



# Agenda Cover Memorandum

Meeting Date: April 17, 2017

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

Item Title: Approve Final Reading of An Ordinance of the City Council of Park Ridge Amending Article 5, Chapter 3 of the Municipal Code of Park Ridge Regarding Food Service Establishments

Action Requested:  Approval  For discussion  
 Feedback requested  For your information

Staff Contact: Jim Brown, CP&D Director  
Phone Number: 847-318-5296 Email Address: jbrown@parkridge.us

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 The ordinance repealed Section 5-3-2 of the City of Park Ridge Municipal Code and replaced it with a new Section 5-3-2, i.e. adopted by reference the new State of Illinois Food Code.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. The attached ordinance would provide the necessary housecleaning and ensure duplicative sections are removed, and that provisions regarding inspections and enforcement are inserted.

The Committee of the Whole reviewed the text of the changes (although not in ordinance form) at its meeting of March 27. Regarding that as the first review of the amendments, I am proposing that this be the final reading of the ordinance.

Recommendation:  
Approve Final Reading of An Ordinance of the City Council of Park Ridge Amending Article 5, Chapter 3 of the Municipal Code of Park Ridge Regarding Food Service Establishments

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  
An Ordinance of the City Council of Park Ridge Amending Article 5, Chapter 3 of the Municipal Code of Park Ridge Regarding Food Service Establishments

**CITY OF PARK RIDGE**

**ORDINANCE NO. 2017- \_\_\_\_\_**

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

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

**WHEREAS**, the City has established regulations governing the safe and healthy operation of food service establishments in Article 5, Chapter 3 of the Park Ridge Municipal Code; and

**WHEREAS**, by adopting Ordinance 2016-89 on December 19, 2016, the City Council adopted by reference the Illinois Food Service Sanitation Code (the "Food Code"); and

**WHEREAS**, the City has determined that the regulations designed to enforce the Food Code need to be updated to more accurately match the new substantive performance requirements and grant the Health Authority the power needed to protect the health, safety and welfare of the public.

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

**SECTION 1:** Article 5, Chapter 3 of the Code of Ordinances of the City of Park Ridge is hereby replaced in its entirety with the new Chapter 3 attached hereto as Exhibit A, incorporated as though fully set forth herein. By replacing Chapter 3, the City Council does not intend to replace or repeal the Illinois Food Service Sanitation Code adopted by reference by Ordinance 2016-89, which shall remain effective and applicable to the fullest extent permitted by law.

**SECTION 2:** This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

**SECTION 3:** The City Clerk is hereby authorized and directed to publish said Ordinance in pamphlet form according to law.

Adopted by the City Council of the City of Park Ridge, Illinois this \_\_\_\_ day of \_\_\_\_\_, 2017.

VOTE:

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

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

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

Approved by me this  
\_\_\_\_ day of \_\_\_\_\_, 2017.

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

Attest:

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

**EXHIBIT A**  
**ARTICLE 5, CHAPTER 3**  
**FOOD SERVICE ESTABLISHMENTS**

*[SEE ATTACHED]*

## CHAPTER 3 - FOOD SERVICE ESTABLISHMENTS

### SECTION

#### 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. No. 2006-01, 1-9-2006)

#### 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 effective on August 1, 2016, codified as Title 77 Illinois Administrative Code Part 750, inclusive (the "Food Code"), are hereby adopted as a municipal ordinance of the City by reference as though fully set forth herein and made a part hereof.

(Ord. No. 2016-89 , 12-19-2017)

#### 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 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.

#### 5-3-5 - 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 CONDITIONS AND 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.~~
- C. In enforcing the provisions of this Code, the Health 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 the Illinois Food Code;
  - 3. Whether the capacities of cooling, heating, and holding equipment are sufficient to comply with 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 the Illinois Food Code.

#### 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 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 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 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-day period. If no request for a hearing is filed within the ten-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~~The inspection frequency for 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 its Risk Type. Additional inspections of the food service establishment shall be performed as often as necessary for enforcement of this Article.

(Ord. No. 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~~the grading criteria used to determine whether the establishment passes or fails the inspection. Inspectional remarks shall be written to reference, by section number, the section of this Chapter or the Food Code violated, and shall state the correction to be made, and shall specify the time frame for correction of the

~~violations. 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 and the operator shall sign acknowledgment of receipt. 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 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. In the case of temporary food service establishments, defined in 77 Illinois Administrative Code 751.10, all violations shall be corrected within 24 hours. 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. 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.~~

Except as specified in this section, the Operator shall correct core items by a date and time agreed to or specified by the Health Authority but no later than 90 calendar days after the inspection.

- A. Except as specified in ¶ (B) of this section, an Operator 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 Hazard Analysis Critical Control Point (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 Health Authority may agree to or specify a longer time frame, not to exceed: (1) 72 hours after the inspection, for the Operator to correct violations of a priority item; or (2) Ten calendar days after the inspection, for the Operator to correct violations of a priority foundation item or HACCP plan deviations.

C. The Health Authority may approve a compliance schedule that extends beyond the time limits specified under this section if a written schedule of compliance is submitted by the Operator and no health hazard exists or will result from allowing an extended schedule for compliance.

(Ord. No. 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, the Food Service~~ Establishment Inspection Report Form ~~FD 2420 (2/76)~~ described in Appendix A to Title 77 Illinois Administrative Code Part 750 shall be used.

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

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

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

#### 5-3-17 – INTERPRETATIONS; PURPOSE

A. 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.

B. The Health Authority shall apply this Code to promote its underlying purpose of safeguarding public health and ensuring that food is safe, unadulterated, and honestly presented when offered to the consumer.

(Ord. No. 2006-01, 1-9-2006)

#### 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.

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 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 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.

#### 5-3-22 - VARIANCES

- A. The Health Authority may grant a variance by modifying or waiving the requirements of this Code if in the opinion of the Health Authority a health hazard or nuisance will not result from the variance. If a variance is granted, the Health Authority shall retain the information specified under ¶B of this Section in its records for the food establishment.
- B. Before a variance from a requirement of this Code is approved, the information that shall be provided by the operator requesting the variance and retained in the Health Authority's file on the food establishment includes:
  - 1. A statement of the proposed variance of the Code requirement citing relevant section numbers from this Chapter and/or the Food Code;

2. An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant sections will be alternatively addressed by the proposal; and
  3. A HACCP PLAN, if required by the Illinois Food Code, that includes the information relevant to the variance requested.
- C. If the Health Authority grants a variance, or a HACCP PLAN is otherwise required under the Illinois Food Code, the operator shall:
1. Comply with the HACCP plans and procedures that are submitted and approved as a basis for the modification or waiver; and
  2. Maintain and provide to the Health Authority, upon request, records specified under the Food Code that demonstrate that the following are routinely employed:
    - a. Procedures for monitoring the critical control points,
    - b. Monitoring of the critical control points,
    - c. Verification of the effectiveness of the operation or process, and
    - d. Necessary corrective actions if there is failure at a critical control point.

#### 5-3-23 – WHEN A HACCP PLAN IS REQUIRED

- A. A permit applicant or permit holder shall submit to the Health Authority for approval a properly prepared HACCP plan as specified under the Food Code if:
1. Submission of a HACCP PLAN is required according to the Food Code;
  2. A Variance is required under the Food Code; or
  3. The Health Authority determines that a food preparation or processing method requires a variance based on a plan submittal, an inspectional finding, or a variance request.
- B. Before engaging in reduced oxygen packaging without a variance, a permit applicant or permit holder shall submit a properly prepared HACCP plan to the Health Authority.

#### 5-3-24 – EMERGENCY CESSATION OF OPERATIONS

- A. Except as specified in ¶B of this section, an operator shall immediately discontinue operations and notify the Health Authority if an IMMIDENT 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. An Operator need not discontinue operations in an area of an establishment that is unaffected by the IMMIDENT HEALTH HAZARD.
- C. If operations are discontinued under ¶A or otherwise according to law, the Operator shall obtain approval from the Health Authority before resuming operations.

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