department of Public Health of substantial failure to comply with applicable standards, rules, or regulations.

## ARTICLE 5

### HEALTH

#### CHAPTER 15 MASSAGE THERAPY *(Ord. 2013-46, 09/16/2013)*

##### SECTION

- 5-15-1 Definitions
- 5-15-2 License Required for Massage Therapists
- 5-15-3 Massage Therapy Establishment License
- 5-15-4 Term and Fee for Massage Therapy Establishment License
- 5-15-5 License Application Requirements for Massage Therapy Establishments
- 5-15-6 Massage Therapy Establishment License Issuance
- 5-15-7 Structural Requirements
- 5-15-8 Sanitary and Operating Requirements
- 5-15-9 Unlawful Acts
- 5-15-10 Health and Disease Control
- 5-15-11 Inspection Frequency
- 5-15-12 Inspection Access
- 5-15-13 Register of Employees
- 5-15-14 Revocation of a Massage Therapy Establishment License
- 5-15-15 Reimbursement of Costs for Investigation Resulting in Business License Suspension or Revocation
- 5-15-16 Revocation of Massage Therapist License
- 5-15-17 Service of Notices
- 5-15-18 Inspection Reports
- 5-15-19 Correction of Violations
- 5-15-20 Submission of Plans and Pre-opening Inspections
- 5-15-21 Joint and Several Liability (Ord. 2011-27, 4/18/2011)
- 5-15-22 License Revocation; Moratorium on Premises (Ord. 2011-27, 4/18/2011)
- 5-15-23 Restrictions on Advertising (Ord. 2011-27, 4/18/2011)
- 5-15-24 Massage Therapy Establishment License - Exemptions

##### **5-15-1 DEFINITIONS**

**FORCIBLE FELONY:** Forcible Felony shall have the meaning as specified in the Criminal Code found in Chapter 720 Act 5 Section 2-8 of the Illinois Compiled Statutes (720 ILCS 5/2-8).

**HEALTH AUTHORITY:** The Environmental Health Officer of the City or his designated representative, and such assistants, as may be acting under his direction and authority.

**MASSAGE THERAPY:** The science, art or use of massage or body work techniques that include any method of applying pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external soft parts of the body, except the sexual or genital areas, with the

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hands or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

**MASSAGE THERAPIST:** A person who carries on, engages in or practices massage therapy and has taken courses in massage therapy, and has received license from the State of Illinois Department of Financial and Professional Regulation. It does not include a person engaged in a practice licensed by the State of Illinois such as a physical therapist, barber, cosmetologist, esthetician, naprapath, etc. who may also perform massage therapy as permitted as part of their licensed practice.

**MASSAGE THERAPY ESTABLISHMENT:** Any building or portion of any building having a fixed place of business where any licensed person, firm, association or corporation engages in, or carries on, or permits to be engaged in or carried on any of the activities of “Massage Therapy” as defined herein. It does not include a building or any portion of a building that is used by a person engaged in a practice licensed by the State of Illinois such as a physical therapist, barber, cosmetologist, esthetician, naprapath, etc. who may also perform massage therapy as permitted as part of their licensed practice.

**OWNER/OPERATOR:** The person responsible for furnishing, installing, servicing, operating, and/or practicing massage therapy at a massage therapy establishment and holds the lease, deed, or other legal instrument that names and grants said person possession or use of the building, establishment, or portion thereof for a massage therapy establishment.

**PERSON:** Any person, firm, partnership, association, corporation, company or organization of any kind.

**SEX OFFENSE (S):** Sex Offense(s) shall have the meaning as specified in the Criminal Code Article 11 found in Chapter 720 Act 5 Section 5/11 of the Illinois Compiled Statutes (720 ILCS 5/11).

**SEXUAL OR GENITAL AREA:** Includes the penis and testicles of a male, the vulva, vagina and breasts of a female, and the anus and perineum of any person.

### **5-15-2 LICENSE REQUIRED FOR MASSAGE THERAPISTS**

No person for any consideration whatsoever, shall engage in, carry on, or practice massage therapy who does not have a valid license issued by the State of Illinois Department of Financial and Professional Regulation.

### **5-15-3 MASSAGE THERAPY ESTABLISHMENT LICENSE**

No person shall operate a “massage therapy establishment” as herein defined, in or upon any premises in the City, who does not have a license issued by the Health Authority. Only a person who complies with the provisions of this Article may be entitled to receive or retain such a License. Licenses are not transferable. A valid license shall be conspicuously posted in every massage therapy establishment.

### **5-15-4 TERM AND FEE FOR A MASSAGE THERAPY ESTABLISHMENT LICENSE**

Any person applying for a license to operate a massage therapy establishment with the Health Authority shall complete a form, under oath, provided by the City and pay a nonrefundable filing fee of seventy five dollars (\$75.00) for the original application and shall pay fifty dollars (\$50.00) for each renewal of a massage therapy establishment license. The license shall be valid for a period of one year, which shall begin January 1 of the year and shall terminate on December 31 of the same year. No license shall be issued except at the full yearly fee regardless of the period of the year at which the license is issued. Possession of a massage therapy establishment license satisfies the requirement for a certificate of registration required under Article 12-2-2.

**5-15-5 LICENSE APPLICATION REQUIREMENTS FOR MASSAGE THERAPY ESTABLISHMENTS**

Copies of the massage therapy establishment Business License application shall be forwarded to the Building Administrator and the Health Authority. Each such inspector shall, within thirty (30) days, inspect the premises proposed to be operated as a massage therapy establishment and, upon inspection, each inspector shall file a written report with the Department of Community Preservation and Development concerning compliance with the applicable regulations. The application, once accepted, shall also be referred to the Police Department for investigation. The Police Department will perform the required criminal record check. Background investigations shall require the submission of fingerprints. The cost of the criminal record check and cost of fingerprint submissions shall be borne by the applicant. All provisions which refer to applicant include an applicant which may be a corporation, limited liability company or partnership. The application for a massage therapy establishment license shall contain and include the following:

- A. The location, mailing address and all telephone numbers where the business is to be conducted.
- B. A properly prepared plan that includes all wall, ceiling and floor finishes and the plumbing, electrical, and ventilation facilities, furniture and equipment.
- C. If the applicant has a State of Illinois professional license that permits the practice of massage therapy, submit a copy of the State of Illinois professional license that permits the practice of massage therapy as part of the licensed practice.
- D. A copy of the State of Illinois license for each person who will practice massage therapy at this location.
- E. The name and residence address of each applicant. If the applicant is a corporation or limited liability company, the names and residence addresses of each of the officers and directors of the corporation or company and of each stockholder owning more than ten percent (10%) of the stock of the corporation or company, and the address of the corporation or company itself, if different from the address of the massage therapy establishment. If the applicant is a partnership, the names and residence addresses of each of the partners including limited partners, and the address of the partnership itself, if different from the address of the massage therapy establishment.
- F. Proof that the applicant is at least eighteen (18) years of age and the applicant's height, weight, color of eyes, hair and sex.

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G. Business, occupation or employment of the applicant for the three (3) years immediately preceding the date of the application.

H. The applicant shall submit a statement whether he or she has ever been convicted of, pleaded no contest to, served a period of court supervision or suffered forfeiture on a bond charge for committing any sex offense or forcible felony.

I. If the applicant is a partnership, limited liability company or corporation, the partnership, limited liability company or corporation shall submit a copy of the contract, articles of incorporation, or other legal instrument that establishes the partnership, limited liability company or corporation.

J. If the applicant is a partnership, limited liability company or corporation, each of the partners, officers, directors, shareholders, members, managers or agents of the applicant shall submit a statement whether he or she has ever been convicted of, pleaded no contest to, served a period of court supervision or suffered a forfeiture on a bond charge for committing any sex offense or forcible felony.

K. A statement whether the applicant has ever had a previous massage therapy license or massage therapy establishment license revoked or suspended in any jurisdiction. If the applicant is a partnership, limited liability company or corporation, each of the partners, officers, directors, shareholders, members, managers or agents of the applicant shall submit a statement whether they have ever had a previous massage therapy license or massage therapy establishment license revoked or suspended in any jurisdiction.

L. The name, home address, two previous addresses immediately prior to the present address, driver's license number and all criminal convictions other than misdemeanor traffic violations, including the dates of convictions, nature of the crimes and place convicted, of the applicant; or if the operator of a massage therapy establishment is a partnership, limited liability company, or corporation, the name, home address, two previous addresses immediately prior to the present address, driver's license number and all criminal convictions other than misdemeanor traffic violations, including the dates of convictions, nature of the crimes and place convicted, of each of the partners, officers, directors, shareholders, members, managers or agents of the applicant.

M. A recent head and shoulder photograph of the applicant of at least two inches by two inches (2" x 2") and a complete set of applicant's fingerprints shall be taken by the police chief or his/her designee. If the applicant is a partnership, limited liability company or corporation, the police chief may require fingerprints of any and all officers, shareholders, directors, partners, members, managers or agents of the entity along with the fee for each.

N. Authorization for the City, its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the business license.

O. A copy of the deed or lease for the premises where the massage therapy establishment is to be located.

P. The name and address of any other business owned or operated by the applicant and the name and description of any business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.

**5-15-6 MASSAGE THERAPY ESTABLISHMENT LICENSE ISSUANCE**

The City of Park Ridge shall issue a license for a massage therapy establishment if it finds that all requirements for a massage therapy establishment described in this Chapter are met unless it finds:

A. The correct license fee or other fees or fines owed to the City of Park Ridge have not been tendered to the City; or

B. The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the City's building, zoning, and health regulations; or

C. The applicant or employees, other than massage therapists, have been found guilty of any of the following offenses or found guilty of an offense outside the State of Illinois that would have constituted any of the following offenses if committed within the State of Illinois:

(1) An offense involving the use of force and violence upon the person of another that amounts to a felony.

(2) An offense enumerated in any provision of Article 11, entitled "Sex Offenses", of the Illinois Criminal Code, 720 Illinois Compiled Statutes 5/11-1 et. seq., as amended from time to time.

(3) A violation of the Illinois Controlled Substances Act, 720 Illinois Compiled Statutes 570/100 et seq., as amended from time to time.

(4) A violation of the Illinois Cannabis Control Act; 720 Illinois Compiled Statutes 550/1 et seq., as amended from time to time.

(5) A felony offense enumerated in Article 24, Deadly Weapons, of the Illinois Criminal Code, 720 Illinois Compiled Statutes 5/24-1 et seq., as amended from time to time, or any other offense that involves the use of weapons.

The City of Park Ridge may issue a license to any person found guilty of (or whose employees, other than massage therapists, have been found guilty of) any of the crimes described in Subsections (1) through (5) of this Section only if it determines that such finding of guilt occurred at least ten (10) years prior to the date of the application and the individual has had no subsequent felony findings of guilty of any nature and no subsequent misdemeanor findings of guilty for a crime or crimes set forth in this Section. Further, for the purpose of this Section, any finding of guilty, including an order resulting in supervision, shall apply.

D. Any applicant has knowingly made any false, misleading or fraudulent statement of fact or failed to disclose required information or a fact in the license application or in any other document required by the City.

E. Any applicant has had a massage business, massage therapy or other similar permit or license denied, revoked or suspended by the City or any other state, county or local agency within five (5) years prior to the date of the application.

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F. Any applicant is not over eighteen (18) years of age or older.

G. Copies of the state licenses of persons, who will be providing massage services at the business establishment have not been provided.

The City shall act to approve or deny an application for a license under this Chapter within a reasonable period of time and in no event later than 90 days from the date a completed application is received by the City.

### **5-15-7 STRUCTURAL REQUIREMENTS**

A. Floors, walls and ceilings in areas that may be exposed to water or steam such as toilet rooms and showers shall be constructed of a smooth, non-absorbent and easily cleanable material.

B. Where male and female patrons will be served simultaneously, separate bathing, dressing, locker or massage therapy rooms shall be provided.

C. Permanently fixed artificial light sources shall be capable of providing a minimum of 30-foot candles of light in the rooms used for massage therapy.

D. The ventilation in massage therapy establishments shall conform to all applicable provisions of the Park Ridge Municipal Code.

E. Plumbing shall be sized, installed and maintained in accordance with the applicable provisions of the Park Ridge Municipal Code.

F. Massage therapy establishments shall provide at least one mop sink.

G. In addition to the plumbing fixture requirements contained in the Park Ridge Municipal Code, massage therapy establishments shall provide a lavatory that is located either in each room used for massage therapy or provide a lavatory that is immediately adjacent to or at least in close proximity to the massage therapy rooms. Each lavatory shall be provided with a supply of hand-cleansing soap and a supply of sanitary towels or a hand-drying device.

H. The minimum number of toilet fixtures as required by the Park Ridge Municipal Code shall be provided. Toilet fixtures shall be of a sanitary design and readily cleanable. Toilet tissue dispensers and toilet paper shall be provided. Easily cleanable receptacles shall be provided for waste materials and such receptacles in toilet rooms used by women shall be covered.

### **5-15-8 SANITARY AND OPERATING REQUIREMENTS**

A. Massage therapists' outer clothing shall be clean, nontransparent and shall cover all portions of the body from the shoulders to mid thigh.

B. Employees shall wash their hands immediately before and after serving a patron and immediately after using the toilet room.

C. All towels sheets or other cloth materials shall be properly laundered after each use.

## **Park Ridge Municipal Code**

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- D. Soiled linens shall be stored in a covered non-absorbent container or a washable laundry bag.
- E. All powders, lotions, creams, oils and other preparations shall be kept in clean covered containers that are properly labeled and shall be dispensed in a sanitary manner.
- F. Clean towels, sheets, and other cloth materials shall be stored in a sanitary manner. A separate and clean towel, sheet or other cloth material shall be used by each patron.
- G. All implements, instruments, equipment, and furniture shall be thoroughly sanitized with a compound that has the same germicidal effect as 100 parts per million of available chlorine as a hypochlorite after having been used on or in contact with a patron and each sanitized implement, instrument, or piece of equipment shall be stored in a sanitary manner when not in use.
- H. The sexual or genital areas of patrons must be covered with nontransparent towels, cloths, or undergarments when in the presence of an employee or massage therapist.
- I. No animals or pets shall be kept in or allowed to enter a massage therapy establishment. This exclusion does not apply to support animals trained to assist disabled persons.
- J. All floors, walls and ceilings shall be maintained in a clean and sanitary condition.
- K. No operator shall permit or allow to engage in, carry on, or practice massage therapy in a licensed massage therapy establishment, any person who does not have a valid massage therapist license issued by the State of Illinois Department of Financial and Professional Regulation.
- L. The operator of a licensed massage therapy establishment shall re-submit a new massage therapy establishment license application whenever any of the information on the approved massage therapy establishment license application is no longer valid.
- M. No operator of a licensed massage therapy establishment shall permit or allow the practice of massage therapy at the licensed establishment whenever any of the information on the approved massage therapy establishment license application is no longer valid.
- N. The building, structure or portion thereof where a massage therapy establishment is located shall be maintained in conformance to Article 22 entitled, "Property Maintenance Code".

### **5-15-9 UNLAWFUL ACTS**

- A. It shall be unlawful for any person, in a massage therapy establishment, to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital area of any other person.
- B. It shall be unlawful for any person, in a massage therapy establishment, to expose his or her sexual or genital area to any other person. It shall also be unlawful for any person, in a massage therapy establishment, to expose the sexual or genital area of any other person.

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C. It shall be unlawful for any person, while in the presence of any other person in a massage therapy establishment, to fail to conceal with a fully opaque covering, the sexual or genital area of his or her body.

D. It shall be unlawful for any person to perform, offer or agree to perform any act which shall require the touching of a patron's sexual or genital area or any unlawful act, as defined in 720 Illinois Compiled Statutes 5/11-14, 5/11-14.1, 5/11-14.3, and 5/11-14.4, which are incorporated as now or hereafter amended.

E. It shall be unlawful for any person owning, operating or managing a massage therapy establishment, to cause, allow or permit in or about such massage therapy establishment, any agent, employee or any other person under his or her control or supervision to perform such acts prohibited in Subsections (A), (B), (C) or (D) of this Section.

F. It shall be unlawful for any licensee under this Article to administer or permit massage within the City, except within the establishment licensed to carry on such business under this Article.

G. It shall be unlawful for any massage service to be carried on within any cubicle, room, booth or any area within a massage therapy establishment which is fitted with a door capable of being locked. Toilets and cubicles used solely for the application of liquid and vapor baths shall be clearly marked as to purposes on the exterior door or curtain of the cubicle, room or booth. Nothing contained in this Article shall be construed to eliminate any other regulation concerning the maintenance of premises, or to preclude authorized inspection of any premises, whenever such inspection is deemed appropriate by the police or health departments.

### **5-15-10 HEALTH AND DISEASE CONTROL**

A. No person while afflicted with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection shall practice massage therapy, unless adequate measures are used to prevent transmission.

B. No massage therapist, unless adequately protected against transmission, shall conduct or practice massage therapy on any patron that exhibits any disease in a communicable form, or exhibits any skin inflammation, skin infection, skin fungus or skin eruption.

### **5-15-11 INSPECTION FREQUENCY**

The Health Authority shall inspect each massage therapy establishment at least once each year. Additional inspections shall be performed as necessary for the enforcement of this Article.

### **5-15-12 INSPECTION ACCESS**

The Health Authority, after showing proper identification, shall be permitted to enter at any time any portion of a massage therapy establishment, except a massage therapy room that is occupied by a customer, client or patient, when the operator or an employee is present for the purpose of making inspections to determine compliance with this Article.

### **5-15-13 REGISTER OF EMPLOYEES**

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The licensee or person designated by the licensee of a massage therapy establishment shall maintain a register of all persons employed at any time, including massage therapists, along with their current photographs and a copy of their licenses. Such register shall be available at the massage therapy establishment to representatives of City of Park Ridge during regular business hours.

### **5-15-14 REVOCATION OF A MASSAGE THERAPY ESTABLISHMENT LICENSE**

A. The Health Authority may, after providing an opportunity for a hearing, revoke a license for a massage therapy establishment for violations of any of the requirements of this Chapter or for making false statements on the original application or for committing any offense that would be cause for denial of a license or for interference with the Health Authority in the performance of his or her duties.

B. Prior to revocation, the Health Authority shall notify, in writing, the operator, or owner, or person in charge, of the specific reasons for which the license is to be revoked and that the license shall be revoked at the end of the ten (10) days following service of such notice unless a written request for a hearing is filed with the Health Authority by the operator, owner or person in charge within such ten (10) day period. If no request for a hearing is filed within the ten (10) day period, the revocation of the license becomes final. The Health Authority shall issue written findings of fact supporting the revocation.

### **5-15-15 REIMBURSEMENT OF COSTS FOR INVESTIGATION RESULTING IN BUSINESS LICENSE SUSPENSION OR REVOCATION**

In the event that the City of Park Ridge conducts an investigation of a licensed massage therapy establishment, which results in the revocation or suspension of its Business License, the licensee shall reimburse the City for any and all of the City's costs for the investigation. Failure to pay such costs within ten (10) days written notice from the City shall result in the continuance of any suspension until such time as those costs are paid and no massage therapy establishment Business License shall be issued or renewed for such a business at the same location until such costs have been paid to the City. The City shall have such additional or further remedies for collection of such costs as are available by law.

### **5-15-16 REVOCATION OF MASSAGE THERAPIST LICENSE**

A massage therapist license issued by the state may be revoked or suspended in accordance with the Illinois Massage Licensing Act, 225 ILCS 57/1 et seq., as it may be amended from time to time. The Police Chief shall report any and all suspected violations to the Massage Licensing Board and the Department of Professional Regulation.

### **5-15-17 SERVICE OF NOTICES**

A notice provided for in this Article is properly served when it is delivered to the holder of the license, 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.

**5-15-18 INSPECTION REPORTS**

Whenever an inspection of a massage therapy establishment is made, the findings shall be recorded on the inspection report form provided by the Health Authority. The inspection report shall summarize the requirements of this Article. A copy of the inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection.

**5-15-19 CORRECTION OF VIOLATIONS**

The completed inspection report form shall specify a reasonable period of time for the correction of violations found, and correction of the violations shall be accomplished within a period of time specified or as soon as possible, but in any event by the time of the next routine inspection.

**5-15-20 SUBMISSION OF PLANS AND PREOPENING INSPECTION**

Whenever a massage therapy establishment is proposed to be constructed, altered, or remodeled, properly prepared plans and specifications for such construction, altering, remodeling shall be submitted to the Health Authority for review and approval before construction, altering or remodeling is begun. The plans and specifications shall indicate the proposed layout, arrangement, construction materials, mechanical plans and equipment specifications. No license will be issued, nor any remodeled area be put into use until an inspection is made of the massage therapy establishment to confirm compliance with the approved plans and specifications.

**5-15-21 JOINT AND SEVERAL LIABILITY** *(Ord. 2011-27, 4/18/2011)*

The owner and manager of the massage therapy establishment shall be jointly and severally liable, along with the individual committing the violation, for any fines or penalties assessed pursuant to Article 5, Chapter 15, and Article 12, Chapter 2.

**5-15-22 LICENSE REVOCATION; MORATORIUM ON PREMISES**

Upon revocation of a massage therapy establishment license, that premises shall be ineligible to be licensed for the purpose of performing massages of any nature for twenty-four (24) months from the date of the revocation.

**5-15-23 RESTRICTIONS ON ADVERTISING**

No massage therapy establishment shall depict, place, publish, distribute, or cause to be depicted, placed, published, or distributed any advertising matter that suggests to prospective clients that any services are available other than those services permitted by this Chapter, or which would suggest that employees or massage therapists are dressed in any manner other than that permitted by this Chapter.

**5-15-24 MASSAGE THERAPY ESTABLISHMENT LICENSE – EXEMPTIONS**

The massage therapy establishment license shall not be required for hospitals, nursing homes, sanitariums, or any facility at which a health care worker duly licensed by the State of Illinois provides, on an ongoing basis, professional health services to individuals, including, but not limited to, the offices of an occupational therapist licensed under the Illinois Occupational Therapy Practice Act, 225 ILCS 75/1, et. seq.; a physician therapist licensed under the Medical Practice Act, 225 ILCS 60/1,

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et. seq.; a chiropractor licensed under the Medical Practice Act, 225 60/1 et. seq.; and a naprapath listed under the Illinois Naprapathic Practice Act, 225 ILCS 63/1 et. seq. Such license shall also not be required of establishments where persons, who engage in massage, massage therapy or similar practices, are not required to obtain a massage therapist license under Illinois law.

## **ARTICLE 5**

## HEALTH

### CHAPTER 16 FINES

#### SECTION

##### 5-16-1 PENALTY

*(Ord. 2010-29, 03/15/2010)*

- A. Unless another fine or penalty is specified, any residential property owner/occupier violating any of the terms or provisions of this Article or failing to comply with an order of the Health Authority, shall be fined not less than one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200.00) for the second offense and five hundred dollars (\$500.00) for each subsequent offense but not more than two thousand five hundred dollars (\$2,500.00) for any violation. Each day such violation is committed or permitted to continue or exist shall constitute a separate offense and shall be punishable as such hereunder. For purposes of this paragraph A, residential property owner/occupier shall mean a person who occupies or dwells in a residential dwelling unit of which the same person is the legal or beneficial owner or the owner of residential property that is not offered to tenants for occupancy.
- B. Unless another fine or penalty is specified, any contractor, commercial property owner, firm, or corporation violating any of the terms or provisions of this Article or failing to comply with an order of the Health Authority, shall be fined not less than two hundred dollars (\$200.00) for the first offense, four hundred dollars (\$400.00) for the second offense and one thousand dollars (\$1,000.00) for each subsequent offense but not more than two thousand five hundred dollars (\$2,500.00) for any violation. Each day such violation is committed or permitted to continue or exist shall constitute a separate offense and shall be punishable as such. For purposes of this paragraph B, commercial property owner shall include the landlord of a residential dwelling unit that is tenant occupied or offered to tenants for occupancy.

## ARTICLE 5

### HEALTH

#### CHAPTER 17 SMOKING

*(Ord. 2006-19, 3/6/06, S24; Ord. 2007-117, 12/17/07; Ord. 2008-10, 02/25/08)*

#### SECTION

- 5-17-1 Adoption of Smoke Free Illinois Act
- 5-17-2 Violations
- 5-17-3 Injunctions
- 5-17-4 Discrimination Prohibited
- 5-17-5 Severability

#### **5-17-1 ADOPTION OF SMOKE FREE ILLINOIS ACT**

The City of Park Ridge adopts Sections 1 through 35 and Section 70 of the Smoke Free Illinois Act, 410 ILCS 82/1 *et seq.*, and any future revisions or amendments thereto.

#### **5-17-2 VIOLATIONS**

A person, corporation, partnership, association or other entity who violates Sections 15, 20, 25 or 70 of the Smoke Free Illinois Act shall be fined pursuant to this Section. Each day that a violation occurs is a separate violation

A person who smokes in an area where smoking is prohibited under Sections 15, 25 or 70 of the Smoke Free Illinois Act, which prohibit smoking in public places, places of employment, governmental vehicles, and student dormitories and within fifteen feet (15') of any entrance, exit, windows that open and ventilation intakes to a public place, place of employment or enclosed area where smoking is prohibited, shall be fined in an amount that is not less than \$100 and not more than \$250.

A person who owns, operates, or otherwise controls a public place or place of employment that violates Section 15, 25 or 70 of the Smoke Free Illinois Act shall be fined (i) not less than \$250 for the first violation, (ii) not less than \$500 for the second violation within one year after the first violation, and (iii) not less than \$2,500 for each additional violation within one year after the first violation.

A person who violates Section 20 of the Smoke Free Illinois Act, which requires the posting of “no-smoking” signs and removal of ashtrays from areas where smoking is prohibited, shall be fined in an amount not less than \$50.00 and not more than \$150.

**5-17-3 INJUNCTIONS**

The City may institute, in circuit court, an action to enjoin violations of this Chapter which take place within the City's corporate boundaries.

**5-17-4 DISCRIMINATION PROHIBITED**

No individual may be discriminated against in any manner because of the exercise of any rights afforded by the Smoke Free Illinois Act or this Chapter.

**5-17-5 SEVERABILITY**

If any provision, clause or paragraph of this Chapter or the Smoke Free Illinois Act shall be held invalid by a court of competent jurisdiction, such validity shall not affect the other provisions of this Chapter.