

PROPOSED

KENDALL COUNTY

FOOD SERVICE SANITATION ORDINANCE

86-6A

An ordinance providing for incorporation by reference of the 1983 Edition of the "Illinois Department of Public Health Food Service Sanitation Rules and Regulations" and subsequent revisions and providing for the enforcement of this ordinance; requiring permits; establishing a permit fee schedule; requiring the posting of County permit and choke-saving placard on the premises; regulating the inspection of such establishments; and the fixing of penalties.

NOW, THEREFORE, BE IT ORDAINED, by the Kendall County Board as follows:

SECTION I: With regard to the rules and regulations to provide minimum sanitation procedures and controls to assure that foods served to the consuming public are safe, wholesome, and prepared and served under sanitary conditions, the 1983 Edition of the "Illinois Department of Public Health Food Service Sanitation Rules and Regulations" and any subsequent revision, is hereby adopted by reference.

Section II: Permits and plan review

1. Permits: It shall be unlawful for any person to operate a food establishment within the County of Kendall, or its police jurisdiction, who does not possess a valid permit issued to him by the regulatory authority. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a permit. Conditional permits not to exceed sixty (60) days may be granted to new establishments that are in substantial compliance. Permits for temporary food-service establishments shall be issued for a period of time not to exceed fourteen (14) days per calendar year. Permits shall not be transferred from one person or place to another person or place. A valid permit shall be posted in every food-service establishment.

2. Plan review: When a food-service establishment is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a food-service establishment, properly prepared plans and specifications for such construction, remodeling, or alteration, showing layout, arrangement and construction materials for work areas, and the location, size, and type of fixed equipment and facilities, shall be submitted to the regulatory authority for approval before such work is begun.

3. Issuance of Permits: Any person desiring to operate a food-service establishment shall make written application for a permit on forms provided by the regulatory authority. Such application shall include the applicants full name, post office address and telephone number and whether such applicant is an individual, firm, or corporation. If a partnership,

the names of the partners, together with their addresses shall be included. The location and type of the proposed food-service establishment and the signature(s) of the applicant(s) shall also be included. If the application is for a temporary food-service establishment, it shall also include the menu and the inclusive dates of the proposed operation.

Upon receipt of such an application, the regulatory authority shall make an inspection of the food-service establishment to determine compliance with the provisions of this ordinance. When inspection reveals that the applicable requirements of this ordinance have been met, and the permit fees have been paid, a permit to operate shall be issued to the applicant by the regulatory authority.

(a) Fees: The annual fee for a permit to operate a food-service establishment in Kendall County shall be the multiplication product of fifty (50) cents and the seating capacity of the establishment, from a minimum of fifteen (15) dollars to a maximum of fifty (50) dollars.

(b) Renewal: Fee payment is renewable on the anniversary of the current permit. Application for renewal of permit must be submitted thirty (30) days prior to expiration of the current permit.

(c) Temporary food-service establishments: The fee for a temporary food-service establishment shall be ten (10) dollars and the permit application shall be submitted at least forty-eight (48) hours prior to the planned opening.

(d) Non-profit organizations: School, religious, voluntary or other non-profit community organizations and institutions will not be charged a fee, but a permit shall be required for operation of any food-service establishment or event.

SECTION III: Inspections. At least once every six (6) months, the regulatory authority shall inspect each food-service establishment located in the County of Kendall, or its police jurisdiction, and shall make as many additional inspections and re-inspections as are necessary for the enforcement of this ordinance.

1. Access to establishments: The regulatory authority, after proper identification, shall be permitted to enter, at any reasonable time, any food-service establishment within Kendall County or its police jurisdiction, for the purpose of making inspections to determine compliance with this ordinance. He shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received, or used, and persons employed.

2. Inspection procedures:

(a) Inspection reports. Whenever the regulatory authority makes an inspection of a food-service establishment, he shall record his findings on an inspection form provided for this purpose, and shall furnish the carbon copy of such inspection report form to the permit holder, operator, or his agent. Such form shall summarize the requirements of Section I of this ordinance and shall set forth demerit weights for each requirement. Upon completion of an inspection, the regulatory authority shall total the demerits for all items in violation. By subtracting this total demerit from 100, the sanitation score for the establishment is revealed.

(b) The written inspection report for the establishment shall include the following information and requirements;

(1) Set forth the specific violations found together with the sanitation score for the establishment.

(2) Establish a specific and reasonable period of time for the correction of violations found.

(3) Regardless of the sanitation score, all critical sanitary violations (4 and 5 demerit items) and/or those of a procedural nature shall be corrected immediately. Within fifteen (15) days after the inspection, the permit holder or operator shall submit a written report to the regulatory authority stating that the critical (4 and 5 demerit items) violations have been corrected and the method of correction. Failure to submit this report will result in an immediate re-inspection, at which time, all critical items must have been corrected.

(4) All 1 or 2 point violations shall be corrected as soon as possible, but, in any event, by the time of the next routine inspection.

(5) When the sanitation score of the establishment is less than 60, the establishment shall initiate corrective action on all identified violations within 48 hours. A re-inspection shall be made within 10 days. If no improvement is noted, the permit to operate is immediately suspended.

(6) In the case of temporary food-service establishments, violations must be corrected within a specified period of time not to exceed 24 hours. Failure to comply with such notice shall result in immediate suspension of the permit.

SECTION IV: Compliance procedures:

1. Service of notices: Notices provided for under this section shall be deemed to have been properly served when the original of the notice or

copy of the inspection form has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of such notice shall be filed with the records of the regulatory authority.

2. Suspension of permits. Permits may be suspended temporarily by the regulatory authority for failure of the holder to comply with the requirements of this ordinance. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of Section I of this ordinance, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended, and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the regulatory authority by the permit holder. Notwithstanding the other provisions of this ordinance, whenever the regulatory authority finds insanitary or other conditions in the operation of a food-service establishment which, in his judgement, constitute a substantial hazard to the public health, he may without warning, notice, or hearing, issue a written notice to the permit holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and, if deemed necessary, such order shall state that the permit is immediately suspended and all food-service operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the regulatory authority, shall be afforded a hearing as soon as possible.

3. Revocation of permits: For serious or repeated violations of any of the requirements of this ordinance, or for interference with the regulatory authority in the performance of his duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the regulatory authority. Prior to such action, the regulatory authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five (5) days following service of such notice, unless a request for a hearing is filed with the regulatory authority, by the permit holder, within such five day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

4. Hearings: The hearings provided for in this Section shall be conducted by the regulatory authority at a time and place designated by him. Based upon the record of such hearing, the regulatory authority shall make a finding and shall sustain, modify, or rescind any official notice

or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the regulatory authority.

5. Reinstatement of suspended permits: A person whose permit has been suspended may, at any time, make application for re-inspection for the purpose of reinstatement of the permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the regulatory authority shall make a reinspection. If the applicant is complying with the requirements of this ordinance, the permit shall be reinstated.

SECTION V: Examination and condemnation of food: Food may be examined or sampled by the regulatory authority as often as may be necessary to determine freedom from adulteration or misbranding. The regulatory authority may, upon written notice to the owner or person in charge, place a hold order on any food which he determines or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice, or tag placed on food by the regulatory authority, and neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the regulatory authority, except on order by a court of competent jurisdiction. 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 provided at that hearing, the hold order may be vacated or the owner 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 Ordinance. Provided, that such order of the regulatory authority to denature or destroy such food or bring it into compliance with the provisions of this ordinance shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.

SECTION VI: Procedure when infection is suspected: When the regulatory authority has reasonable cause to suspect the possibility of disease transmission from any food-service establishment employee, the regulatory authority shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated, and take appropriate action. The regulatory authority may require any or all of the following measures:

1. The immediate exclusion of the employee from all food-service establishments.
2. Restriction of the employees services to some area of the establishment where there would be no danger of transmitting disease.
3. Adequate medical and laboratory examinations of the employee, of other employees, and of his and their body discharges.
4. The immediate closure of the food-service establishment concerned until, in the opinion of the regulatory authority, no further danger of transmitting disease exists.

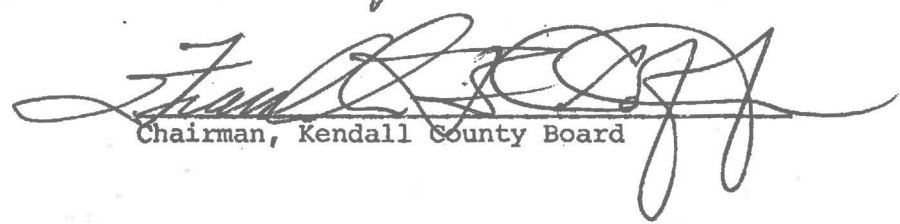
SECTION VII: Choke saving posters: Each food-service establishment in Kendall County shall have posted in a conspicuous location that is visible to patrons and employees on the premises, but not necessarily in the actual dining areas, instructions concerning at least one method of first aid assistance to choking persons.

SECTION VIII: Penalties: Any person who violates any of the provisions of this ordinance shall be guilty of a Class B misdemeanor. In addition, thereto, such a person may be enjoined from continuing such violations. Each day upon which such violations occur constitutes a separate violation.

SECTION IX: Unconstitutionality clause: Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

SECTION X: Repeal and date of effect: This ordinance shall be in full force and effect upon its adoption, and, at that time, all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed. BE IT FURTHER RESOLVED that this Kendall County Food Sanitation Ordinance be printed in book or pamphlet form and published by authority of the Kendall County Board.

ADOPTED AND APPROVED THIS 13 DAY OF May 19 86


Chairman, Kendall County Board

Ayes: _____

Nayes: _____

Attest: John P. Brady
Kendall County Clerk

During the routine inspection being made by the Kendall County Health Department on _____, the following MAJOR health violations were noted: ITEM # 1 3 4 7 11 12 20 27 28 30 31 35 41, detailed as follows: _____

I (we), the owner/manager (s) of the establishment listed above, state that the violations listed above have been corrected in the following manner:

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NOTE: The information above must be returned to the Health Department by _____ . Failure to return this notice will result in a re-inspection of your establishment being made within five (5) days from the date mentioned herein. At the time of re-inspection, all of the major items must have been corrected.

RETURN TO:
Kendall County Health Department
P. O. Box 549
Yorkville, Ill. 60560

SIGNATURE OF OWNER/OPERATOR: _____
DATE: _____

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ORDINANCE NO. 90-31

Be it hereby ordained by the Kendall County Board:

1. That Section III of the Food Service Sanitation Ordinance is hereby amended as follows:

Inspections: The Regulatory Authority shall inspect each Food Service Sanitation establishment located in the County of Kendall as often as is necessary to enforce the terms of this ordinance but at a minimum of that which is required to conform to the illinois Department of Public Health Standards.

2. That all remaining portions of the aforesaid Ordinance remain and are hereby ratified including Sections 1 and 2.

ADOPTED AND APPROVED THIS 11 th day of December, 1990


Chairman, Kendall County Board

ATTEST:


Kendall County Clerk

AMENDMENT TO KENDALL COUNTY
FOOD SERVICE SANITATION ORDINANCE

Be it Ordained by the Kendall County Board as follows:

SECTION II - 3-a - FEES

(a) Fees: The annual fee for a permit to operate a food-service establishment in Kendall County shall be the multiplication product of one (1) dollar and the seating capacity of the establishment, from a minimum of twenty-five (25) dollars to a maximum of one hundred (100) dollars.

ADOPTED AND APPROVED THIS 21st DAY OF July, 1992.


Chairman

ATTEST:


Kendall County Clerk