



# Agenda Cover Memorandum

Meeting Date: March 27, 2017

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

Item Title: Approve Changes to Article 5 (Health) of the Municipal Code.

Action Requested:  Approval  For discussion  
 Feedback requested  For your information

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Background:

The City Council of Park Ridge adopted the Illinois Food Code per Ordinance #2016-89 on December 19, 2016. The ordinance repealed Section 5-3-2 of the City of Park Ridge Municipal Code and replaced it with a new Section 5-3-2, i.e. adopted by reference the new State of Illinois Food Code.

The adoption of a new Section 5-3-2 renders other paragraphs and sections of Article 5 (Health) obsolete or superfluous. Additionally, there are certain sections of the USDA Model Food Code regarding inspections and enforcement that were not incorporated into the new Illinois Food Code. An additional City of Park Ridge ordinance would provide the necessary housecleaning and ensure duplicative sections are removed, and that provisions regarding inspections and enforcement are inserted.

I have attached a summary of the proposed changes to Article 5. This summary would be put in ordinance form upon approval of the Committee of the Whole.

Recommendation:  
Approve Changes to Article 5 (Health) of the Municipal Code.

Budget Implications:  
Does Action Require an Expenditure of Funds:  Yes  No

If Yes, Total Cost:

If Yes, is this a Budgeted Item:  
 Yes  No  Requires Budget Transfer

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

Attachment  
Proposed changes to Article 5 (Health) of the Municipal Code

#### 5-3-4 - PERMITS

~~No person shall operate a food service establishment who does not have a valid permit issued by the Health Authority.~~ A person may not operate a food establishment without a valid permit to operate 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 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 Section 12-2-2.

#### 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 weeks. The permit shall state "Temporary Food Service Establishment" and the time for 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.~~

#### 5-3-11 - 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.~~ based on Risk Type. Additional inspections of the food service establishment shall be performed as often as necessary for enforcement of this Article.

#### 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.

#### ~~5-3-14 - CORRECTION OF VIOLATIONS~~

<b>COMMENT: Replace Section 5-3-14 with Section 8-402.20 below.</b>
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~~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 or five point weighted items shall be corrected as soon as possible, but within ten days following inspection. Within 15 days after the inspection, the Health Authority shall receive from the operator a written report stating that the four or five point weighted violations have been corrected. A follow up inspection shall be conducted to confirm correction.~~
- ~~B. All one or two 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 60, the establishment shall initiate corrective action on all identified violations within 48 hours, unless otherwise specified. One or more re-inspections will be conducted at reasonable time intervals to assure correction.~~
- ~~D.C. In the case of temporary food service establishments, defined in 77 Illinois Administrative Code 751.10, all violations shall be corrected within 24 hours immediately. If violations are not corrected within 24 hours, the establishment shall immediately cease food service operations until authorized to resume by the Health Authority.~~
- ~~E.D. 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.~~

### **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)~~ the Food and Drug Administration's Model Food Code form shall be used.

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

Establishments shall maintain a sanitation level that will result in ~~an inspectional rating score above 60.~~ pass rating.

### **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.

### **~~CHAPTER 4 - RETAIL FOOD STORES~~**

### **~~CHAPTER 5 - SANITARY VENDING OF FOOD AND BEVERAGES~~**

<p><b>COMMENT: Delete Chapter 4 and Chapter 5 in their entirety. All provisions are now covered in the recently adopted 5-3-2</b></p>
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**COMMENT: The additions below are from the FDA Model Food Code (2013), but were not adapted as part of the Illinois Food Code. The paragraph numbering presented here is from the FDA Model Food Code; it would be altered accordingly for the City of Park Ridge Municipal Code.**

### **8-101.10 Public Health Protection.**

(A) The REGULATORY AUTHORITY shall apply this Code to promote its underlying purpose, as specified in § 1-102.10, of safeguarding public health and ensuring that FOOD is safe, unADULTERATED, and honestly presented when offered to the CONSUMER.

(B) In enforcing the provisions of this Code, the REGULATORY AUTHORITY shall assess existing facilities or EQUIPMENT that were in use before the effective date of this Code based on the following considerations:

1. Whether the facilities or EQUIPMENT are in good repair and capable of being maintained in a sanitary condition;
2. Whether FOOD-CONTACT SURFACES comply with Subpart 4-101 of the Illinois Food Code;
3. Whether the capacities of cooling, heating, and holding EQUIPMENT are sufficient to comply with § 4-301.11 of the Illinois Food Code; and
4. The existence of a documented agreement with the PERMIT HOLDER that the facilities or EQUIPMENT will be replaced as specified under ¶ 8-304.11(G) of the Illinois Food Code.

### **8-103.10 Modifications and Waivers.**

The REGULATORY AUTHORITY may grant a VARIANCE by modifying or waiving the requirements of this Code if in the opinion of the REGULATORY AUTHORITY a health HAZARD or nuisance will not result from the VARIANCE. If a VARIANCE is granted, the REGULATORY AUTHORITY shall retain the information specified under § 8-103.11 of the Illinois Food Code in its records for the FOOD ESTABLISHMENT.

### **8-103.11 Documentation of Proposed Variance and Justification.**

Before a VARIANCE from a requirement of this Code is APPROVED, the information that shall be provided by the PERSON requesting the VARIANCE and retained in the REGULATORY AUTHORITY'S file on the FOOD ESTABLISHMENT includes:

- (A) A statement of the proposed VARIANCE of the Code requirement citing relevant Code section numbers;
- (B) An analysis of the rationale for how the potential public health HAZARDS and nuisances addressed by the relevant Code sections will be alternatively addressed by the proposal; and
- (C) A HACCP PLAN if required as specified under ¶ 8-201.13(A) of the Illinois Food Code that includes the information specified under § 8-201.14 of the Illinois Food Code as it is relevant to the VARIANCE requested.

### **8-103.12 Conformance with Approved Procedures.**

If the REGULATORY AUTHORITY grants a VARIANCE as specified in § 8-103.10, or a HACCP PLAN is otherwise required as specified under § 8-201.13 of the Illinois Food Code, the PERMIT HOLDER shall:

- (A) Comply with the HACCP PLANS and procedures that are submitted as specified under § 8-201.14 of the Illinois Food Code and APPROVED as a basis for the modification or waiver; and
- (B) Maintain and provide to the REGULATORY AUTHORITY, upon request, records specified under ¶¶ 8-201.14(D) and (E) of the Illinois Food Code that demonstrate that the following are routinely employed:
  - 1. Procedures for monitoring the CRITICAL CONTROL POINTS,
  - 2. Monitoring of the CRITICAL CONTROL POINTS,
  - 3. Verification of the effectiveness of the operation or process, and
  - 4. Necessary corrective actions if there is failure at a CRITICAL CONTROL POINT.

### **8-201.13 When a HACCP Plan is Required.**

- (A) Before engaging in an activity that requires a HACCP PLAN, a PERMIT applicant or PERMIT HOLDER shall submit to the REGULATORY AUTHORITY for approval a properly prepared HACCP PLAN as specified under § 8-201.14 and the relevant provisions of this Code if:
  - 1. Submission of a HACCP PLAN is required according to LAW;
  - 2. A VARIANCE is required as specified under Subparagraph 3-401.11(D)(4), § 3-502.11, or ¶ 4-204.110(B) of the Illinois Food Code;
  - 3. The REGULATORY AUTHORITY determines that a FOOD preparation or processing method requires a VARIANCE based on a plan submittal specified under § 8-201.12, an inspectional finding, or a VARIANCE request.
- (B) Before engaging in REDUCED OXYGEN PACKAGING without a VARIANCE as specified under § 3-502.12, a PERMIT applicant or PERMIT HOLDER shall submit a properly prepared HACCP PLAN to the REGULATORY AUTHORITY.

### **8-201.14 Contents of a HACCP Plan.**

For a FOOD ESTABLISHMENT that is required under § 8-201.13 to have a HACCP PLAN, the plan and specifications shall indicate:

- (A) A categorization of the types of TIME/TEMPERATURE CONTROL FOR SAFETY FOODS that are specified in the menu such as soups and sauces, salads, and bulk, solid FOODS such as MEAT roasts, or of other FOODS that are specified by the REGULATORY AUTHORITY;
- (B) A flow diagram by specific FOOD or category type identifying CRITICAL CONTROL POINTS and providing information on the following:
1. Ingredients, materials, and EQUIPMENT used in the preparation of that FOOD, and
  2. Formulations or recipes that delineate methods and procedural control measures that address the FOOD safety concerns involved;
- (C) FOOD EMPLOYEE and supervisory training plan that addresses the FOOD safety issues of concern;
- (D) A statement of standard operating procedures for the plan under consideration including clearly identifying:
1. Each CRITICAL CONTROL POINT,
  2. The CRITICAL LIMITS for each CRITICAL CONTROL POINT,
  3. The method and frequency for monitoring and controlling each CRITICAL CONTROL POINT by the FOOD EMPLOYEE designated by the PERSON IN CHARGE,
  4. The method and frequency for the PERSON IN CHARGE to routinely verify that the FOOD EMPLOYEE is following standard operating procedures and monitoring CRITICAL CONTROL POINTS,
  5. Action to be taken by the PERSON IN CHARGE if the CRITICAL LIMITS for each CRITICAL CONTROL POINT are not met, and
  6. Records to be maintained by the PERSON IN CHARGE to demonstrate that the HACCP PLAN is properly operated and managed; and
  7. Whether FOOD-CONTACT SURFACES comply with Subpart 4-101; and
  8. Whether the capacities of cooling, heating, and holding EQUIPMENT are sufficient to comply with § 4-301.11 of the Illinois Food Code; and
  9. The existence of a documented agreement with the PERMIT HOLDER that the facilities or EQUIPMENT will be replaced as specified under ¶ 8-304.11(G) of the Illinois Food Code.
- (E) Additional scientific data or other information, as required by the REGULATORY AUTHORITY, supporting the determination that FOOD safety is not compromised by the proposal.

#### **8-403.20 Specifying Time Frame for Corrections.**

The REGULATORY AUTHORITY shall specify on the inspection report form the time frame for correction of the violations as specified under §§ 8-404.11, 8-405.11, and 8-406.11 of the Illinois Food Code.

### **8-403.30 Issuing Report and Obtaining Acknowledgment of Receipt.**

At the conclusion of the inspection and according to LAW, the REGULATORY AUTHORITY shall provide a copy of the completed inspection report and the notice to correct violations to the PERMIT HOLDER or to the PERSON IN CHARGE, and request a signed acknowledgment of receipt.

### **8-404.11 Ceasing Operations and Reporting.**

(A) Except as specified in ¶ (B) of this section, a PERMIT HOLDER shall immediately discontinue operations and notify the REGULATORY AUTHORITY if an IMMINENT HEALTH HAZARD may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, SEWAGE backup, misuse of POISONOUS OR TOXIC MATERIALS, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health.

(B) A PERMIT HOLDER need not discontinue operations in an area of an establishment that is unaffected by the IMMINENT HEALTH HAZARD.

### **8-404.12 Resumption of Operations.**

If operations are discontinued as specified under § 8-404.11 of the Illinois Food Code or otherwise according to LAW, the PERMIT HOLDER shall obtain approval from the REGULATORY AUTHORITY before resuming operations.

### **8-405.11 Timely Correction.**

(A) Except as specified in ¶ (B) of this section, a PERMIT HOLDER shall at the time of inspection correct a violation of a PRIORITY ITEM or PRIORITY FOUNDATION ITEM of this Code and implement corrective actions for a HACCP PLAN provision that is not in compliance with its CRITICAL LIMIT.

(B) Considering the nature of the potential HAZARD involved and the complexity of the corrective action needed, the REGULATORY AUTHORITY may agree to or specify a longer time frame, not to exceed: (1) 72 hours after the inspection, for the PERMIT HOLDER to correct violations of a PRIORITY ITEM; or

(2) Ten calendar days after the inspection, for the PERMIT HOLDER to correct violations of a PRIORITY FOUNDATION ITEM or HACCP PLAN deviations.

### **8-406.11 Time Frame for Correction.**

(A) Except as specified in ¶ (B) of this section, the PERMIT HOLDER shall correct CORE ITEMS by a date and time agreed to or specified by the REGULATORY AUTHORITY but no later than 90 calendar days after the inspection.

(B) The REGULATORY AUTHORITY may approve a compliance schedule that extends beyond the time limits specified under ¶ (A) of this section if a written schedule of compliance is submitted by the PERMIT HOLDER and no health HAZARD exists or will result from allowing an extended schedule for compliance.