

Ordinance No. 110-06
Kendall County Direct Sales of Baked Goods from Home Kitchen Operations Ordinance
County of Kendall, Illinois

WHEREAS, the Kendall County Board and Kendall County Board of Health have previously enacted the Kendall County Food Establishment Sanitation Ordinance on August 18, 1998; and

WHEREAS, the statutes of the State of Illinois grant to the Kendall County Board, the power to enact such ordinances to promote and protect the public health of the Citizens of Kendall County; and

WHEREAS, pursuant to authority granted by 410 ILCS 625/3.6(c) of the Food Handling Regulation Enforcement Act as amended by Public Act 99-0191, which went into effect on January 1, 2016, the Kendall County Board has the authority to allow Home Kitchen Operations to participate in the direct sales of baked goods; and

WHEREAS, the Kendall County Board has determined that the authorization of a Direct Sales of Baked Goods from Home Kitchen Operations Ordinance to permit the direct sale of baked goods as described within 410 ILCS 625/3.6 and 410 ILCS 625/4 to be in the public interest; and

NOW, THEREFORE, be it ordained by a majority vote of the Kendall County Board, that the Kendall County Food Establishment Sanitation Ordinance is hereby amended by the addition of the following Section allowing for the direct sale of baked goods from home kitchen operations as set forth below.

SECTION XI. Direct Sales of Baked Goods from Home Kitchen Operations

A. Definitions:

1. **BAKED GOODS:** Defined pursuant to 410 ILCS 625/4(b)(1)(C) are those such as, but not limited to, breads, cookies, cakes, pies, and pastries are allowed. Only high-acid fruit pies that use the following fruits are allowed: apple, apricot, grape, peach, plum, quince, orange, nectarine, tangerine, blackberry, raspberry, blueberry, boysenberry, cherry, cranberry, strawberry, red currants or a combination of these fruits. Fruit pies not listed may be produced by a cottage food operation provided their recipe has been tested and documented by a commercial laboratory, at the expense of the cottage food operation, as being not potentially hazardous, containing a pH equilibrium of less than 4.6 or has

been specified and adopted as allowed in administrative rules by the Department of Public Health pursuant to 410 ILCS 625/4(e).

- 2. HOME KITCHEN OPERATION:** Defined pursuant to 410 ILCS 625/3.6(a) as a person who produces or packages non-potentially hazardous baked goods in a kitchen of that person's primary domestic residence for direct sale by the owner or a family member.

A home kitchen operation does not include a person who produces or packages non-potentially hazardous baked goods for sale by a religious, charitable, or nonprofit organization for fundraising purposes; the production or packaging of non-potentially hazardous baked goods for these purposes is exempt from the requirements of this Act.

- 3. POTENTIALLY HAZARDOUS FOOD:** Defined pursuant to 410 ILCS 625/4(a) and 410 ILCS 625/4(b)(1)(C) as food that is potentially hazardous according to the Department of Public Health administrative rules, generally meaning food that requires time and temperature control for safety to limit pathogenic microorganism growth or toxin formation. The following are potentially hazardous and prohibited from production and direct sale by a home kitchen operation: pumpkin pie, sweet potato pie, cheesecake, custard pie, crème pie, and pastries with potentially hazardous filling or toppings.

B. Direct Sales Conditions:

The direct sale of baked goods from home kitchen operations is allowed in the County of Kendall pursuant to 410 ILCS 625/3.6 and is subject to the following conditions:

1. Monthly gross sales do not exceed one thousand dollars (\$1,000).
2. The food is a non-potentially hazardous baked good, as described in 410 ILCS 625/4.
3. A notice is provided to the purchaser that the product was produced in a home kitchen.
4. The food package is affixed with a label or other written notice is provided to the purchaser that includes:
 - (i) the common or usual name of the food product; and
 - (ii) allergen labeling as specified in federal labeling requirements by the United States Food and Drug Administration.
5. The food is sold directly to the consumer.
6. The food is stored in the residence where it is produced or packaged.

C. Inspections:

Home kitchen operations may be inspected by the Department of Public Health or the Kendall County Health Department in the event of a complaint or disease outbreak.

D. Incorporation:

This Ordinance is hereby incorporated into the Kendall County Food Establishment Sanitation Ordinance.

E. Severability:

If any provision of this Direct Sales of Baked Goods from Home Kitchen Operation Ordinance is or becomes illegal, invalid or unenforceable in any jurisdiction, that shall not affect the validity or enforceability in that jurisdiction of any other provision of this Ordinance.

This Ordinance shall be in full force and effective immediately upon its adoption as provided by law.

APPROVED AND ADOPTED BY THE KENDALL COUNTY BOARD THIS 5 DAY OF April, 2016.



John A. Shaw
Chairman, Kendall County Board

Ayes- 10
Nays- 0
Abstain- 0

Attest :



Debbie Gillette
Kendall County Clerk