



# Office of the City Clerk

City Hall  
121 N. LaSalle St.  
Room 107  
Chicago, IL 60602  
www.chicityclerk.com

## Legislation Details (With Text)

**File #:** O2017-8426  
**Type:** Ordinance  
**Status:** Passed  
**File created:** 11/21/2017  
**In control:** City Council  
**Final action:** 12/13/2017  
**Title:** Amendment of Municipal Code Titles 2, 4 and 7 regarding food and food-related health regulations  
**Sponsors:** Emanuel, Rahm  
**Indexes:** Ch. 8 Food Establishments, Ch. 38 Food Establishments-Sanitary Operating Requirements, Ch. 40 Food Establishments-Care of Foods, Ch. 42 Food Establishments-Inspections, Violations & Hearing Procedures, Ch. 112 Dept. of Public Health  
**Attachments:** 1. O2017-8426.pdf

Date	Ver.	Action By	Action	Result
12/13/2017	1	City Council	Passed	Pass
12/7/2017	1	Committee on Health and Environmental Protection	Recommended to Pass	
11/21/2017	1	City Council	Referred	

### OFFICE OF THE MAYOR

CITY OF CHICAGO  
RAHM EMANUEL MAYOR

November 21, 2017

TO THE HONORABLE, THE CITY COUNCIL OF THE CITY OF  
CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Public Health, I transmit herewith an ordinance amending various sections of the Municipal Code regarding food regulation.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor

**ORDINANCE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

SECTION 1. Chapter 2-112 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, by inserting the language underscored, and by adding new sections 2-112-005 and 2-112-162, as follows:

**2-112-100 Implementation Adoption of health regulations rules.**

a) Except as otherwise provided in subsection (b), The the board will formulate regulations is authorized to adopt rules for the implementation of health ordinances when in its opinion these are necessary, or are required pursuant to ordinance. Upon passage of these regulations rules and publication of a notice of their passage in a newspaper of general circulation, and the expiration of ten days, these rules and regulations shall have the effect of law. The publicized notice shall contain a brief description of the regulations rules and state the location where the full text of the regulations rules is available for public inspection. Upon request of any citizen the board shall hear objections and suggestions regarding regulations rules. The board may hold formal and informal hearings prior to the passage of regulations rules as it deems necessary. All meetings and hearings shall be open to the public.

b) The Commissioner of Health, not the Board of Health, is authorized to adopt rules which the Commissioner deems necessary or appropriate for the proper administration or enforcement of the provisions of this Code pertaining to the regulation of food establishments, including Chapters 4-8, 7-38, 7-40, and 7-42 of this Code. The Commissioner of Health shall notify the Board of Health when it adopts or amends rules pertaining to the regulation of food establishments as authorized in this subsection or other parts of this Code.

c) Nothing provided in this Section shall be construed to prohibit the Board of Health from adopting emergency rules or otherwise from taking action as provided in Section 2-112-110.

**2-112-110 Emergency rules and regulations.**

In case of communicable or epidemic disease or of danger from anticipated or impending communicable or epidemic disease, or in case a sanitary condition of the city shall be of such a character as to warrant it, it shall be the duty of the said board of health to make such rules and regulations and to take such measures and to do, and order to be done, and cause to be done, such acts for the preservation of the public health (though not herein or elsewhere or otherwise authorized) as it may in good faith believe and declare the public safety and health demand. All such rules and regulations so declared by the said board of health to be emergency rules and regulations shall take effect immediately, even if not yet published, but as soon as may be after the promulgation of the same, the said emergency rules and regulations shall be published, with notice that they are in force in the city.

**2-112-160 Commissioner - Additional powers and duties.**

The Commissioner of Health shall have the following powers and duties:

(a) Public health related powers and duties:

(1) To enforce all the laws of the state and provisions of this Code in relation to matters pertaining to the public health and sanitary conditions of the city, including Section 8-16-024;

2) To enforce all regulations of the Board of Health or any other federal, state or local authority with power to make regulations concerning the public health;

3) To cause all nuisances affecting the health of the public to be abated with all reasonable promptness;

4) To determine when a disease is communicable or epidemic, and establish quarantine regulations whenever it is deemed necessary;

5) To enforce Section 4-4-332, Article VIII of Chapter 7-28 and all other code provisions applicable to bed bugs;

6) To enter into contracts with hospitals and healthcare facilities within the city to allow medical directors employed by the Department to provide clinical services and/or care at such hospitals and facilities for the purpose of enabling such employees to maintain clinical skills and/or certifications related to their position at the Department. Such contracts shall be subject to approval of the corporation counsel as to form and legality-;

7) To adopt such rules as the Commissioner may deem necessary or appropriate for the proper administration or enforcement of the provisions of this Code pertaining to the regulation of food establishments, including Chapters 4-8, 7-38, 7-40, and 7-42 of this Code. The Commissioner shall not promulgate any rule pursuant to this subsection until a public hearing is held on such rule or until an opportunity for the public to submit their comments in written form is provided. The Commissioner shall give not less than ten (10) calendar days' notice of the time and place of any hearing by publication in a newspaper of general circulation published within the City. In the event that written comments are solicited, public notice shall be given by e-mailing a notice of the solicitation of written comments to all persons who have filed a request with the Department of Health for notice of the Commissioner's intention to issue such rules. The Commissioner shall accept written comments for a period of not less than thirty (30) calendar days from the date of the notice. Notices of all public hearings shall also be e-mailed to persons who file such a request for notice with the Department. Notices of public hearings and solicitations of written comments shall also be posted on a bulletin board erected in the offices of the Department of Health in an area which is accessible to the public. However, the Commissioner shall have the power to make reasonable administrative and procedural rules interpreting or clarifying the requirements which are specifically prescribed in this chapter and Chapters 4-8, 7-38, 7-40, and 7-42 of this Code, without notice, hearing or solicitation of written comments;

8) For the purpose of carrying out the requirements of this Code, relating to the public health;

(b) Environmental protection powers and duties:

1) To supervise the execution of and implement all laws, ordinances, rules and regulations pertaining to environmental protection and control as provided in Chapter 11-4 of the Municipal Code of Chicago;

2) To institute necessary proceedings to prosecute violations of Chapter 11-4, and all other provisions of this Code which the Commissioner of Health is expressly authorized to enforce, and otherwise to compel the prevention and abatement of the issuance of smoke or gases, solids or liquids or other matter causing air or water pollution, and nuisances arising therefrom;

3) To examine and approve the plans of fuel-burning, combustion or process equipment, devices, or areas, furnaces, and smoke prevention, air pollution, water pollution devices installed, constructed, reconstructed, repaired or added to in any building, location or on any premises within the City of Chicago as herein provided to assure that they are in accordance with the requirements of Chapter 11-4;

2

4) To make inspections of newly installed, constructed, reconstructed, repaired or altered fuel-burning, combustion or process equipment, devices, or areas, furnaces, and smoke prevention, air pollution, water pollution control devices, storage tanks and waste handling facilities, and to make annual or periodic inspections to determine whether compliance is being had with the provisions of Chapter 11-4;

5) To investigate complaints of violations of Chapter 11-4 and to make inspections and observations of environmental conditions;

6) To issue rules necessary or proper for the implementation of environmental ordinances and to accomplish the purposes of Chapter 11-4, and to publish a code of recommended practices under

which Chapter 11-4 of this Code is to be administered providing with clarity and in detail the necessary information by which the public is to be guided and to establish standards of quality. The Ceommissioner shall not enact any rule, regulation or standard pursuant to this subsection until a public hearing is held on such rule, regulation or standard or until an opportunity for the public to submit their comments in written form is provided. The Ceommissioner shall give not less than ten (10) days^ notice of the time and place of any hearing by publication in a newspaper of general circulation published within the city. In the event that written comments are solicited, public notice shall be given by mailing a notice of the solicitation of written comments to all persons who have filed a request with the Ddepartment of Hbealth for notice of the Ceommissioner's intention to issue such rules, regulations or standards. The Ceommissioner shall accept written comments for a period of not less than thirty (30) calendar days from the date of the notice. Notices of all public hearings shall also be sent to persons who file such a request for notice with the Ddepartment. Notices of public hearings and solicitations of written comments shall also be posted on a bulletin board erected in the offices of the Ddepartment of Hbealth in an area which is accessible to the public. However, the Ceommissioner shall have the power to make reasonable administrative and procedural regulations or rules interpreting or clarifying the requirements which are specifically prescribed in this chapter and Chapter 11-4, without notice, hearing or solicitation of written comments;

7) To publish adopted rules or standards and the code of recommended practices in a convenient form;

8) To prepare and maintain a record of all orders issued by the Ddepartment;

9) To issue all permits, certificates, notices or other documents required under the provisions of Chapter 11-4;

10) To issue an emergency or a non- emergency cessation order or an emergency or a non-emergency abatement order in accordance with the provisions of Section 11-4-025 of this Code;

(11) To enforce the provisions of Section 15-28-755 of this Code;

12) To encourage and conduct studies, investigations and research, including joint cooperative investigation and research with public and private agencies and organizations, relating to the environmental protection authorities conferred on the Ceommissioner pursuant to subsection (b) of this section, as the Ceommissioner may deem advisable and necessary;

13) To advise, consult and cooperate with other agencies of the state and federal governments, and other governmental agencies to advance environmental protection in furtherance of the purposes of chapter 11-4 of this Code;

14) To enter into grant agreements, cooperation agreements and other agreements or contracts with governmental entities, private business and civic and community groups to implement the environmental protection powers and duties conferred on the Ceommissioner pursuant to subsection (b) of this section, and to implement pharmaceutical and other waste disposal programs, as the Ceommissioner may deem advisable and necessary, and to enter into and execute all such other instruments and to perform any and all acts, including

3

the allocation and expenditure of funds subject to appropriation therefor, as shall be necessary or advisable in connection with the implementation of such agreements, including any renewals thereto;

15) Subject to the approval of the Corporation Counsel, to negotiate and execute on behalf of the city a lease, right of entry or other agreement authorizing the city to use or occupy, on a temporary basis, land owned or controlled by another for purposes of conducting an inspection, investigation or other activities authorized in subsection(b) of this section;

16) To participate or otherwise engage in the city's emergency preparedness and emergency response activities.

(c) To do any and all other acts which may be necessary for the implementation of other powers conferred on the Coommissioner under this Code.

**2-112-005 Definitions.**

For purposes of this chapter, the following definitions shall apply:

"Board of Health" means the Board of Health of the City of Chicago.

"Commissioner of Health" means the Commissioner of Health of the City of Chicago.

"Department" or "Department of Health" means the Department of Health of the City of Chicago.

## **2-112-162 Rules of the Board of Health.**

All rules promulgated by the Board of Health relating to food establishments and Chapters 4-8, 7-38, 7-40 and 7-42 of this Code, in effect as of the effective date of this section, shall remain in effect until amended or repealed by the Commissioner of Health or the Board of Health.

SECTION 2. Chapter 4-8 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### **4-8-010 Definitions.**

The following definitions shall apply in the interpretation and the enforcement of this chapter and chapters 7-38, 7-40,. and 7-42 of this Code, unless the context clearly indicates that another meaning is intended. The listing of items as examples in any definition is intended to be illustrative and not exhaustive.

"Additional food preparation equipment" means any food preparation equipment used at a shared kitchen by a shared kitchen user that is not the property of such shared kitchen. "Adulterated" means the condition of a food:

- a. If it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health;
- b. If it bears or contains any added or deleterious substance for which no safe tolerance has been established or in excess of such tolerance if one has been established;
- c. If it consists in whole or in part of any filthy, putrid, decomposed substance, or if it is otherwise unfit for human consumption;

4

- d. If it has been processed, prepared, packed or held under unsanitary conditions whereby it may become contaminated with filth, or whereby it may have been rendered injurious to health;
- e. If it is in whole or in part the product of a diseased animal or animal which has died other than by slaughter;
- f. If its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

"Approved" means acceptable to the ~~board~~ Department of Hhealth based on its determinations to conformance with the appropriate standards and good health practices.

"Area underserved by grocery stores" means an area, designated by the Ceommissioner of Pplanning and Ddevelopment, that lacks adequate access to fresh and healthy food.

"Automatic food-vending machine" means any service container or mechanical device which upon insertion of a coin or token or by other similar means dispenses unit servings of food or drink either in bulk or in packages without the necessity of replenishing the device between each vending operation; and shall include a water-vending machine.

"Automatic food-vending machine business" means the business of installing, furnishing or servicing automatic food- vending machines.

"Bactericidal treatment" means the application of an approved method or substance to a clean surface

for the destruction of pathogens and other organisms, so far as practicable, and which, in the opinion of the Ddepartment of Hbealth, is effective and does not adversely affect the food, drink or equipment with which it comes in contact, or the health of the consumer of such food and drink.

"Bakery" means any establishment, place, vehicle or stand used for the manufacture of breads, buns, rolls, biscuits, cakes, crackers, matzos, pretzels, pastries, doughnuts, waffles, noodles, macaroni, spaghetti or ice cream cones, or any establishment used for the process of mixing, compounding or baking any food product, of which flour or meal is the principal ingredient, for sale to the public, or for the purpose of a restaurant, bakery, hotel, commissary or catering establishment.

"Board of Hbealth" means the Bboard of Hbealth of the City of Chicago, or its authorized representatives.

"Bottled-water plant" means any building, room, premises, place or establishment used for the preparation, manufacture, canning, bottling, packing, distribution, storage, selling or offering for sale at retail or wholesale, any article of beverage such as bottled water, nonalcoholic beverage, juice or juice drinks, packaged or unpackaged, used or intended for human consumption, or any such article which is an ingredient of, used for, mixed with or which enters into the composition of any beverage.

"Charitable food dispensing establishment" means any not-for-profit fixed location where food or drink is routinely provided for the public for consumption on or off the premises without charge. Such establishments include, but are not limited to, food pantries, soup kitchens, shelters, Child and Adult Care Feeding Program (C.A.C.F.P.) sites and Summer Food Service Program (SFSP) sites.

"Closed" means fitting together snugly, leaving no openings larger than one thirty-second of an inch.

"Coffee cart" means a wheeled vehicle, propelled solely by human power and constructed in accordance with a design approved by the Ddepartment of Hbealth, on which coffee is brewed and from which coffee and flavorings for coffee and permitted food products are served.

"Coffee cart vendor" means a person who dispenses coffee and flavorings for coffee from a coffee cart.

"Cold storage" means the storage of articles of food in cold storage establishments of any kind or nature, whether the same are public warehouses or not.

5

"Cold storage establishment" means a house or room used for the storage or preservation of food for a period of thirty (30) calendar days or more in which ice, refrigerating machinery or other artificial means of cooling are used.

"Commissary" means any duly licensed food establishment in which food, containers or supplies are stored, kept, handled, prepared, packaged and directly from which vending machines, mobile food vehicles or other food dispensing operations are serviced, and where mobile food vehicles are cleaned.

"Commissioner" means the CGommissioner of the Ddepartment of Hbealth of the City of Chicago, unless otherwise stated.

"Confectionery manufacturer" means any person that shall engage in the business of manufacturing, for the purpose of selling to the wholesale or retail trade, any candies, confectionery, sugar ornaments, taffy apples, candied nuts, shelled nuts or peanuts, marzipan, chewing gum, lozenges, cough drops, fruit or flavored tablets, popcorn, popcorn candy, or any other candies, confectionery or similar products. The term shall also include any person engaged in manufacturing such products and supplying the same to branch or chain stores operated by such person.

"Contaminated" means exposed to contact with dust, dirt, insects, vermin, animals, promiscuous handling or other contaminants.

"Core item" shall have the meaning ascribed to that term by the 2013 edition of the FDA Food Code, PB2013-110462, ISBN 978-1-935239-02-4.

"Corrosion-resistant material" means a material which maintains its original characteristics under prolonged influence of the food, normal cleaning compounds and sanitizing solutions which may contact it.

"Department of Hbealth" means the Ddepartment of Hbealth of the City of Chicago, or its representatives.

"Easily cleanable" means readily accessible to sight and touch if manually cleaned, and of such material

"Employee" means all persons working in a food establishment including the proprietor or manager

shall have the meaning ascribed to that term by the 2013 edition of the FDA Food Code. PB2013-110462. ISBN 978-1-935239-02-4.

"Equipment" means all permanent fixtures and movable appliances including, but not limited to, stoves, ranges, hoods, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a food establishment shall have the meaning ascribed to that term by the 2013 edition of the FDA Food Code, PB2013-110462, ISBN 978-1-935239-02-4.

"FDA" means the U.S. Food and Drug Administration.

"Flavorings for coffee" means cream, milk, sugar, other sweeteners, flavored oils and extracts, and spices.

"Food" means any raw, cooked or processed edible substance, alcoholic or nonalcoholic beverages, or ingredient, used or intended for use in whole or in part for human consumption shall have the meaning ascribed to that term by the 2013 edition of the FDA Food Code, PB2013-110462, ISBN 978-1-935239-02-4.

"Food-contact surfaces" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces with which food could come in contact and drain-back onto the surfaces normally in contact with food shall have the meaning ascribed to that term by the 2013 edition of the FDA Food Code, PB2013-110462, ISBN 978-1-935239-02-4.

"Food dispensing" means the act of keeping, preparing or selling, offering for sale or distribution, for consumption on or off the premises, or in an enclosed or partially enclosed dining

6

area adjacent to the enclosed food establishment, any articles of food and drink for human consumption.

"Food dispensing establishment" means any fixed location where food or drink is routinely prepared and served or provided for the public for consumption on or off the premises with or without charge. Such establishments include, but are not limited to, restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, grills, tearooms, sandwich shops, soda fountains, taverns, bars, cocktail lounges, nightclubs, industrial feeding establishments, take-out establishments, private institutions or organizations routinely serving food, catering kitchens, commissaries or any other eating or drinking establishment or operation.

"Food purveyor establishment" means any place where any cooked or uncooked article of food, drink, confection or condiment used for or intended to be used for human consumption off the premises, is stored, sold, prepared, cooked or offered for sale at retail, such as candy manufacturers, confectioneries, fish markets, fruit and vegetable markets, grocery stores, meat markets, nut stores, dressed poultry markets or retail bakeries, bakery outlets or any similar place.

"Food safety operations" or "food safety requirements" means all practices involving sanitation; food storage; food preparation; use of potentially hazardous foods; food service; food handling by personnel; manual cleaning and sanitizing of multi-use eating and drinking utensils and equipment; plumbing and toilet and lavatory facilities; storage of garbage and rubbish; insect and vermin control; poisonous compounds; cleaning operations; outdoor maintenance; dressing rooms, lockers and other storage areas provided for use by shared kitchen users; and any other subject matter determined by the Department of Health to be relevant to food safety.

"Frozen dessert" means any frozen or partially frozen combination of two or more of the following which is intended for human consumption: i) milk or milk products, ii) egg or egg products, iii) sweeteners, iv) approved nonglycogenic substances, v) water fruit, vi) fruit juices, vii) candy, viii) nut meats, or other food products, natural and harmless artificial flavors, certified colors, citric acid or other types of harmless organic acids, approved stabilizers and food emulsifiers.

"Health authority" means the Chicago Department of Health or its designated representatives.

"Ice" means the product, in any form, obtained as a result of freezing by approved mechanical means, potable water from an approved source.

"Kitchenware" means all multi-use utensils, other than tableware, used in the storage, preparation, conveying or serving of food.

"Licensed premises" means any premises licensed or required to be licensed under this chapter.

"Local Health Protection Grant Rules" means the Local Health Protection Grant Rules, as amended, codified at 77 Ill. Adm. Code § 615.310.

"Milk" or "milk products" means the following: milk, cream, frozen cream, concentrated milk fat, fluid

skimmed milk, sweetened and unsweetened evaporated skim milk, sweetened and unsweetened concentrated or condensed milk and skim milk, whey dry milk, nonfat dry milk solids, sweet cream, or any of these products from which lactose has been wholly or partially removed and any other product derived in whole or in part from milk as defined in the rules of the Department of Health or as may be approved and designated by the Department of Health, and any mixture of the aforementioned products.

"Misbranded" means the presence of any written, printed or graphic matter upon or accompanying food or containers of food which is false or misleading or which violates any applicable federal, state or local labeling requirements.

"Mix" means the unfrozen combination of all ingredients of a frozen dessert with or without fruits, fruit juices, candy, nut meats, flavor or color, in a fluid or semifluid state.

7

"Mobile food dispenser" means any person who, by traveling from place to place upon the public ways, serves previously prepared food that is enclosed or wrapped for sale in individual portions, coffee, other beverages or whole and uncooked fruits or vegetables from a wheeled vehicle.

"Mobile food vendor" means a mobile food dispenser, mobile food preparer, produce merchant, mobile prepared food vendor or mobile frozen desserts vendor.

"Mobile food preparer" means any person who, by traveling from place to place upon the public ways, prepares and serves food from a mobile food truck.

"Mobile food truck" means a motorized vehicle used to conduct a mobile food preparer business.

"Mobile food vehicle" means a motorized vehicle used to conduct a mobile food dispenser, mobile food preparer or mobile frozen desserts vendor business.

"Mobile frozen desserts vendor" means any person who, by traveling from place to place upon the public ways, serves from a two-wheeled or three-wheeled motorized or non-motorized vehicle, pushcart, or handcart individual portions of ice cream, ice milk, frozen dessert mix, sundaes or other frozen desserts that are totally enclosed in a wrapper or container and which have been manufactured, prepared or wrapped in a licensed food establishment.

"Mobile prepared food vendor" means any person who, by traveling from place to place upon the public ways, serves from a wheeled non-motorized vehicle, pushcart, or handcart individual portions of food, coffee or other beverages that are totally enclosed in a wrapper or container in individual portions and which have been manufactured, prepared or wrapped in a licensed food establishment for sale in individual portions.

"Owner" means the owner, operator, licensee or person in charge of any food establishment or vehicles used for the storage, transportation or vending of foods.

"Pasteurization" or "pasteurized" and similar terms mean the process of heating every particle of milk or milk products in equipment which is properly operated and approved by the Department of Health, to meet the requirements prescribed by Section 1 of the most current version of the FDA's Pasteurized Milk Ordinance.

"Person" means any individual, group of individuals, firm, partnership, company, corporation, trustee, association, or any public or private entity.

"Person in charge" means the individual present in a food establishment who is the apparent supervisor of the establishment at the time of the inspection. If no individual is the apparent supervisor, then any employee present is in charge.

"Place for eating" means a retail food establishment that is subject to the Chicago Restaurant and Other Places for Eating Tax pursuant to Chapter 3-30.

"Plumbing facilities" means plumbing fixture, plumbing system, handwashing sink, warewashing sink, service sink, toilet, urinal, pipes, tanks, fittings, and other apparatus required for the water supply, heating, and sanitation in a building.

"Potentially hazardous food" means food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible Crustacea or other ingredients, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include: foods that have a pH level of 4.6 or below or a water activity ( $a_w$ ) value of 0.85 or less under standard conditions; food products in hermetically sealed containers processed to prevent



spoilage.

"Prepackaged and non-perishable food" means any food or beverage which is not capable of supporting rapid and progressive growth of microorganisms which may cause food infections; and which is packaged in a hermetically sealed container designed to keep the contents free of contamination by microorganisms and maintain the commercial sterility of its contents after thermal processing. The term shall include packaged candy, gum and confections and bottled or canned water or soft drinks, if the package, bottle or can includes a manufacturer's

8

quality assurance date. In no case shall the term include fresh or processed meats, poultry, seafood, dairy products, eggs, or fresh fruit and vegetables.

"Priority item" shall have the meaning ascribed to that term by the 2013 edition of the FDA Food Code, PB2013-110462, ISBN 978-1-935239-02-4.

"Priority foundation item" shall have the meaning ascribed to that term by the 2013 edition of the FDA Food Code, PB2013-110462, ISBN 978-1-935239-02-4.

"Produce" means whole and uncooked agricultural, plant-based items, including, but not limited to, fruits, vegetables, legumes, edible grains, nuts, spices, herbs and cut flowers.

*(Omitted text is not affected by this ordinance) ■*

"Retail" means selling directly to the consumer and not for resale.

~~"Safe temperatures" as applied to potentially hazardous food means temperatures of 40-degrees Fahr~~

"Rules of the Department of Health" means rules adopted by the Commissioner or the Board of Health, as authorized in this Code, for the proper administration or enforcement of the provisions of this Code pertaining to the regulation of food establishments, including Chapters 4-8, 7-38, 7-40, and 7-42.

"Sanitized" means effective bactericidal treatment of clean surfaces of equipment and utensils by a process which has been approved by the Ddepartment of Hhealth as being effective in destroying microorganisms, including pathogens.

"Seal" means a tag, stamp, seal, mark or other device affixed to any food by the Ddepartment of Hhealth.

"Sealed" means free of cracks or other openings which permit the entry or passage of moisture.

"Sell" means to transfer or exchange for value, to expose or offer for sale or exchange, or to procure, store, keep or have on hand or in one's possession or control for the purpose of selling.

"Serve" means the placing of such food for the convenience of the patron into any cup, glass, cone, dish, plate, single- service container or receptacle from which it may be conveniently consumed by the person.

"Service accommodation" means the seating place where one patron or customer to be served can be seated or, in lieu of seating space, two lineal feet of counter space which may be used or occupied by one patron or customer to be served while standing, provided that, for the purpose of computing the number of "service accommodations" at a counter where no fixed seats or stools are provided, each such counter shall be considered as a separate unit and any fractional part of two lineal feet at a side or end shall be excluded.

"Service animal" means any dog that is individually trained to do work or perform tasks for the benefit of a person with a disability, as defined in Section 36.104 of the Americans with Disabilities Act Title III Regulations, codified at 28 C.F.R. § 36.104, and such other animal that meets the criteria set forth in Sections 36.302 and 35.136 of such Regulations, codified at 28 C.F.R. § 35.136 and 28 C.F.R. § 36.302.

"Serve food" or "serve" means to prepare, taste, handle, package, prepare for storage, or dispense food for human consumption.

"Shared kitchen" means (1) any establishment used as a place of business for the exclusive or primary purpose of utilizing, leasing or renting its kitchen space to individuals or entities for food preparation, temporary extra production capacity, menu planning, training, taste testing, product development, food packaging, food storage or any other food-related purpose; or (2) any retail or wholesale food establishment licensed or required to be licensed under this chapter that leases, rents or otherwise makes kitchen space available at such establishment for utilization by individuals or entities for food preparation, temporary extra

production capacity,

9

menu planning, training, taste testing, product development, food packaging, food storage or any other food-related purpose that is secondary or incidental to the establishment's primary business activity of retail or wholesale food establishment.

"Shared kitchen user" or "user" means any person who utilizes, leases<sup>^</sup> or rents kitchen space at any shared kitchen licensed or required to be licensed under this chapter.

"Single-service articles" means cups, containers, lids or closures; plates, knives, forks, spoons, stirrers, paddles, straws, place mats, napkins, doilies, wrapping material, bags, and all similar articles which are constructed wholly or in part from paper, paper board, molded pulp, metal, wood, plastic, synthetic or other readily destructible materials, which are intended by the manufacturers and generally recognized as for one usage only, then to be discarded.

"Slaughtering, rendering and packing establishment" means any place used for slaughtering animals for food, packing them for market, and cleaning the intestines thereof, or rendering offal, fat, bones, or scraps therefrom, or of any dead carcasses or animal matter whatever, or the manufacture or production of fertilizer, glue or soaps therefrom, or the manufacture of the same into fertilizing matter, or the changing the form thereof in any manner by the use of heat, steam, fire, chemicals, or otherwise.

"Special event" shall have the meaning ascribed to the term by Section 10-8-335.

"Tableware" means all multi-use eating and drinking utensils including flatware (knives, forks and spoons).

"Time/temperature control for safety food" shall have the meaning ascribed to that term by the 2013 edition of the FDA Food Code, PB2013-110462, ISBN 978-1-935239-02-4.

*(Omitted text is not affected by this ordinance)*

#### **4-8-020 Licensing requirements- Exceptions.**

*(Omitted text is not affected by this ordinance)*

(c) (1) No person shall engage in the business of a mobile food dispenser without first having obtained a mobile food vendor license to engage in a mobile food dispenser business.

2) No person shall engage in the business of a produce merchant without first having obtained a mobile food vendor license to engage in a produce merchant business.

3) No person shall engage in the business of a mobile food preparer without first having obtained a mobile food vendor license to engage in a mobile food preparer business.

4) No person shall engage in the business of a mobile frozen desserts vendor without first having obtained a mobile food vendor license to engage in a mobile frozen desserts vendor business.

5) No person shall engage in the business of a mobile prepared food vendor without first having obtained a mobile food vendor license to engage in a mobile prepared food vendor business.

*(Omitted text is not affected by this ordinance)*

(f) Except as otherwise provided in Section 4-8-039(fe)(a), a separate license shall be required for each separate place of business.

*(Omitted text is not affected by this ordinance)*

10

#### **4-8-030 License - Application and nontransferability.**

a) Unless otherwise provided, an application for any license required pursuant to this chapter shall be made in conformity with the general requirements of Chapter 4-4 of the Municipal Code relating to applications for licenses. The applicant shall provide the Ddepartment of Hbealth such information as the Ddepartment may require in order to inform it fully as to the size and nature of the place to be used for the purpose of the business, the conditions, equipment, vehicles and facilities used for conducting the business, and such other information as may be required in the provisions of this chapter pertaining to the particular type of license applied for. As part of the written application, the applicant shall specify the activities to be carried out under the license. If at any time following the issuance of a license the licensee plans to add other activities not referred to in application, then the licensee shall so inform the Ddepartment of Bbusiness Aaffairs and Ceonsumer Pprotection and the Ddepartment of Hbealth - food and dairy division in writing.

b) Except as otherwise provided in this chapter, the Ceommissioner of Bbusiness Aaffairs and Ceonsumer Pprotection shall issue no license pursuant to this chapter, and the applicant shall neither prepare, process nor sell any food, unless the Ddepartment of Hbealth shall have inspected and approved the applicant's premises, vehicles, vending machines and other equipment and facilities for compliance with the Municipal Code of Chicago and the rules ~~and regulations~~ of the Department ~~board~~ of bHealth.

c) In addition, an applicant for a retail food establishment license or shared kitchen license shall file an affidavit with Ddepartment of Bbusiness Aaffairs and Ceonsumer Pprotection verifying that any structural, plumbing, electrical, or ventilation changes made to the premises for which the license is sought, while such premises were under the ownership or control of the applicant, were done pursuant to a valid building permit.

d) No license issued pursuant to this chapter shall be transferred from one person to another or from one place of business to another. Upon change of ownership, a new application made in conformity with the general requirements of this Municipal Code shall be submitted and the Ddepartment of Hbealth shall inspect and recommend for approval as provided in this chapter.

#### **4-8-031 Retail food establishment - Dog-friendly areas.**

(a) For purposes of this section the following definitions apply:

"Commissioner" means the Ceommissioner of Bbusiness Aaffairs and Ceonsumer Pprotection.

"Dog-friendly area" means a dining area of a retail food establishment that is:

- 1) located outside; and
- 2) accessible from the street.

b) No retail food establishment shall permit any dog animal, other than a service dog animal assisting a ~~handicapped~~ person with a disability, on any portion of the retail food establishment's premises, unless all of the requirements in subsection (d) of this section are complied with.

c) In addition to the general application requirements for a retail food establishment license, a retail food establishment shall provide a statement as to whether the applicant desires to establish a dog-friendly area at the retail food establishment, other than ~~handicapped~~ persons with a disability requiring the assistance of a service de§ animal, to bring their dogs while the patron is frequenting the retail food establishment.

d) If a retail food licensee allows patrons of the establishment to bring dogs on any portion of the retail food establishment, other than a service dog animal assisting a ~~handicapped~~ person with a disability, the following requirements shall apply:

- (1) dogs shall only be permitted in dog-friendly areas;

2) dogs shall not be permitted to be in or travel through any indoor portion of the retail food establishment, or in any area where food is prepared;

3) any dog not kept on a leash at all times or not kept under control by its owner shall be immediately removed from the retail food establishment's premises. The licensee shall have the right to refuse to serve the owner of any dog if the owner fails to keep the dog on a leash, or to exercise reasonable control over the dog, or the dog is otherwise behaving in a manner that compromises or threatens to compromise the

health or safety of any person present in the retail food establishment;

4) only dogs bearing a current rabies vaccination tag or other proof of current rabies vaccinations shall be permitted in the dog-friendly areas;

5) a sign shall be posted in a conspicuous place in the retail food establishment indicating whether the retail food establishment permits dogs. The size and language on the sign shall be as set forth in the rules and regulations of the Department of Health;

6) the dog-friendly area, including all furniture, fixtures, and walking surfaces, shall be made of hard surfaces that can be washed with soap and water, hosed down and sanitized;

7) the table and chairs at which patrons with dogs are seated shall be cleaned and sanitized between seating of patrons;

8) in the event any patron's dog bites or attacks a person while on the retail food establishment's premises, the licensee shall immediately notify 311;

9) while on the retail food establishment's premises, a dog shall not be provided food, either by the employees or by patrons^ provided that though a dog may be provided water;

10) dogs shall not have any contact with any food, food contact surfaces, serving dishes, utensils, tableware, linens, paper products or any other food serving products; and

11) the retail food establishment's employees shall not have contact with the dogs. If any employee has contact with a dog or a surface touched by a dog, the employee shall immediately wash his/her hands before continuing with any food service work.

e) The Ddepartment of Hhealth shall promulgate rules and regulations for the administration and enforcement of this section. The rules and regulations shall include, but not be limited to, adequate controls to ensure compliance with the Illinois Food, Drug and Cosmetic Act, the Illinois Food Handling Regulation Enforcement Act, the Illinois Sanitary Food Preparation Act, and any other applicable statutes and ordinances.

f) Upon the determination that a person has violated a provision of this section, or any rule or regulation promulgated hereunder, the Ceommissioner of Bbusiness Affairs and Ceonsumer Pprotection or Ceommissioner of Hhealth may institute an administrative adjudication proceeding with the Ddepartment of Aadministrative Hbearings by forwarding a copy of a notice of violation or a notice of hearing, which has been properly served, to the Ddepartment of Aadministrative Hbearings; provided however, that if the Ceommissioner recommends the suspension or revocation of the retail food establishment license, the Ceommissioner shall make such recommendation to the Ddepartment of Bbusiness Affairs and Ceonsumer Pprotection in accordance with the requirements of Chapter 4-4 of the Municipal Code.

g) -The provisions of Tthis section shall be enforced by the Ddepartment of Bbusiness Affairs and Ceonsumer Pprotection and the Ddepartment of Hhealth.

h) Any person who violates any provision of this section or any rule or regulation promulgated hereunder shall be fined not less than \$200.00 and not more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

12

**4-8-032 License - Application - Automatic food vending machine business.**

' (a) In addition to the general application requirements for a retail food establishment license, if a license applicant intends to engage in the automatic food vending machine (A.F.V.M.) business, he shall supply the following information:

1. A list of all vending machines operated by him and their location and the location of all commissaries or other establishments from which his machines are serviced. This information shall be available to the health authority upon request, and shall be kept current;

2. The identity and form of the products to be dispensed through vending machines; the types of A.F.V.M. machines intended to be operated, a description of each type, the number of employees, and such other information as the Ddepartment of Hhealth may require in order to inform it fully as to the types of machines and kinds of food to be dispensed of therein. The applicant shall notify the Ddepartment of Hhealth of any change in operations involving new types of vending machines, or conversion of existing machines to dispense products other than those for which the machine was built and for which the license was issued.

(b) Prior to "issuing a retail food establishment license which shall authorize a licensee to engage in the

automatic food-vending machine business, the Ddepartment of Hbealth shall approve the type of vending machine intended to be operated and shall make an inspection of the premises of the applicant, the commissary, supply storage, servicing, cleaning and sanitizing, and transport facilities and representative vending machines to determine their fitness from the standpoint of insuring protection of the food from improper handling, contamination and spoilage.

#### **4-8-034 Automatic food vending machine identification.**

Every automatic food vending machine, including machines operated under the prepackaged, nonperishable food exemption, shall be identified with the name and business address of the person or firm responsible for the maintenance of the machine and the address of the commissary serving that particular machine. Identification should be placed in a location visible to the public by means of a card, emblem, sticker or similar device. If the machine is maintained by a licensed food vending machine business, the identification shall also include the business' retail food establishment license number. Failure to properly affix and maintain such identification shall constitute a violation of this chapter, and in addition to any other measures provided for herein the Ddepartment of Hbealth may order any such unidentified machine removed or sealed and disabled.

#### **4-8-036 License - Application and category- Mobile food vendors.**

(a) In addition to the general application requirements,

1) an applicant for a mobile food vendor license to engage in a mobile food dispenser, mobile food preparer or mobile frozen desserts vendor business shall supply the name and address of the commissary where the vehicle or cart will be cleaned and serviced, and if the vehicle or cart is not stored at the commissary, the name and address of the place where such vehicle or cart will be stored when not in use. The Ddepartment of Hbealth shall approve such locations;

2) an applicant for a mobile food vendor license to engage in a mobile food dispenser or mobile food preparer business shall complete a consultation with the Ddepartment of Hbealth to review the proposed business practices, the vehicle and equipment to be used, and food safety operations prior to obtaining a mobile food vendor license. As part of this consultation, the applicant shall provide a proposed menu including a list of all food items the applicant intends to serve. At the time of consultation, an applicant for a mobile food vendor license to engage in a mobile food preparer business shall provide a City of Chicago Food Sanitation Manager Certificate issued to the applicant or the applicant's employee who will operate the mobile food truck;

13

3) an applicant for a mobile food vendor license to engage in a mobile food dispenser or mobile food preparer business shall make the applicant's mobile food vehicle available for inspection by the Ddepartment of Hbealth at a location determined by the Ddepartment of Hbealth:

4) an applicant for a mobile food vendor license who will use a propane tank or natural gas in the mobile food vehicle shall produce proof to the Ceommissioner of Bbusiness Aaffairs and Ceonsumer Pprotection that he has obtained general commercial liability insurance with limits of not less than \$350,000.00 per occurrence, combined single limit, for bodily injury and property damage arising in any way from the issuance of the license or activities conducted pursuant to the license. The insurance policy required under this subsection shall: (1) be issued by an insurer authorized to insure in Illinois; (2) name the City of Chicago as additional insured; and (3) include a provision requiring thirty (30) calendar days<sup>1</sup> advance notice to the Ceommissioner of Bbusiness Aaffairs and Ceonsumer Pprotection prior to cancellation or lapse of the policy. If a mobile food vendor license is issued to such applicant, such licensee shall maintain the insurance required under this subsection in full force and effect for the duration of the license period. The licensee shall also keep proof of the required insurance in the mobile food vehicle at all times when the vehicle is in use and, upon demand, shall produce such proof for inspection by an authorized city official. Failure to comply with the requirements of this section shall be grounds for the suspension or revocation of the license.

b) Except as otherwise provided in this subsection, in addition to the general application requirements, an applicant for a mobile food vendor license to engage in a produce merchant business shall provide the Ceommissioner of Bbusiness Aaffairs and Ceonsumer Pprotection with the following information:

(1) the applicant's Illinois Retailers' Occupation Tax number; (2) the type(s) of produce that the applicant proposes to sell; and (3) any other information that the commissioner may reasonably require. The inspection and approval requirements provided in Section 4-8-030(b) shall not apply to an applicant for a mobile food vendor license to engage in a produce merchant business.

c) The Commissioner of Business Affairs and Consumer Protection is authorized to issue color-coded emblems for the following mobile food vendor business categories:

1. A mobile food vendor license to engage in a mobile food preparer business.
2. A mobile food vendor license to engage in a mobile food dispenser business.
3. A mobile food vendor license to engage in a mobile frozen desserts vendor business.
4. A mobile food vendor license to engage in a produce merchant business.

d) The Commissioner of Business Affairs and Consumer Protection, in consultation with the Department of Transportation, Department of Police and the Office of Emergency Management and Communications, in the interest of preserving public safety or avoiding traffic congestion, may from time to time, by rule, set a limit on the number of total mobile food vendor licenses, in one or more categories, that may be issued at any given time; provided, however, no more than 10 percent of the total licenses in any mobile food vendor business category shall be issued to any one person. If the Commissioner of Business Affairs and Consumer Protection determines that there are more qualified applicants for mobile food vendor licenses than the maximum number of licenses that the Commissioner has set to issue at any given time, the Commissioner shall conduct a lottery or other neutral process for allocating licenses among qualified applicants as set forth by rules promulgated by the Commissioner.

#### **4-8-037 Restrictions on mobile food vendors.**

The City Council may from time to time define areas, in the interest of preserving public health and safety or avoiding traffic congestion, in which no mobile food vendor may

14

prepare or dispense food from a wheeled vehicle. The City Clerk shall maintain for public inspection and copying a file of all ordinances defining such areas.

*(Omitted text is not affected by this ordinance)*

#### **4-8-038 Shared kitchen license.**

~~-(a)-Definitions. As used in this section, unless the context clearly indicates otherwise: "Department of Health"~~

~~"Equipment" shall mean all permanent fixtures and movable appliances, including, but not limited to, stoves, ranges, hoods, meat blocks, tables, counters, refrigerators, sinks, dish-washing machines, steam tables and sinks.~~

~~"Food safety operations" or "food safety requirements" shall mean all practices involving sanitation; food storage; food preparation; use of potentially hazardous foods; food service; food handling by personnel; manual cleaning and sanitizing of multi-use eating and drinking utensils and equipment; plumbing and toilet and lavatory facilities; storage of garbage and rubbish; insect and vermin control; poisonous compounds; cleaning operations; outdoor maintenance; dressing rooms, lockers and other storage areas provided for use by shared kitchen users; and any other subject matter determined by the department of health or board of health to be relevant to food safety.~~

~~"Licensed premises" shall mean any premises licensed or required to be licensed under this section.~~

~~"Local Health Protection Grant Rules" shall mean the Local Health Protection Grant Rules, as amended, codified in the Code of Ordinances.~~

~~"Potentially hazardous food" shall mean any natural or synthetic food or ingredient that requires temperature control because the food exists in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms, such as Clostridium botulinum or Salmonella enteritidis. The term "potentially hazardous food" includes, but is not limited to, any food that consists, in whole or in part, of milk or milk products, eggs, meat, poultry, fish, shellfish, edible Crustacea, heat-treated foods of plant origin, raw seed sprouts, cut melon and unmodified garlic and oil mixtures. The term "potentially hazardous food" does not include (i) an air-cooled, hard-boiled egg with shell intact or any other egg treated to destroy all viable salmonella; (ii) any food with a water activity level of 0.85 or less under standard conditions; (iii) any food with a hydrogen ion concentration of 4.5 or less.~~

ntration (pH) level of 4.6 or below when measured at 75 degrees Fahrenheit (24 degrees Celsius); (iv) any unopened packaged food in a hermetically sealed container; (v) any food approved by the department of health in duly promulgated rules and regulations for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms, or the slower growth of *Clostridium botulinum*, cannot occur; and (vi) any food that does not support the growth of microorganisms at a level sufficient to cause illness.

Shared kitchen licensee" shall mean any person licensed or required to be licensed under subsection (d) of Section 4-8-020.

~~"Shared kitchen user(s)" or "user(s)" shall mean any person licensed or required to be licensed~~

(b) (a) License classifications. Shared kitchen licenses shall be divided into the classifications which follow:

Shared kitchen license: A shared kitchen license shall be required if the person seeking to engage in the exclusive or primary business of a shared kitchen does not hold a valid retail food establishment license under this chapter for the premises identified in the shared kitchen license application. The holder of a shared kitchen license may engage at such shared kitchen in any business activity authorized by a retail food establishment license if (1) such business activity is secondary or incidental to the primary business activity of shared kitchen; and

15

(2) such secondary or incidental business activity is permitted under the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago.

Shared kitchen-supplemental license: A shared kitchen-supplemental license shall be required if the person seeking to engage in the business of a shared kitchen (1) does hold a valid retail or wholesale food establishment license under this chapter for the premises identified in the shared kitchen license application; and (2) the business activity authorized by the shared kitchen license is secondary or incidental to the primary business activity for which such retail or wholesale food establishment license has been issued as set forth in the license application for such retail or wholesale food establishment license.

(e) (b) License application. All applications for a shared kitchen license shall be made in conformity with the requirements set forth in Section 4-8-030.

It is a condition of the license that all information in the license application be kept current. Any change in required information shall be reported in writing to the Commissioner of Business Affairs and Consumer Protection within fourteen (14) business days of such change.

(d) (c) License issuance prohibited when. In addition to the prohibitions set forth in Section 4-8-025, no shared kitchen license shall be issued under this section:

1) to any person who is ineligible under this chapter or under the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, to obtain a retail food establishment license or wholesale food establishment license, as applicable;

2) at the time of application for the initial license, unless and until the license applicant completes a consultation with the Department of Health to review equipment and food safety operations at the shared kitchen identified in the shared kitchen license application, as required under subsection (e) (d)(2) of this section;

3) at the time of application for the initial license, unless and until the Department of Health conducts, in accordance with the requirements set forth in subsection (e)(d)(1) of this section, a health risk assessment and inspection of the applicant's premises and equipment and food safety operations and determines, based on the results of such assessment and inspection, that the applicant's premises and equipment and food safety operations comply with the requirements of the Municipal Code of Chicago and any rules and regulations promulgated thereunder. Provided, however, that a health risk assessment and inspection within the meaning of this subsection (d)(c)(3) shall not be required as a condition for obtaining a shared kitchen-supplemental license under this section if, within the 12-month period prior to submitting an application for such shared kitchen-supplemental license, the retail food establishment identified in such application passed its most recent inspection by the Department of Health in accordance with the requirements applicable to "Category I facilities" as set forth in subsection

(b) (4)(A) of Section 615.310 of the Local Health Protection Grant Rules.

*(e) (d) Health risk assessment- Consultation with Hbealth Ddepartment- Inspections.*

1) Health risk assessment. For purposes of any health risk assessment required under subsection (d) (c)(3) of this section, shared kitchens shall be classified as a "Category I facility" within the meaning of subsection (b)(3)(A) of Section 615.310 of the Local Health Protection Grant Rules.

2) Consultation with Ddepartment of Hbealth. Prior to the initial issuance of any shared kitchen license, the license applicant shall complete a consultation with the Ddepartment of Hbealth to review equipment and food safety operations at the shared kitchen identified in the shared kitchen license application.

(3) Periodic inspections. In addition to any inspections required under subsection (d) (c)(3) of this section, all shared kitchens shall be subject to periodic inspections in accordance with the requirements applicable to "Category I facilities" as set forth in subsection (b)(4)(A) of Section 615.310 of the Local Health Protection Grant Rules. In addition, the Ddepartment of Hbealth may inspect a shared kitchen in response to any complaint of any violation at such

16

shared kitchen of the Municipal Code of Chicago or any rules and regulations promulgated thereunder.

(f) (e) Duties. A shared kitchen licensee shall have the following duties:

1) Accountability for use of licensed premises. A shared kitchen licensee shall ensure that any person engaged in the business of a shared kitchen user on the licensed premises is in compliance with (i) all equipment and food safety requirements set forth in the Municipal Code of Chicago and any rules and regulations promulgated thereunder; and (ii) all requirements set forth in subsection (e) of Section 4-8-039. The shared kitchen licensee and applicable shared kitchen user shall be jointly and severally liable for any violation of the requirements of this subsection

*my,*

2) Ensuring that users are properly licensed. A shared kitchen licensee shall ensure that any person engaged in the business of a shared kitchen user on the licensed premises is properly licensed under Section 4-8-039;

3) Recordkeeping required. A shared kitchen licensee shall keep and maintain on file or otherwise make immediately available on the licensed premises the following records: (i) a list of all shared kitchen users and their contact information; (ii) for each such shared kitchen user, a copy of the menu approved by the Ddepartment of Hbealth for use by such shared kitchen user;

iii) a list setting forth the date(s) and time(s) each shared kitchen user used the shared kitchen;

iv) the name of the person holding a valid sanitation certificate, issued by the Ddepartment of Hbealth, who was present on the licensed premise each time potentially hazardous time/temperature control for safety food was prepared, tasted, handled, packaged, prepared for storage, served or otherwise used by said shared kitchen user; (v) a copy of all agreements entered into by the shared kitchen licensee with each shared kitchen user, including the effective date and, if applicable, the termination date of each such agreement; (vi) a copy of each user's current shared kitchen user license; (vii) if the shared kitchen licensee discontinues, ends, terminates or otherwise withdraws from any contract or agreement authorizing a shared kitchen user to lease, rent or otherwise utilize such licensee's shared kitchen, a record of the date on which such contract or agreement was terminated by the shared kitchen licensee; and (viii) if the shared kitchen user discontinues, ends, terminates or otherwise withdraws from any contract or agreement with a shared kitchen licensee or such user otherwise indicates his or her intent to stop using the shared kitchen, a record of the date on which such act occurred. The records required to be kept by the shared kitchen licensee under this subsection (f) (e)(3) shall be maintained or otherwise made immediately available on the licensed premises by such licensee for a period of at least two years after the date of entry of such record. Upon request by any authorized city official, a shared kitchen licensee shall make such record(s) immediately available for inspection by such authorized city official;

4) Access to equipment and storage areas required. A shared kitchen licensee shall provide access for inspection by the Ddepartment of Hbealth or any other authorized city official to all locked equipment located in any storage area maintained by the shared kitchen licensee and used or made available for use by any shared kitchen user; and

5) Exceeding capacity- Prohibited. A shared kitchen licensee shall ensure that, at any given time, the number of shared kitchen users preparing food in the shared kitchen does not pose a health or safety risk.



*(§) (f) License fee- Duration of license.*

1) Shared kitchen license: The fee for a shared kitchen license shall be as set forth in Section 4-5-010 of this Code. Such shared kitchen license shall expire on the date indicated on the face of the license.

2) Shared kitchen-supplemental license: If the applicant for a shared kitchen-supplemental license applies simultaneously for a shared kitchen- supplemental license and a retail or wholesale food establishment license, the fee for such shared kitchen- supplemental license shall be as set forth in Section 4-5-010; such fee shall be in addition to the applicable

17

retail or wholesale food establishment license fee set forth in Section 4-5-010; and such shared kitchen-supplemental license shall expire on the same date that the applicable retail or wholesale food establishment license expires. If the applicant for a shared kitchen-supplemental license does not apply simultaneously for a shared kitchen-supplemental license and a retail or wholesale food establishment license, the fee for such shared kitchen-supplemental license shall be calculated on a pro rata basis, based on the number of months remaining on the applicant's retail or wholesale food establishment license, and such shared kitchen-supplemental license shall expire on the same date that the applicant's applicable retail or wholesale food establishment license expires.

(h) (g) Violation- Penalty. In addition to any other penalty provided by law, any person who violates any requirement of this section shall be subject to the fine set forth in Section 4-8-068.

(f) (h) License suspension or revocation. Any violation of any requirement of this section may result in license suspension or revocation in accordance with the requirements set forth in Section 4-4-280 of this Code.

**4-8-039 Shared kitchen user license.**

~~-(a) Definitions. As used in this section, unless the context clearly indicates otherwise:~~

~~"Additional food preparation equipment" shall mean any food preparation equipment used at a shared kitchen by a shared kitchen user that is not the property of such shared kitchen.~~

~~"Department of health" means the City of Chicago department of health.~~

~~"Equipment" shall have the meaning ascribed to the term in subsection (a) of Section 4-8-038.~~

~~"Food safety operations" or "food safety requirements" shall have the meaning ascribed to the term in subsection (b) of Section 4-8-038.~~

~~"Potentially hazardous food" shall have the meaning ascribed to the term in subsection (a) of Section 4-8-038.~~

~~"Shared kitchen" shall have the meaning ascribed to the term in Section 4-8-010.~~

~~"Shared kitchen licensee" shall mean any person licensed or required to be licensed under subsection (d) of Section 4-8-020.~~

~~"Shared kitchen user" shall have the meaning ascribed to the term in Section 4-8-010.~~

~~"Shared kitchen user licensee" shall mean any person licensed or required to be licensed under subsection (e) (1) of Section 4-8-020.~~

a) ^-License classifications. Shared kitchen user licenses shall be divided into the classifications which follow

Long-term user license: The holder of a long- term user license is subject to no limitation on the number of properly licensed shared kitchens that such long-term user licensee may utilize, lease or rent during the applicable two-year license period. Provided, however, that nothing in this section shall be construed to prohibit a shared kitchen licensee from renting, leasing or otherwise authorizing the use of such licensee's shared kitchen for a period of less than two years.

Short-term user license: The holder of a short-term user license is entitled to utilize, lease or rent space at a properly licensed shared kitchen or any combination thereof for a period not to exceed ninety (90) consecutive calendar days, as measured from the date that such short-term user license is issued. Provided, however, that nothing in this section shall be construed to prohibit a shared kitchen licensee from renting, leasing or authorizing the use of such licensee's shared kitchen for a period of less than ninety (90) consecutive calendar days.

b) (e) License application. In addition to meeting the requirements set forth in Section 4-8-030, all applicants for a shared kitchen user license shall be required, as part of the license application, to submit:

1) a menu of the food items that such user intends to prepare, store, taste test, develop, package or otherwise handle or use for food-related purposes at the applicable shared kitchen; and

2) a written statement, signed by the owner or operator of each applicable licensed shared kitchen that the applicant uses or intends to use, containing the following information about each such shared kitchen: (i) the name and address of the shared kitchen, (ii) the shared kitchen's license number, (iii) a written authorization, signed by the owner or operator of the shared kitchen, stating that the applicant for the shared kitchen user license has been authorized by such owner or operator to rent, lease or utilize kitchen space at such shared kitchen; and (iv) the start date and, if any, the end date to which such authorization applies.

It is a condition of the license that all information in the license application be kept current. Any change in required information shall be reported in writing to the Ceommissioner of Bbusiness Aaffairs and Ceonsumer Pprotection within fourteen (14) business days of such change.

c) (d) License issuance prohibited when. In addition to the prohibitions set forth in Section 4-8-025, no shared kitchen user license shall be issued under this section:

1) if the Ddepartment of Hbealth fails to approve as safe the contents of any menu required under subsection (e) (b) (1) of this section to be submitted as part of the license application;

2) at the time of application for the initial license, unless and until the license applicant completes a consultation with the Ddepartment of Hbealth to review the applicant's proposed use of the applicable shared kitchen(s) and proposed food safety operations at such shared kitchen.

d) (e) Duties. A shared kitchen user shall have the following duties:

1) Conformity to approved menu required- Notification and approval of changes to approved menu required. A shared kitchen user licensee shall conform to the menu approved by the Ddepartment of Hbealth. Prior to adding any new item of food to such menu, or any new and potentially hazardous time/temperature control for safety food ingredient to any approved item of food on such menu, a shared kitchen user shall first obtain written permission to do so from the Ddepartment of Hbealth. The shared kitchen user shall provide a copy of the menu approved by the Ddepartment of Hbealth and any written permission obtained from the Ddepartment of Hbealth pursuant to the requirements of this subsection (e) (d) (1) to the licensee of each shared kitchen at which such shared kitchen user engages in the business of a shared kitchen user;

2) Conformity to food safety requirements and approved operational practices required. A shared kitchen user shall (i) comply with all food safety requirements set forth in the Municipal Code of Chicago and any rules and regulations promulgated thereunder; and (ii) conform to any operational practice required or approved by the Ddepartment of Hbealth in connection with the issuance of a license under this section. The shared kitchen user and applicable shared kitchen licensee shall be jointly and severally liable for any violation of the requirements of this subsection (e) (d)(2);

3) Potentially hazardous Time/temperature control for safety food - Sanitation certificate required. At all times that time/temperature control for safety potentially hazardous food is being prepared, tasted, handled, packaged, prepared for storage, served or otherwise used at a shared kitchen by a shared kitchen user, such shared kitchen user shall have on site at the shared kitchen a person who holds a current sanitation certificate issued by the Ddepartment of Hbealth. Upon request by any authorized city official, the shared kitchen user shall make such certificate immediately available for inspection by such authorized city official;

4) License- Required on site. A shared kitchen user shall have their city-issued shared kitchen user license or a copy thereof or any badge that may be issued and required by the Ddepartment as evidence of such shared kitchen user license on site at all times when the shared kitchen user is utilizing a shared kitchen. Upon request by any authorized city official, the

shared kitchen user shall make such license or a copy thereof or any required badge immediately available for inspection by such authorized city official; and

(5) Recordkeeping- Required. A shared kitchen user shall keep and maintain on file the following records: (i) a list identifying the date(s) and time(s) such user utilized a shared kitchen, and (ii) a copy of the

written statement, signed by the owner or operator of the shared kitchen, stating that the applicant for the shared kitchen user license has been authorized by such owner or operator to rent, lease or utilize such shared kitchen, and identifying the start date and, if any, the end date to which such authorization applies. The records required under this subsection (e) (d)(6) shall be maintained by the user for a period of at least two years after the date of entry of such record. Upon request by any authorized city official, the shared kitchen user shall make such records immediately available for inspection by such authorized city official.

e) *(f) License fee- Duration of license.*

1) Long-term user license: The fee for a long-term user license shall be as set forth in Section 4-5-010 of this Code. Such long-term user license shall expire on the date indicated on the face of the license.

2) Short-term user license: The fee for a short-term user license shall be as set forth in Section 4-5-010. Such short-term user license shall expire ninety (90) consecutive calendar days from the date of its issuance.

f) ~~(g)~~ Violation- Penalty. In addition to any other penalty provided by law, any person who violates any requirement of this section shall be subject to the fine set forth in Section 4-8-068.

~~(g)~~ (h) License suspension or revocation. Any violation of this section may result in license suspension or revocation in accordance with the requirements of Section 4-4-280 of this Code.

#### **4-8-040 Special event food licenses.**

(a) Definitions. For purposes of this section, the following definitions shall apply: "Chicago Riverwalk" has the meaning ascribed to the term in Section 2-32-1300(a)

"Commissioner" means the city's Ceommissioner of Bbusiness Aaffairs and Ceonsumer Pprotection.

"Department" means the city's Ddepartment of Hhealth.

"Food safety requirements" means all practices involving sanitation, food storage, food preparation, use of potentially hazardous foods, food service, food handling, storage of garbage and rubbish, cleaning operations, and any other subject matter determined by the department or board of health to be relevant to food safety.

"Multiple special events" means one or more special events that occur within a 10-day, 180-day or one-year period, depending on which period is applicable. The term "multiple special events" also means one or more special events that occur at an outdoor public enjoyment area developed pursuant, to Section 2-102-030.

~~"Potentially hazardous food" shall have the meaning ascribed to the term in Section 4-8-03ft~~

~~"Serve food" or "serve" means to prepare, taste, handle, package, prepare for storage,~~

"Single special event" means a special event that lasts for a period not longer than ten (10) calendar days.

~~Special event" has the meaning ascribed to the term in Section 10 8 335. The term "special event" al so includes any event that lasts for a period not longer than ten days.~~

"Summer festival food vendor certificate" means a summer festival food sanitation certificate that the Ddepartment issues in collaboration with third parties.

b) License required. No person shall serve food at a special event without a special event food license.

c) Classification of special event food licenses. The Ceommissioner is authorized to issue the following two classes of special events food license: (i) A single special event food license shall be issued for serving food, subject to this section and, if applicable, Section 10-8-335, at a single special event; (ii) A multiple special events food license shall be issued for a 10-day, 180-day or one-year period. Subject to this section and, if applicable, Section 10-8-335, a multiple special events food licensee may serve food at multiple special events that occur within the duration of the license. In addition, subject to this section and Section 4-60-

074, a multiple special events food licensee may serve food at any Chicago Riverwalk venue for the duration of any concession agreement executed pursuant to Section 2-51-050(1).

d) License application. In addition to the requirements of Section 4-8-030, an applicant for a special event food license shall submit:

1) a menu of the food items that the applicant intends to serve at the special event or at a Chicago Riverwalk venue; and

2) the classification of the special event food license that the applicant is applying for, and, in case of application for a single special event food license, the dates and place of the event and a written statement, signed by the event organizer or sponsor of the event, stating that the applicant is authorized to serve food at the event.

It is a condition of the license that all information in the license application shall be kept current. Any change in required information shall be reported in writing to the Commissioner within fourteen (14) business days of such change.

e) License issuance prohibited when. In addition to the prohibitions set forth in Section 4-8-025, no special event food license shall be issued under this section, if the Department does not approve as safe the contents of the applicant's menu submitted as part of the license application as required under subsection (d)(1) of this section.

f) Duties. A special event food licensee shall have the following duties:

1) Conformity to approved menu required - Notification and approval of changes to approved menu required. A special event food licensee shall conform to the menu approved by the Department. Prior to adding any new item of food to such menu, or any new and ~~potentially hazardous~~ time/temperature control for safety food ingredient to any approved item of food on such menu, a special event food licensee shall first obtain written permission to do so from the Department;

2) Conformity to food safety requirements and approved operational practices required. A special event food licensee shall (i) comply with all food safety requirements set forth in the Municipal Code of Chicago and any rules and regulations promulgated thereunder; and (ii) conform to any operational practice required or approved by the Department in connection with the issuance of a license under this section;

3) ~~Potentially hazardous~~ Time/temperature control for safety food - Summer festival food vendor certificate required. At all times when a special event food licensee serves time/temperature control for safety ~~potentially hazardous~~ food, such licensee shall have on site a person who holds a current summer festival food vendor certificate. Upon request by any authorized city official, the special event food licensee shall make such certificate immediately available for inspection by such authorized city official; and

4) License - Required on site. A special event food licensee shall have his city-issued license or a copy thereof on site at all times when the licensee is serving food at a special event. Upon request by any authorized city official, the licensee shall make such license or a copy thereof immediately available for inspection by such authorized city official.

5) Recordkeeping - Required. A special event food licensee shall keep and maintain on file the following records: (i) a list identifying the date(s) and time(s) such licensee served food at the event or at a Chicago Riverwalk venue; (ii) a copy of the written statement, signed by the

21

organizer or sponsor of the event, or by a Riverwalk Venue liquor licensee, as applicable, stating that the special event food licensee is authorized to serve food at the event or at a Chicago Riverwalk venue, and identifying the start date and the end date to which such authorization applies; (iii) the copy of the menu approved by the Department for use by the licensee; and (iv) the name of the person holding a valid sanitation certificate, who was present each time time/temperature control for safety ~~potentially hazardous~~ food was served by the licensee. The records required under this subsection shall be maintained by the licensee for a period of at least two years after the date of entry of such record. Upon request by any authorized city official, the licensee shall make such records immediately available for inspection by such authorized city official.

g) Special event food licenses - Aldermanic notification. When issuing a single special event food license that is not subject to Section 10-8-335, the Commissioner shall notify the alderman of the ward in which the event is to be located at least five (5) calendar days before issuing the license.

h) Violation - Penalty. In addition to any other penalty provided by law, any person who violates this section shall be subject to the fine set forth in Section 4-8-068.

(i) License suspension or revocation. Any violation of this section may result in license suspension or revocation in accordance with Section 4-4-280 of this Code.

#### **4-8-042 Inspections of and inspection fees for a place for eating.**

a) The Bbuilding Ceommissioner shall make an annual inspection of all places for eating that shall be conducted as one inspection that consists of inspections pursuant to Sections 13-20-020 and 13-20-530.

b) The fees for the inspections conducted by the Bbuildings Ddepartment pursuant to subsection (a) of this section are as follows:

;(1) 0 to 1,500 square feet, per year

(2) 1,501 - 4,500 square feet, per year

(3) 4,501 - 10,000 square feet, per year

(4) Over 10,000 square feet, per year

(c) The provisions of this section shall not apply to any inspection by the Bbuildings Ddepartment that is required as a condition of the issuance or renewal of any license or permit issued pursuant to this Code, or to any reinspection, emergency inspection or inspection in response to a complaint conducted by the Bbuildings Ddepartment.

#### **4-8-048 Applicants - Operating under supervision of outside Department of Health health department.**

(a) A license applicant who is located outside the jurisdiction of the Ddepartment of Hbealth may obtain a retail food establishment license from the City of Chicago which authorizes the applicant to engage in the business of an automatic food-vending machine operator provided that the applicant is conducting his business under supervision of a state or local health authority and provided the ordinance regulating same is substantially equivalent, to this chapter. The applicant shall, in addition to the application, if requested, provide reports including inspection reports and laboratory results within the previous ninety (90) calendar days from the date of application, from the aforementioned health authority in the jurisdiction where the commissary or commissaries are located, indicating satisfactory compliance with such provision. If such

22

documentation is not available, approval shall be granted by the Ddepartment of Hbealth, if the Ddepartment determines that applicable health standards are satisfied.

(b) Applicants for a mobile food vendor license to engage in a mobile food dispenser or mobile food preparer business who are located outside of the jurisdiction of the Ddepartment of Hbealth may obtain a license from the City of Chicago; provided, that the vehicle does comply with the applicable requirements of this Code and (i) the mobile food dispenser applicant does dispense foods which are prepared and wrapped in a commissary which conducts its operations under the supervision of a state or local health authority; or (ii) the mobile food preparer applicant prepares food in compliance with rules and regulations adopted by of the board Department of Hbealth and the applicant conducts its operations under the supervision of a state or local health authority; provided that the ordinances regulating mobile food dispensers and mobile food preparers are substantially equivalent to this chapter: The applicant shall, in addition to the application, if requested, provide reports including inspection reports and a copy of the business license, and laboratory results from the state or local health authority in the jurisdiction where the food source or commissary is located, indicating compliance with such provisions. If such documentation is not available, approval shall be granted by the Ddepartment of Hbealth, if the Ddepartment determines that applicable health standards are satisfied. The Department of Health may require food to be submitted for laboratory testing.

#### **4-8-050 Notification of food poisoning.**

It shall be the duty of any owner, licensee or person in charge of any food establishment who has knowledge of, and of any physician who attends or prescribes for, and of every superintendent or person in charge of any hospital caring for, any person suffering from or suspected of suffering from food poisoning or infection or any form of such poisoning or infection, whether bacterial or chemical, at once to report this fact to the Department of Health and thereafter to submit to the Department of Health a written report stating the name and address of the person thus afflicted, the nature of the poisoning or infection and the source or probable source of the same.

#### **4-8-064 Rules and regulations.**

a) A licensee shall comply with all of the particular regulatory provisions pertaining to: (i) each activity to be performed under a license issued pursuant to this chapter; and (ii) each food product used in the performance of such activities, including the provisions contained in chapters 7-38, and 7-4CX and 7-42^

b) Sections 760.10 760.1760 of the Retail Food Store Sanitation Rules and Regulations of 1987; Sections 750.10-750.1700 of the Food Service Sanitation Rules and Regulations of 1987; 77 Ill. Adm. Code 775, the Illinois Grade A Pasteurized Milk and Milk Products Rules and Regulation; and 77 Ill. Adm. Code 785, the Illinois Manufactured Dairy Products Rules and Regulations, of the Illinois Department of Public Health, as promulgated and amended from time to time pursuant to 20 ILCS 2305/2 (1994), 410 ILCS 620/21 (1994) and 410 ILCS 635/15 (1994), as amended, are expressly adopted as the rules and regulations of the city, except insofar as they may be modified or rejected by rules regulations promulgated by the board of the Department of Health. The board Commissioner shall promulgate such additional rules and regulations as may be necessary for the proper administration and enforcement of this chapter. The board shall keep on file and available for public examination at least three copies of the current applicable state and city rules and regulations.

(c) At the time of license application, the city clerk shall issue to each applicant a copy of that portion of the Mun

23

#### **4-8-293 Mobile food dispensers vehicle - Additional requirements for selling frozen desserts from commercial motor vehicles.**

In addition to the requirements of Section 4-8-037, every motor vehicle used by a mobile food dispenser or mobile food preparer for the sale, offering or display of frozen desserts shall be equipped with a signal arm. The arm shall be six (6) inches high and eighteen (18) inches long, and shall be affixed to the driver's side of the vehicle, no farther than eighteen (18) inches from the back wall of the vehicle and no lower than three (3) inches from the roof of the vehicle. The arm shall be mounted on a hinge, so as to lie flat against the v

SECTION 3. Chapter 7-38 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### **Article I. All Food Establishments**

#### **7-38-005 Food requirements.**

(a) All food shall be protected from contamination and the elements while being stored, prepared, displayed or sold at a food establishment and during transportation to or between such establishments or vending machine locations, and so shall all food equipment, containers, utensils, food-contact surfaces and devices and vehicles, in accordance with the provisions of this chapter, Chapters 4-8, 7-40 and 7-42 of this Code and the rules and regulations of the board Department of Health.

(b) All foods to be used, prepared, cooked, displayed, sold, served, offered for sale or stored in a food establishment, or during transportation to or between such establishments or vending machine locations shall be from sources approved by the health authorities of the point of origin and must be clean, wholesome, free from spoilage, adulteration, contamination or misbranding and safe for human consumption. The standards for judging wholesomeness for human food shall be those promulgated and amended from time to time by the United States Public Health Service, Food and Drug Administration and published in the Code of Federal Regulations.

X. The only milk or milk products which may be used as food ingredients shall be Grade A milk or milk products as defined in chapter 7-10 from sources approved by the department of health. All milk

and fluid milk products shall be sold in the individual original containers in which they were received from the distributor and shall be stored at a temperature of 40 degrees Fahrenheit or less until sold.

2.-Shellfish, including oysters, clams and mussels, shall be obtained from a source approved by the United States Public Health Service, Food and Drug Administration and certified by the state in which they are produced.

3.-All meats, meat food products, poultry and poultry products used in cooking, offered for sale, sold or prepared shall be from sources inspected and approved by the United States Department of Agriculture or the State of Illinois or the department of health and shall be plainly marked, tagged or stamped to indicate the source, and the inspection and approval.

4.-All ice and bottled or packaged potable water shall be of safe, sanitary quality from a source approved by the department of health and shall be stored in such a manner as to

24

prevent contamination. All bottled or packaged water shall be dispensed from the original container filled at an establishment approved by the department of health. Such water bottles shall not be refilled elsewhere.

-All hermetically sealed foods shall have been processed in approved food-processing establishments. The use, preparation, display, sale or storage of home canned foods is prohibited and no other foods which have been processed in a private home or other than in an approved food-processing establishment shall be stored, used, kept for sale or served in a food establishment or automatic food-vending machine.

-Only clean whole eggs with shell intact and without cracks or checks, or pasteurized liquid or pasteurized dry eggs or egg products, which, if reconstituted, shall be heated to 140 degrees Fahrenheit or above prior to usage, shall be used. Liquid, frozen dry egg products shall be used only for baking or cooking.

7.-All bakery products shall be prepared in a licensed food establishment or in a food-processing establishment approved by the food sanitation authorities of the local point of origin.

-(g)-It shall be unlawful for any person to use, bring, accept or keep in any food establishment or automatic vending machine with the intention of selling or serving, any food which is unwholesome or in any manner unsafe or unfit for human consumption.

-(d)-It shall be unlawful for any person to mislabel any food or disseminate any false advertisement of any food. An advertisement is false if it is false or misleading in any particular. It is unlawful for any person to manufacture, sell, deliver, hold or offer for sale or exchange any food that is falsely advertised or mislabeled.

-(e)-It shall be unlawful for any person to taste before purchase any food products from a sealed or closed container stored or offered for sale within any food establishment, or to open or in any way tamper with any sealed container.

### 7-38-010 Food handler requirements.

All employees who enter food processing areas, who prepare food, serve or handle in any manner unwrapped or unenclosed foods or utensils or receptacles or who handle foods on food-transporting vehicles shall maintain a high degree of personal cleanliness and conform to hygienic practices prescribed in and comply with all of the food handler requirements of the code and in the rules and regulations of the Board of Health. -(b)-No person affected with or carrying any disease in a communicable form, or affected with boils, infected wounds, sores, acute respiratory infection or intestinal disorder shall work in any area of a food establishment in any capacity in which there is a likelihood of that person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons. It shall be unlawful to employ any person known or suspected of being affected with any such disease or condition in such an area or capacity, and if the person in charge of any such food establishment suspects that any employee has contracted any disease in a communicable form or has become a carrier of such a disease, he shall notify the department of health immediately. '

-(c) When suspicion arises as to the probability of transmission of infection from any food establishment employee, the department of health may: require the employee to submit urine or feces or other necessary specimens for examination.

25

### **7-38-011 Food sampling in retail food establishments.**

Samples of food may be offered to persons within a licensed retail food establishment. <sup>7</sup> If time/temperature control for safety food is prepared, held for service, or and served, it shall be under the supervision of a person who holds a Ddepartment of Hbealth food service sanitation certificate of registration in food handling and sanitation. The certificate of registration shall be posted conspicuously in that part of the r

### **7-38-012 Food handling and service sanitation certificates.**

(a) All food establishments shall employ and have present on the premises at all times that potentially hazardous time/temperature control for safety food is being prepared, held for service, or served, a person who holds a Ddepartment of Hbealth food service sanitation certificate of registration in food handling and sanitation. Certification shall be achieved by successfully completing a Ddepartment approved food safety course and monitored examination offered by a Ddepartment approved provider and payment of a \$35.00 \$45.00 certificate fee to the Ddepartment of Hbealth . Each certificate shall expire five years from the date that the individual successfully completes the examination. Every such original and valid food service sanitation certificate of registration shall be posted conspicuously in that part of the retail food establishment to which the public has access. A food service sanitation certificate of registration may be suspended or revoked by the Ddepartment of Hbealth when an establishment under the control of the certificate holder has a record of repeated violations of the Municipal Code of Chicago and this Code or the rules and regulations of the board Ddepartment of Hbealth<sup>7</sup>. provided that a certificate of registration may be revoked by the department of health upon the second suspension of a food establishment's license within a 12-month period if the certificate holder  
(b) When a department of health inspection finds that a food establishment has a critical violation as classified by the board of health pursuant to Section 7-42-030, the department of health may require the certificate holder in charge of the preparation or service of potentially hazardous food at the time of the violation to successfully complete a new food sanitation

shall be completed within 45 days of the finding of such critical violation. When a department of health inspection finds that a food establishment has a serious or minor violation as classified by the board of health, the department of health may require the certificate holder in charge of the preparation or service of potentially hazardous food at the time of the violation to successfully complete a new food sanitation course and examination approved by the department of health. Failure to successfully complete a new food sanitation course and examination required by the department of health pursuant to this subsection shall be grounds for suspension or revocation of a certificate of registration. Nothing in this subsection shall prevent a certificate of registration from being suspended or revoked by the department of health pursuant to subsection (a) of this section.

### **7-38-015 Maintenance of premises.**

Food establishment premises, including outdoor premises, shall be maintained in a clean, safe manner. Adequate facilities within every establishment shall be provided for the storage of employees' personal belongings. The board Commissioner of bHealth shall prescribe regulations rules for the maintenance of food establishments.

### **7-38-020 Control of vermin and insects.**

a) In accordance with this section and the rules and regulations of the board Ddepartment of Hbealth, all necessary control measures shall be used to effectively minimize flying insects, of and eliminate when possible, the presence of rodents, roaches and other vermin and crawling insects on the premises of all food establishments, in food-transporting or mobile food vehicles and vending machines.

b) All garbage and rubbish shall be stored, removed and disposed of as prescribed in this section and the rules and regulations of the beafd Department of hHealth.

c) Every food establishment shall maintain a log containing a written record of the control measures performed by exterminators. The food establishment shall keep the log or other pest control business on the premises of the food establishment or mobile food vehicle of the food establishment and receipts



and reports prepared by the exterminators or other pest control businesses for the control services. The log and shall make the log be open to inspection by the Department of Health, upon request city health and sanitation inspectors. The content of the log shall be prescribed in the rules of the Department of Health.

The outdoor eating areas of all food-dispensing establishments shall be cleaned and hosed down prior to opening or at the close of business each day. At the close of the outdoor eating season, the outdoor eating areas shall be hosed down with a pressurized hose designed for outdoor use.

At least one garbage receptacle with a capacity of 55 gallons and a lid shall be placed at an area accessible to the patrons of any outdoor eating area where the tables are not regularly cleared by waiters, waitresses or other staff. If one such garbage receptacle is not sufficient to accommodate the stream of garbage produced by the outdoor eating area, additional receptacles shall be provided to the extent the stream of garbage requires.

### **7-38-025 Equipment standards.**

All equipment and utensils shall be so designed and of such material and workmanship as to be smooth, easily cleanable, and durable, kept in good repair, and in compliance with the rules and regulations of the Department board of health and shall be in good repair. Food-contact surfaces of such equipment and utensils shall also be easily accessible for cleaning, nontoxic, corrosion resistant, and relatively nonabsorbent. The department of health may approve exceptions to these material requirements for equipment such as cutting boards, blocks and bakers' tables. All equipment and utensils shall be maintained in a sanitary condition in accordance with the rules and regulations of the board of health. No new food-contact equipment may be installed unless the equipment or complete drawings thereof shall have been submitted to the department for approval prior to installation.

### **7-38-030 Compliance with city regulations rules.**

a) The floors, walls and ceilings of all rooms in which food or drink is stored, sold, offered for sale, cooked or prepared, or in which utensils and equipment are washed shall be constructed and maintained in a manner prescribed by the building code of the City of Chicago and the rules and regulations of the board Department of health to ensure protection against contamination.

b) All rooms in which food and drink are prepared or in which utensils are washed, rinsed, and sanitized shall be well-lighted. All food establishments shall have adequate ventilation systems which comply with the applicable requirements of the ventilation and fire prevention codes of the City of Chicago and regulations rules published by of the Department board of health.

27

(c) All food establishments shall have adequate plumbing facilities that comply with all the requirements of the plumbing chapter of the Municipal Code of Chicago and the rules and regulations of the Department board of health.

### **7-38-035 Submittal of plans and drawings.**

No new food establishment shall be constructed nor shall any major alteration or replacement of existing equipment affecting the sanitary requirements of this chapter or the rules and regulations of the Department board of health be permitted unless plans or complete drawings of this construction, alteration or replacement are submitted to the Department of health and approved prior to such remodeling or construction. This requirement does not apply to an architect or structural engineer who has completed the Department of Buildings' self-certification program.

### **7-38-040 Vehicle sanitation requirements.**

(a) Vehicles used by food establishments for the carrying or transportation of foods shall comply with this chapter and the rules of the Department of Health, the following: (a) each vehicle shall be constructed so that the portions of the vehicle which contain food shall be covered so that no dust or dirt will settle on the food; and such portions of the vehicles which are designed to contain food shall be at least 18 inches above the surface of the public way while the vehicle is being used for the conveyance of food;

(2-)each vehicle shall be kept in clean and sanitary condition, and protected from

contamination;

(3) each vehicle shall be kept in good operating-condition and comply with all safety and pollution standards set forth for comparable vehicles by the United States, the State of Illinois and the city;

(4)-refrigeration equipment in such vehicles where required by any federal or state statute or regulation or by this Municipal Code shall conform to all standards for refrigerated vehicles set forth by the United States, the State of Illinois and the City of Chicago;

(5) the name and address of the licensee shall appear plainly, distinctly and legibly in letters and figures at least two inches in height in a conspicuous place on the outside of each side of every such vehicle;

(6) the food storage areas of each vehicle shall be kept free from rats, mice, flies and other insects and vermin. No domestic animal, birds or fowl shall be permitted in any area where food is stored; and

(7)-hazardous non-food items such as detergents, insecticides, rodenticides, plants, paint and paint products that are poisonous or toxic in nature shall not be stored in the food area of the vehicle.

-(b)-In addition to the requirements contained in paragraph (a) of this section, every vehicle used by a wholesale food establishment in the conduct of said business shall comply with the following requirements:

(1)-while being stored during transportation by the wholesale food establishment all food shall be protected from contamination; all potentially hazardous food shall be stored at 40 degrees Fahrenheit or less; and all frozen food shall be stored at zero degrees Fahrenheit or

(2)-all areas on wholesale food establishment vehicles used for the storage of potentially hazardous foods shall be provided with an indicating thermometer having a temperature range adaptable to the required facility, and accurate to plus-minus three degrees Fahrenheit located on the warmest part of the area;

(3)-all ~~unwrapped~~ or ~~unenclosed~~ foods on the vehicle that are not shell ~~eg, dust, dirt and flies.~~ A

28

complete enclosure in a box, carton, wrapper or package of a similar character shall be considered adequate protection for all food required to be protected. The original box, crate or container, and the usual cover for such containers, left in place and intact, shall be considered adequate protection for fruits and vegetables sold or offered for sale in such original containers;

anH

(4)-packaged food or drink shall not be stored in contact with undrained ice.

### **7-38-060 Hospitals, day nurseries, day care centers and nursing homes.**

The dispensing or serving of food in a hospital, day nursery, day care center, or nursing home shall comply with the food handling provisions and sanitary requirements of the Municipal Code of Chicago and regulations of the board of health relating to food establishments and shall be subject to inspection as therein required.

### **7-38-065 Alcoholic liquor sales - Health and sanitary requirements.**

Every person licensed under Section 4-60-100 of the Municipal Code of Chicago who shall sell any alcoholic liquor for consumption on the premises of such licensee, shall keep and maintain the licensed premises equipped with hot and cold water and adequate washing and sanitizing facilities for the cleaning of glasses and service utensils,, and shall provide adequate toilet facilities for each sex, and shall comply with the health and sanitary requirements of the Municipal Code of Chicago and the rules and regulations of the Department board of Hhealth. relating to food-dispensing establishments.

### **7-38-070 Food sanitarians.**

Any food sanitarian employed by the City of Chicago shall be empowered to enforce applicable provisions of this chapter, chapters 4-8, chapter 7-40<sub>A</sub> and chapter 7-42, and the rules and regulations of the Department of Health. The mayor may designate one or more departments to supervise the activities of food sanitarians.

## Article II. Mobile Food Vendors Part A. General Provisions

### 7-38-075 Mobile food vendor vehicles.

- (a) ~~In addition to the applicable requirements contained in subsection (a) of Section 7-38-040,~~ Every vehicle used by a mobile food vendor in the conduct of such business shall comply with the rules of the Department of Health and the following requirements:
- 1) the interior floor, walls and ceiling of each vehicle shall be of smooth, not readily corrodible, impervious material capable of withstanding repeated washing and scrubbing and shall be finished in a light color;
  - 2) the vehicle shall not be used for any purpose other than a mobile food vendor business; and
  - 3) all food service equipment utilized by the mobile food vendor shall be of easily cleanable construction and shall be maintained in good repair and a clean condition.
- b) Each mobile food vehicle shall be enclosed with top and sides.
- c) Each mobile food vehicle shall be registered as a commercial vehicle and any person who operates such vehicle must have a valid driver's license issued by the state of Illinois or another state, district or territory of the United States.
- d) Each mobile food vehicle shall be inspected and maintained by a licensed professional, including mechanics and, if applicable, by professionals who install and maintain fire prevention equipment, and propane tanks on mobile food vehicles, as often as necessary but not less than every ninety (90) calendar days, and copies of the last four maintenance reports must be kept in the vehicle at all times while the vehicle is in use.

### 29

- .(e) There shall be no more than 40 pounds of propane in a mobile food vehicle.
- (f) Prior to the construction, remodeling, purchase or use of any mobile food truck or the addition of any new equipment for the storage or preparation of food in a mobile food vehicle, plans for such vehicle must be submitted to the Ddepartment of Hbealth, and, if the mobile food vehicle uses propane, natural gas, or has a fire suppression hood, the Ffire Ddepartment for approval.

### 7-38-090 Refrigeration and heating equipment.

All mobile food vendor vehicles shall have adequate mechanical or other refrigeration equipment as approved by the Ddepartment of Hbealth, and such equipment shall be capable of maintaining time/temperature control for safety food in accordance with the rules of the Department of Health, food or drink at a temperature of -10 degrees Fahrenheit or less, if any food or drink is required to be kept cold.

All mobile food vendor vehicles shall have adequate mechanical or other heating equipment as approved by the Ddepartment of Hbealth, and such equipment shall be capable of maintaining time/temperature control for safety food in accordance with the rules of the Department of Health, food or drink at a temperature of 140 degrees Fahrenheit or more, if any food or drink is required to be kept hot, or capable of heating food or drink to a temperature of 165 degrees Fahrenheit or more, if any food or drink is required to be heated. All mechanical refrigeration and heating equipment shall be equipped with a thermometer.

### 7-38-095 Milk and milk products.

A mobile food vendor shall serve all milk and milk products only in the individual containers or approved dispensers in which the product was filled in a Grade A milk plant.

### 7-38-100 Single-service food utensils.

A mobile food vendor shall use only single-service food utensils. All single-service food utensils such as cups, straws, knives, forks, spoons and stirrers shall be individually wrapped, kept in a clean place, properly handled and shall be used only once. All cups and containers for bulk drinks shall be stored in closed cartons and served from dispensers which protect

### 7-38-105 Information required on wrapper^

-All pre-packaged food must be individually wrapped and must comply with the labeling requirements provided in 21 CFR Part 101, as amended.

No person shall keep or offer for sale individual portions of perishable food products which have been rewrapped or repackaged or portions of which the identifying date on the wrapper has been altered, disfigured or changed in any manner.

#### **7-38-110 Storage provisions.**

A mobile food vendor shall store all perishable food products as provided in this chapter or as provided by the rules and regulations established by the board of health until served to the customer.

*7-38-115 Operational requirements. I*

*(Omitted text is not affected by this ordinance)*

(i) Any person who violates or resists the enforcement of subsection (c-5) of this section shall be fined as provided in section 7-38-128 of this Code for each violation. A separate and distinct offense shall be deemed to have been committed for each and every day

30

on which any person shall be guilty of such violation; provided that, the intervening days between when a license holder whose license has been suspended applies for restoration of the license and a reinspection has been conducted by the Department of Health shall not constitute separate offenses if the violation was found to be corrected upon reinspection. A motor vehicle that is used in a second or subsequent violation of subsection (c-5) of this section shall be subject to seizure and impoundment under this subsection (i). The owner of record of such vehicle shall be liable to the city for an administrative penalty of \$750.00 in addition to fees for towing and storage of the vehicle. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this subsection, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code. The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section. A violation of any provision of this section other than subsection (c-5) shall be punishable under Section 7-38-575.

*(Omitted text is not affected by this ordinance)*

#### **7-38-117 Mobile food vehicle stands program.**

- a) A mobile food vehicle stands program ("program") is hereby created as provided in this section.
- b) The following definitions shall apply for purposes of this section:
  - 1) "Commissioner" means the city's Commissioner of Transportation.
  - 2) "Block" means both sides of the part of a street that lies between two intersecting streets, as the term "street" is defined in section 9-4-010 of this Code.
  - 3) "Stand" means a mobile, food vehicle stand established by the commissioner pursuant to this section.
- c) The Commissioner is authorized, subject to the approval of the City Council, to establish stands where mobile food vehicles may be operated at all times or during certain specified periods, if, after consulting with the alderman of the ward in which a proposed stand will be located and the Department of Police, the Commissioner determines that establishing such a stand: (1) will not create undue safety hazards in the use of the street by vehicular or pedestrian traffic; (2) will not impede the safe and efficient flow of traffic upon the street on which the mobile food vehicle stand is proposed; and (3) will provide benefit and convenience to the public. After engaging in the above consultations and posting appropriate signs, the Commissioner may amend the time of operation of mobile food vehicles at a mobile food stand. A minimum of 5 such stands shall be established in each community area, as such areas are designated in section 1-14-010 of this Code, that has 300 or more retail food establishments.

d) The Ceommissioner shall designate mobile food vehicle stands by appropriate signs or curb markings or both. It shall be unlawful to stand or park a vehicle, other than mobile food vehicles, in violation of signs posted, in any mobile food vehicle stands that the Ceommissioner has designated by appropriate signs or markings; provided, however, that this provision shall not apply to a vehicle engaged in the expeditious loading or unloading of passengers when such standing does not interfere with a mobile food vehicle waiting to enter or about to enter into such a stand.

e) Notwithstanding any other provision of this Code, in a block where a mobile food stand is established pursuant to this section, no person shall operate a mobile food vehicle from any other place on the public way in such block face except from the designated mobile food stand

31

f) Operators of mobile food vehicles that operate from a mobile food stand shall be subject to the provisions of this section and all applicable requirements of this chapter, including section 7-38-115(b)(i) except for the requirement in section 7-38-115(f).

g) The Ceommissioner and the Ceommissioner of Bbusiness Aaffairs and Ceonsumer Pprotection shall have power to adopt rules as may be necessary or useful for the proper administration and enforcement of this program, including rules pertaining to the operation of mobile food vehicles from a designated mobile food stand.

h) The Ceommissioner and the Ceommissioner of Bbusiness Aaffairs and Ceonsumer Pprotection shall evaluate the effectiveness of the program and may recommend changes as may be adopted by ordinance.

(i) The Ceommissioner of Transportation is authorized to establish a mobile food vehicle stand within the side of the block where each of the following addresses is located:

*(Omitted text is not affected by this ordinance)*

#### **7-38-120 Name and license number.**

Every mobile food vendor shall have the business name and license number legibly painted affixed in letters and figures at least two inches in height in a conspicuous place on each lateral side of such vendor's mobile vehicle.

#### **7-38-124 Refuse receptacles.**

The operator of a mobile food vendor vehicle shall maintain a suitable, tight, non-absorbent washable receptacle for refuse. The operator shall ~~<http://shall>~~ .be ~~<http://be>~~ responsible for sanitation of the environs of the place of operation, if applicable, including the mobile food vehicle stand area used by the operator. Said refuse receptacle shall be adjacent to, but not an integral part of, the mobile food vendor vehicle. The operator of a mobile food vendor vehicle shall dispose refuse collected from the mobile food vendor vehicle and the environs of the place of operation at a commissary approved by the Ddepartment of Hhealth.

#### **7-38-126 Inspections.**

Mobile food vendors shall make their vehicles available for inspection at the commissary approved or at a location determined by the Ddepartment of Hhealth on a schedule determined pursuant to rules and regulations adopted by of the board Department of Hhealth.

Nothing provided in this section shall be construed to prohibit the Ddepartment of Hhealth from conducting periodic inspection of mobile food vendor vehicles as provided in this Code.

#### **7-38-128 Enforcement.**

a) Except as otherwise provided in this chapter, the Commissioner ~~board~~ of Hhealth shall have authority to ~~enact~~ adopt rules and regulations for the effective implementation of Article II of this Chapter, including regulations pertaining to construction and size requirements for mobile food vehicles, and, with input from the Ffire Ddepartment, regulations pertaining to the installation, use, safety, and maintenance of propane tanks and natural gas apparatus in a mobile food vehicle.

b) Except as otherwise specified in this chapter, any person who violates Article II of this Chapter

shall be fined as provided in Section ~~7-38-575~~ 7-42-090 of this Code.

c) In addition to any other city department that has enforcement authority, the Department of Business Affairs and Consumer Protection and the Department of Transportation shall have authority to enforce sections 7-38-115 and 7-38-117 of this Chapter.

32

(d) Any person who violates sections 7-38-115 and 7-38-117 of this chapter shall be fined not less than \$1,000.00 and not more than \$2,000.00 for each offense. Each day that the violation occurs shall be considered a separate and distinct offense.

## **Part B. Mobile Food Dispensers**

### **7-38-130 Preparation and service of food and drink.**

(a) No food shall be sold or served by a mobile food dispenser, except the following:

1) Individual portions of food that are totally enclosed in a wrapper or container and which have been manufactured, prepared or wrapped in a food establishment licensed by the city or a food establishment which is operating under the state or local health authority if the statute or ordinance regulating such food establishment is substantially equivalent to this chapter. Such food may undergo a final preparation step immediately prior to service to a consumer, provided such final preparation steps conform with the rules and regulations of the Department of Health.

2) Coffee which is prepared in a duly licensed retail food establishment, refrigerated cream which is kept in a covered single-service container or an approved cream dispenser, and sugar which is served only in wrapped individual packages or in a covered closed pouring-spout type container, or in any other manner approved by the Department of Health, which is effective in preventing contamination;

3) Other bulk soft drinks or beverages which are dispensed from an approved dispenser only. These approved bulk soft drink dispensers shall be serviced and filled only at a duly licensed retail food establishment which serves as a commissary for the mobile food dispenser. The drink outlet on all bulk liquid dispensers shall be protected from flies, dust and contamination;

4) Individual portions of ice cream, ice milk, frozen dessert mix, sundaes or other frozen desserts that are totally enclosed in a wrapper or container and which have been manufactured, prepared or wrapped in a licensed food establishment; and

5) Whole and uncooked fruits or vegetables.

(b) No mobile food dispenser licensee shall operate as a mobile food preparer without complying with all the requirements to operate as a mobile food preparer.

### **7-38-132 Sinks, water storage tanks and other plumbing requirements.**

All mobile food dispenser vehicles that engage in a final preparation step as defined in the rules of the Department of Health shall be equipped with a handwashing sink and an adequate supply of running hot and cold water. The water storage tank shall be self-draining and cleaned and flushed not less than twice in each six-month period. Liquid waste from the handwashing sink shall be piped in fixed piping to a liquid waste retention tank 50 percent larger than the water storage tank. The liquid waste retention tank shall be located in a separate area from food storage or food-contact surfaces. The connection between the piping from the sink and the liquid waste retention container shall be tight-fitting and comply with the plumbing sections of this Code. The liquid waste retention tank shall be emptied daily or more often if necessary, and only into a sanitary drainage facility in a manner and place approved by the Department of Health.

Liquid waste shall not be discharged from the retention tank when the mobile food vehicle is in motion.

## **Part C. Mobile Food Preparers 7-38-134 Mobile**

### **food preparers - Operational requirements.**

33

a) Any food sold or served by a mobile food preparer shall be prepared or wrapped in the mobile food vehicle or a-eef in a duly licensed retail food establishment.

b) All ~~perishable~~ time/temperature control for safety food products shall be stored as provided in this chapter and rules and ~~regulations adopted by~~ of the ~~board~~ Department of Hbealth until served to a customer. No food that is sold or served from a mobile food preparer's vehicle shall be stored or prepared in a residential home.

c) During transportation and storage, food equipment, supplies and food contact surfaces shall be protected from contamination.

d) Mobile food preparers shall list the food ~~purveyor~~ establishments from where they purchase articles of food on a daily basis. Mobile food preparers shall also keep in the vehicle copies of invoices from the foods' point of origin for thirty (30) calendar days for all food items except that invoices for shellfish must be kept for ninety (90) calendar days.

e) Mobile food preparers shall also comply with the rules of the Department of Health and the following food and equipment handling requirements:

1) no food shall be stored, displayed, or served from any place other than the mobile food vehicle. The use of tables, benches, and other such devices to display or serve food is prohibited;

2) food condiments shall be protected from contamination. Food condiments provided for customer self-service shall be prepackaged or contained in approved dispensing devices;

3) food products remaining after each day's operation shall be stored only in a licensed food establishment. Potentially hazardous Time/temperature control for safety foods held at or above the temperature prescribed in the rules of the Department of Health at or above 140 degrees Fahrenheit on a mobile food vehicle shall be discarded at the end of the day;

~~(4) -utensils and equipment shall be handled and stored so as to be protected from contamination. Single service utensils shall be obtained from sanitary containers or approved sanitary dispensers, stored in a clean, dry place until used, handled in a sanitary manner, and used only once;~~

~~(5) wiping cloths must be stored in a clean solution containing 100 parts per million of available chlorine as a hypochlorite. Other approved sanitizing compounds at appropriate concentrations may be used. A testing strips kit shall be provided to check the concentration of the sanitizing solution;~~

~~{§} (4) customer self-service of unpackaged foods is prohibited; and~~

~~(7-) thermometers shall be provided for all warming units and refrigeration units. A probe-type thermometer shall also be available for use on a mobile food vehicle that handles potentially hazardous foods;~~

~~(8)-all potentially hazardous foods shall be maintained at or below 40 degrees Fahrenheit or at or above 140 degrees Fahrenheit at all times; and~~

~~{©} (5) all mobile food trucks must have a person present who is a City of Chicago certified food service manager present when food is being prepared or served. All other employees who handle food or food equipment shall have food handler training as required by the State of Illinois.~~

f) The Commissioner ~~board~~ of Hbealth shall have authority to provide by rules and regulations additional sanitation requirements and procedures for the operation of mobile food ~~trucks~~ preparers.

### 7-38-136 Mobile food trucks.

(a) All mobile food trucks shall be equipped with a handwashing sink and a three-compartment sink with a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and

34

sanitizing, and handwashing in accordance with the requirements of the Ddepartment of Hbealth. The water storage tank shall be self-draining and cleaned and flushed once every 24 hours. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease and it shall be kept capped unless being filled. The water inlet shall be provided with a transition connection of a size or type that

will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of the plumbing sections of this Code.

(b) A mobile food truck shall be equipped with a permanently installed liquid waste retention tank that is of at least 50 percent larger capacity than the water supply tank. Liquid waste shall be piped in a fixed piping to the liquid waste retention tank. Additionally, all connections on the vehicle for servicing shall be of different size or type than those used for supplying potable water. Liquid waste shall not be discharged from the retention tank when the mobile food vehicle is in motion. The connection between the piping from the sink and the liquid waste tank shall be tight-fitting and comply with the plumbing sections of this Code. The liquid waste tank shall be emptied daily or more often if necessary, and only into a sanitary drainage facility in a manner and place approved by the Ddepartment of Hhealth. The liquid waste retention tank shall be located in a separate area from food storage or food-contact surfaces. The liquid waste retention tank connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.

#### **7-38-138 Servicing a mobile food truck.**

a) The commissary linked to a mobile food preparer must have a servicing area approved by the Ddepartment of Hhealth. The servicing area shall comply with the following requirements:

1) the servicing area shall include at least an overhead protection for any supplying, cleaning, or servicing operation. The servicing area must have a location for the flushing and drainage of liquid waste which is separate from the location for water servicing and for the loading and unloading of food and related supplies;

2) the surface of the servicing area shall be a smooth non-absorbent material, such as concrete or machine-lad asphalt and shall be maintained in good repair, kept clean, and graded to drain.

b) The mobile food truck's liquid waste retention tank must be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewage disposal.

c) The mobile food truck's grease, where used, shall be drained into a storage bin approved by the Ddepartment of Hhealth. No grease shall be discharged to the sanitary sewage disposal.

d) Garbage disposals shall be installed in compliance with the plumbing sections of this Code.

e) A commissary must keep a log of all mobile food trucks serviced by the commissary as well as the date and time the trucks were serviced.

f) Mobile food trucks must report to a commissary at least once per day for servicing.

### **Part D. Mobile Desserts Vendors**

#### **7-38-140 Mobile desserts vendor.**

Except as otherwise provided in this section, a mobile desserts vendor shall comply with all applicable requirements of this Code, including the requirements set forth in Article II, Parts A and B of this Chapter, and the rules and regulations of the Ddepartment of Hhealth pertaining to mobile units handling frozen desserts. A mobile desserts vendor is not required to comply with the following requirements:

35

- 1) the hot food storage and heating appliance requirements set forth in Section 7-38-090;
- 2) the sinks, water storage tanks and plumbing requirements set forth in Section 7-38-132;
- 3) the refuse receptacle requirements set forth in Section 7-38-124;
- 4) the mobile food vehicle requirement set forth in 7-38-075(b); and
- 5) the additional vehicle requirements set forth in Section 4-8-293.

### **Part E. Produce Merchants**

#### **7-38-142 Produce merchants - Operational requirements - Unlawful acts.**

It shall be unlawful for any produce merchant to engage in any of the following activities at any produce stand operated by such produce merchant:

- 1) To equip such produce stand with an electronic sound-amplifying device;
- 2) Unless specifically allowed by the Ceommissioner of Bbusiness Aaffairs and Ceonsumer



Protection pursuant to objective criteria adopted by rule, to make sales from such produce stand between the hours of 10:00 P.M. and 6:00 A.M.;

3) To fail to comply with any applicable rules and regulations, including, but not limited to, any rules and regulations governing the physical characteristics, size, appearance or signage of a produce stand;

4) To conduct business activities at such produce stand in a manner that impedes the flow of vehicular or pedestrian traffic;

5) To use a portable generator at such produce stand or to connect such produce stand to water, electrical or utility services of any type;

6) To dump or dispose of water or waste onto the public way, private or public property;

7) To obstruct or block any sidewalk, driveway, public way, parking zone, loading zone or drop-off zone at or in connection with the operation of such produce stand;

8) To sell any items at such produce stand other than: (i) produce, or (ii) beverages meeting the definition of "prepackaged and non-perishable food" in Section 4-8-010. Any such beverages sold shall not contain more than 1 gram of added sugars per serving as the term "added sugars" is defined by the U.S. Food and Drug Administration at 21 CFR Section 101.9(c)(6)(iii);

9) To combine any activity authorized under a mobile food vendor license to engage in a produce merchant business with any activity for which a different or separate license or permit is required under this Code, other than a public way use permit issued under Chapter 10-28 of this Code, including, but not limited to, any permit required in connection with participation in any farmers' market, as defined in Section 4-12-010, or any outdoor special event, as defined in Section 10-8-335;

10) To display produce items at such produce stand on the ground or in any area other than the designated produce stand;

11) To fail to affix and display in a conspicuous location at such produce stand a copy of a valid mobile food vendor license to engage in a produce merchant business, and, if the produce stand is on the public way, a valid public way use permit issued by the Department of Business Affairs and Consumer Protection;

12) To use or to cause to be used any open fire or flame at such produce stand, including, but not limited to, any candle, open-flame heating device, open-flame illuminating device, torch or similar object;

13) To allow such produce stand to touch, lean against or be affixed to any building, structure, vehicle or other fixture;

14) To fail to keep the area within 20 feet of such produce stand free of trash;

15) To fail to keep on the licensee's person, at all times when such produce display stand is being set up, operated or disassembled, proof that the owner of the property on which

36

such produce display stand is located has given the licensee written permission to erect and operate such produce display stand at that specific location at that specific time, or that the licensee has been issued a public way use permit for the operation of a produce stand at that specific location;

16) To exceed the scope of any written permission given to the licensee by the owner concerning the operation of such produce stand on the owner's property, or the scope of any public way use permit;

17) To operate a produce stand directly in front of or immediately adjacent to any fixed business engaged in the business of selling the same produce as sold at the produce stand, or to operate a produce stand within 200 feet of another produce stand.

### **7-38-146 Designating areas underserved by grocery stores.**

The Commissioner of Planning and Development shall (1) identify areas underserved by grocery stores using data gathered by the Department of Planning and Development, the Department of Health, the Department of Business Affairs and Consumer Protection and other appropriate city departments: (2) post and maintain on the city's website a current list or map of such areas, along with a summary statement of the data supporting the designation of such area as an area that lacks adequate access to fresh and healthy food; and (3) promptly notify the Commissioner of Business Affairs and Consumer Protection in writing of any change to such list or map.

## Part F. Mobile Prepared Food Vendors

### 7-38-148 Mobile prepared food vendor.

*Except as otherwise provided in this section, a mobile prepared food vendor shall comply with all applicable requirements of this Code, including the requirements set forth in Article II, Parts A and B of this chapter, and the rules and regulations of the Department of Health pertaining to mobile units handling food. A mobile prepared food vendor is not required to comply with the following requirements: >*

- 1) the additional vehicle requirements set forth in Section 4-8-293;
- 2) the mobile food vehicle requirement set forth in 7-38-075 (b), (c), (d), (e) and (f);
- 3) the mobile food vehicle operational requirements in 7-38-115;
- 4) the mobile food vehicle stands program in Section 7-38-117; and
- 5) the sinks, water storage tanks and plumbing requirements set forth in Section 7-38-

132.

## Article III. Automatic Food - Vending Machines

### 7-38-150 Vending machines - Food manufacture, delivery and storage.

All food offered for sale through vending machines shall be manufactured, processed, prepared in and delivered from commissaries or establishments which comply with the health and sanitation requirements for food service establishments set forth in this Code and in the rules and regulations of the Department board of Health. All single-service containers, food and-food-contact surface transit to vending machine locations.

*All food and food-contact surfaces shall be transported and stored in a sanitary manner.*

*readily-perishable food products, including*

### 7-38-155 Marking of food product wrappers<sup>^</sup>

*All individual wrapped portions of*

*similar portions, shall be plainly*

37

wrapper or container in such a manner as to plainly identify the day and the month on which such individual portion was prepared and wrapped in an establishment approved by the department of health as hereinbefore provided. The name and address of the person processing or manufacturing or wrapping portions of potentially hazardous food products shall appear on each individual portion. No person shall keep or offer for sale individual portions of potentially hazardous food products which have been rewrapped or repackaged or portions of which the identifying date on the wrapper has been altered, disfigured or changed in any manner.

### 7-38-160 Dried milk products and nondairy coffee whiteners.

Dried milk products may be reconstituted automatically within the vending machine only when used as a whitener for coffee or tea; provided, that the mixing chambers or bowls and food-contact surfaces downstream from such mixing units are maintained at safe temperatures and further provided that the product is reconstituted for immediate dispensing in individual unit servings. Where nondairy coffee whiteners or imitation milk products are used or served, a statement to that effect shall be displayed on the vending machine.

7-38-165 Sanitary requirements-Vending machine canisters and food-contact surfaces-Vending machine canisters and all other food contact surfaces used for the transfer of milk products or other readily perishable food products shall be effectively cleaned and sanitized at approved, fixed facilities at the commissary by methods approved by the health authority. After sanitization, the canister and other food contact surfaces shall be fully wrapped in a single service bag or cover which shall not be opened until the canister or other unit is installed in the refrigerated compartment of the vending machine. Canisters and other readily perishable food-contact surfaces shall be so designed and constructed that the handling of product contact surfaces at the machine located is unnecessary, and such surfaces shall not be handled during unit installation, tube insertion or product transfer.

All multi use containers or parts of vending machine which came in direct contact with readily perishable food, except bulk milk vending machines, shall be removed from the machine daily and shall be thoroughly cleaned and effectively sanitized at the commissary or other approved facility.

**7-38-175 Sanitary requirements-Nonreadily perishable food-contact surfaces.**

All parts of vending machines which come into direct contact with other than readily perishable food shall be thoroughly cleaned by approved methods. The frequency of such cleaning shall be established by the health department.

**7-38-180 Vending machine area maintenance.**

Each vending machine shall be located in a room, area or space which can be maintained in a clean condition and which is protected from overhead leakage or condensation from water, waste or sewer-piping. The immediate area in which the machine is located shall be well-lighted. Each vending machine shall be so located that the space around and under the machine can be easily cleaned and maintained, and so that insect and rodent harborage is not created. The board of health shall publish such regulations as are necessary to ensure the sanitary maintenance of the vending machine area.

38

**7-38-185 Vending machine construction, design and maintenance.**

The vending machine shall be of sturdy construction and the exterior shall be designed, fabricated, finished and maintained so as to facilitate its being kept clean, and to minimize the entrance of insects and rodents. The exterior of the machine shall be kept clean. The board of health shall publish regulations concerning the construction, design and maintenance of the vending machine.

**7-38-190 Water supply and plumbing requirements.**

All water used in vending machines shall be supplied under pressure properly connected to the city water supply. All plumbing connections and fittings shall be installed in accordance with the requirements of that portion of the Municipal Code relating to water supply and distribution.

All vending machines which are connected to the city water supply shall comply with the requirements of that portion of the Municipal Code relating to water supply and distribution.

In all vending machines which are connected to the city water supply system, where the ingredient water is used, before any vending machine can be connected to the city water supply, the owner of the machine shall obtain a permit from the health department.

**7-38-195 Trash and waste disposal-**All trash and other waste material shall be removed from the machine location as frequently as may be necessary to prevent nuisance and unsightliness, and shall be disposed of in an approved manner.

Self-closing, leakproof, easily cleanable, plainly labeled and designated metal waste container or containers shall be provided in the vicinity of each machine or machines to receive used cups, cartons, wrappers, etc.

Containers shall be provided within all machines dispensing liquid food in bulk for the collection of drip, spillage, overflow or other internal wastes. An automatic shutoff device shall be provided which will place the valve in the closed position when the container is full.

1000 1000 TO  
1000 1000 TO

**7-38-200 Refrigeration requirements-**Prior to being loaded in the delivery vehicle and during transit, potentially hazardous food shall be maintained at a temperature of 40 degrees Fahrenheit or below, or 140 degrees Fahrenheit or above.

Fnh  
1 cini

39

stored at machine locations, the applicable safe temperature shall be maintained during storage.

**7-38-205 Employoos-Personal hygiene.**

Employees shall conform to hygienic practices by washing their hands immediately prior to engaging in any vending machine servicing operation which may bring them into contact with food, or with food contact surfaces of utensils, containers or equipment. While engaged in such servicing operations, employees shall maintain a high degree of cleanliness, and comply with the rules and regulations and shall wear clean outer garments and shall not use tobacco in any form.  
vending machine is dispensing

**7-38-210 Vending machines-Out-of-service procedure.**

When suspicion arises that a food or beverage adulterated, contaminated or unwholesome food or drink, or is infested with vermin, the owner, operator, employee or the health authority shall cause it to be placed out of service until provisions satisfactory to the department of health have been made to cure the problem.

**7-38-214 Water-vending machines - Equipment and maintenance.**

a) Responsibility for ensuring compliance with the requirements of this section shall be placed both on the owner of the machine and the operator of the retail food establishment where a water-vending machine is located.

b) No water-vending machine shall be installed, used or maintained, or permitted to be installed, used or maintained, unless inspected and approved by the Departments of Health and Water Management.

c) The source of water to a vending machine shall be obtained from the Chicago waterworks system.

d) A backflow device which has been approved by the department of water management shall be installed in the water supply pipe between the vending machine and the source of water.

e) The water dispensing spigot in each vending machine shall be protected from contamination and from contact with the receiving container.

f) An air gap shall be provided between the water dispensing spout and the water container which is at least equal to four times the diameter of the water dispensing supply pipe.

g) All water-vending machines shall be kept in an area which is free of dirt and debris

h) Any overflow or discharge of the water from the vending machine shall be indirectly connected to a sewer or to waste in accordance with the Chicago Plumbing Code (section 13-168-900(1) of the Municipal Code).

(i) All water-vending machines shall have displayed in a conspicuous place on the appliance a statement that the owner of the machine and the operator of the retail food establishment where the machine is located are responsible for the quality of the product. At the time of purchase, literature that has been reviewed and approved by the department of health shall be made available to the consumer which describes the contents of the product, the

(j) The treated water dispensed by the vending machine shall be tested semi-annually by a state certified laboratory. The semi-annual tests shall, at a minimum, include tests for coliform, heterotrophic plate counts, and nitrates. Additional tests may be required if initial test results are unacceptable.

(k) The owner of the water vending machine shall provide the department of health with

an annual written report on maintenance procedures, including, but not limited to: (4) Records of replacement of carbon prefilters and

40

(2) Records of bi-weekly cleaning and inspection of filter housing;

3) Records of dispenser nozzle maintenance to prevent observable leakage;

4) Records of UV light replacement and cleaning; (5) Records of the use of food-grade lubricants; and

(6) Records of an annual backflow preventer inspection.

### **7-38-216 Water-vending machines-Water containers.**

~~-(a)-The operator of the retail food establishment where a water-vending machine is located may provide single service water containers which shall be sterilized prior to use.~~

~~(b) The department of health may authorize the use of pre-approved reusable water containers and set forth regulations for their use.~~

### **7-38-218 Water-vending machines-Rules and regulations.**

~~The board of health and the commissioner of the department of water management shall be authorized to promulgate rules and regulations as may be necessary for the proper administration and enforcement of the provisions of this Code pertaining to water-vending machines.~~

## **Article IV. Coffee Cart Vendors**

### **7-38-220 Coffee carts - Required features.**

~~Every coffee cart used by a coffee cart vendor in the conduct of said business shall have the following features: comply with the rules and regulations of the Department of Health. -(a)-an electrical system of sufficient capacity to maintain safe operation of the refrigeration and water heating units required under this section;~~

~~(b) a self-contained refrigeration unit, capable of maintaining a temperature of 40 degrees Fahrenheit or lower; -(c)-a water heater capable of maintaining a temperature of 145 degrees Fahrenheit; -(&)-a retractable sink, dispensing hot and cold running water, for the personal use of the operator of the cart;~~

~~-(e)-a hot water storage tank of sufficient capacity to allow proper use of the retractable sink; -(f)-a removable tank to receive and securely hold wastewater from the retractable sink; -(g)-exterior surfaces of the cart and all interior surfaces of the refrigeration unit, water heater, sink and wastewater tank shall be constructed of durable, waterproof and scrubbable materials; -(b)-such additional features related to the safe dispensing of coffee and flavorings as the department of health may require.~~

### **7-38-225 Coffee flavorings.**

~~Dairy products used as coffee flavorings shall be kept refrigerated in covered single service containers or approved dispensers. Other coffee flavorings shall be served in wrapped individual packages or in a covered closed pouring spout type container, or in any other manner approved by the department of health, which is effective in preventing contamination by the customer.~~

### **7-38-230 Hot water storage tank and wastewater tank**

~~The hot water storage tank of each coffee cart shall be self-draining and cleaned and flushed not less than twice in each six month-period. The wastewater tank or container shall be emptied daily or more often if necessary, and only into a sanitary drainage facility in a manner and place approved by the department of health.~~

## **41**

~~No person shall sell, offer for sale or serve any food product other than coffee, coffee flavorings, coffee or juice-based beverages and pastry baked goods from a coffee cart.~~

~~O WCity p/V Sr L m L m 7~~

~~No person shall operate a coffee cart on the public way.~~

ARTIM F

### **7-38-460 Reports.**

~~Every person engaged in the business of cold storage warehouseman, or in the business of refrigeration, or in any business in which articles of food as defined herein are kept in cold storage for any purpose whatsoever, shall submit reports to the department of health upon printed forms to be provided by the department, setting~~

ng forth in itemized particulars the quantity of each and every foodstuff in storage or in the control of said person; such reports shall be filed on or before the 25th day of January, May and September of each year, and re

**7-38-465 Receiving and delivery requirements.**

It shall be unlawful for any person engaged in the business of cold storage warehouseman or in the business of refrigeration, or in any business in which articles of food as defined herein are kept in cold storage for any purpose whatsoever, to receive any kind of food for cold storage unless the said food is in a pure and wholesome condition, and the food or package containing same is branded, stamped or marked in some conspicuous place with the day, month and year when the same is received in storage or refrigeration, or to permit any such article of food in his possession to be taken from him without first having plainly printed, branded, stamped, marked or written in a conspicuous place upon each and every such article, parcel or package containing the same, the day, month and year when said foodstuff, article or package was removed from cold storage or refrigeration, as well as the day, month and year when same was received in cold storage or refrigeration.

**7-38-470 Storage time limit.**

It shall be unlawful for any person engaged in the business of cold storage warehouseman or refrigeration, or in any business in which articles of food are kept in cold storage for any purpose whatsoever, to keep in storage, for preservation or otherwise, any kind of food or any article or articles used for food a period longer than 12 calendar months.

~~7-38-475 Time limit extension-Report-It shall be unlawful for any person to sell, offer for sale, or give away within the city any food which has been kept in cold storage for a period of time longer than that provided for herein except with the consent of the department of health as hereinafter provided.~~

The department of health may, upon application or upon making the inspection herein provided for, extend the period of storage beyond the time herein prescribed, for any particular lot of goods, if the goods in question are found upon inspection and examination by the department of health to be in proper condition for food, such extension to be until such time not

~~such extension is made. The length of time that such further storage may be allowed shall be specified in the order granting such extension. A report on each case in which such extension of time is granted, including all information~~

42

for which the storage period was extended, and the length of time for which the extension was granted, shall be included in a monthly report of the department of health to the mayor.

**7-38-480 Transfer restrictions.**

The transfer of any food from one cold storage establishment to another for the purpose of

**7-38-485 Return to cold storage restricted.**

When food has been in cold storage or refrigeration and is released therefrom for the purpose of placing the same on the market for sale, or for any other purpose, it shall be unlawful to again place such food in cold storage refrigeration unless said food remains in its original package and is not removed from the premises.

**Article V4V. Slaughtering, Rendering and Packing Establishments**

**7-38-495 Notice to alderman.**

Thirty (30) calendar days before a wholesale food establishment license which authorizes an applicant to engage in the business of a slaughtering, rendering and packing establishment may be issued to an

applicant who has not been previously licensed to engage in such business, the city clerk shall mail a notice of such application to the alderman representing the ward in which the applicant intends to engage in such business, and to the alderman whose ward or any part thereof is within a radius of three miles from the proposed location for which application is made to carry on such business.

**7-38-500 Unlicensed premises - Slaughtering permitted when.**

The slaughtering of animals for food shall not be permitted or conducted in any place in the city other than in a duly licensed slaughterhouse, except as authorized in this section.

Any person desiring to slaughter sheep or goats for a period of only one day in a place not duly licensed as a slaughterhouse shall make application to the Ddepartment of Bbuildings for a permit for such slaughtering.

If the Ddepartment of Bbuildings, upon investigation, shall find that the place where such slaughtering is to be carried on is in a good sanitary condition and the slaughtering can be conducted without causing a nuisance, it may issue a permit to carry on such slaughtering for a period of time not exceeding one day at the place mentioned in said application.

The fee for such permit shall be \$5.00, which fee shall cover the cost of the necessary inspection service.

**7-38-520 Hours for slaughtering.**

No owner or person in possession, charge or control of a slaughterhouse shall slaughter animals for food between the hours of 7:00 p.m. and 7:00 a.m. or on Sundays, without first notifying the Ddepartment of Bbuildings.

**7-38-550 Conveyance of refuse.**

No offal or butcher's refuse shall be conveyed through any public way or public place within the city without a permit from the Ddepartment of Bbuildings.

Vehicles conveying such refuse shall be constructed of one or more tight compartments, each of which compartments shall be covered with a wooden or sheet metal cover attached to such compartments by substantial hinges.

**7-38-555 Sleeping on premises prohibited.**

43

No person shall use for the housing, sheltering and harboring of its employees or other persons any packing or slaughterhouse or any place which is occupied for the purpose of slaughtering or rendering cattle, sheep or hogs, or of dressing, cleaning, treating or preparing for shipment or canning meats and other foodstuffs by hand or machinery, or cause or permit same to be used as sleeping quarters or living apartments by such employees or other persons. Any such house or place so used or occupied for sleeping or living purposes is hereby declared to be a nuisance.

Whenever any such nuisance shall be found upon any premises within the City, the Ddepartment of Bbuildings is hereby authorized and directed to cause the same to be summarily abated in such a manner as it may direct.

For the purpose of carrying the foregoing provisions into effect, it shall be the duty of the Ddepartment of Bbuildings to cause to be detailed a sufficient number of police immediately upon complaint of any citizen. These police shall make a thorough and systematic examination of any such plant or plants and building or buildings and ascertain and report any such violations of this section, and for this purpose investigators shall be permitted at all times to visit or enter upon any building, lot or ground within the city limits and make examination thereof.

**7-38-560 Inspection.**

The Department of Buildings, or any of its authorized employees, shall be permitted entrance at all hours of the day or night to all buildings used for the business of a slaughtering, packing and rendering establishment, and shall further be permitted to make free and unrestrained examination of all apparatus or utensils used in such business, or in the disposition of gases generated in such business, and all matters and things relating to the health of the community.

#### **7-38-570 Abatement of nuisance.**

In all cases where a nuisance shall be found in any building or upon any ground or other premises used for the slaughtering or rendering, 24 hours notice shall be given in writing, signed by the Commissioner of the Department of Buildings, to the owner or occupant of such building or other premises, where he is known and can be found, to remove such nuisance. In case of his neglect or refusal to abate the same, in accordance with such notice, the Commissioner of the Department of Buildings is hereby authorized in his discretion to cause the same to be summarily abated in such manner as he may direct, and such person shall be chargeable with the expenses which may be incurred in the abatement or removal of such nuisance, to be collected by suit or otherwise, in addition to the fine and penalty provided for.

### **Article VH VI. Penalty for Violation of Chapter Provisions**

#### **7-38-575 Violation - Penalty.**

The board of health shall promulgate rules and regulations classifying violations of this chapter as critical, serious or minor priority, priority foundation and core. Any person who

for each critical priority violation; and \$250.00 for each serious priority foundation violation.; and \$250.00 for each minor violation that is not corrected upon reinspection by the health authority. A separate and distinct offense shall be deemed to have been committed for each and every day on which any person shall be guilty of such violation; provided that, the intervening days between when a license holder whose license has been suspended applies for restoration of the license and a reinspection has been conducted by the department of health shall not constitute

44

separate offenses if the violation was found to be corrected upon reinspection. The penalty for violations of this chapter is set forth in Section 7-42-090.

SECTION 4. Chapter 7-40 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

### **Article I. General Provisions**

#### **7-40-005 Protection of food.**

~~It shall be unlawful for any person to sell, transport, convey or carry from one place to another any food within the~~  
All foods shall be protected from contamination in all places, other than a private dwelling, where such foods are displayed, stored, offered, prepared, cooked, or served.

The protection which shall be considered adequate for food kept in rooms of buildings which are free from flies shall be an enclosure consisting of a front and top covering extending not less than 12 inches back from such front, which front and top shall be made of glass, wood, sheet metal or material of a similar character which is impervious to dust, and sides of impervious material or 20-mesh screen or material of a similar character that will protect against promiscuous handling. Like protection shall be used where food is exposed in show windows or upon show stands; except that where food is exposed in such a manner, the front and entire top may be made of 20-mesh screen or material of similar character.

The protection which shall be considered adequate for food kept on sidewalks, in doorways or open windows, on street stands, pushcarts or other places in the open air, or in rooms or buildings which are not free from flies, shall be a complete enclosure of a fixed or permanent character, consisting of glass, wood or sheet metal, or material of a similar character which is impermeable so as to protect against contamination; provided, however, that in the case of fruits, bake



ry goods or other foods subject to sweating when completely enclosed, openings may be allowed on two sides of the enclosure required, which openings shall not exceed ten percent of the area of such side, and which openings shall be completely covered with 20-mesh screen or material of a similar character; and provided, further, that covering the top and all sides of a container with paper, cloth, canvas, tarpaulin or material of a similar character shall be considered an adequate cover for food while being conveyed or transported

Adequate facilities, capable of providing proper temperature shall be provided for all potentially hazardous foods.

The original box, crate or container, and the usual cover for such containers, left in place and intact, shall be considered adequate protection for fruits sold or offered for sale in such original containers.

A complete enclosure in a box, carton, wrapper or package of a similar character shall be considered adequate protection for all food required to be protected.

Food shall be protected in accordance with this chapter and the rules of the Department of Health. Nothing in this section shall be construed to prohibit the necessary exposure of food during the immediate processes of preparation, cooling, assortment or packing in a building or place screened and free from insects, or during loading or unloading, or during the actual process of servicing or selling.

#### **7-40-010 Impure Unwholesome or adulterated drugs, liquids or food.**

No person shall sell or deliver any drugs not conforming to the rules and standards of the United States Pharmacopoeia, nor any water, liquids or food which is shall be impure,

45

unwholesome, or adulterated, or to which any harmful or injurious foreign substance has been added.

#### **7-40-015 Sale or possession of unwholesome food.**

No person shall bring into the city, sell or have in his possession, charge or control with intent to sell, any article

#### **7-40-020 Reporting of unwholesome food.**

It shall be the duty of every person knowing of any food being brought into the city or sold in the city as food, which is not sound, healthy or wholesome for such food, to forthwith report such facts and the particulars relating thereto to the Department of Health.

#### **7-40-025 Confiscation of unwholesome food.**

It shall be unlawful for any person to sell, display, store, prepare, cook, or serve in the city any food which may be deemed unwholesome; and it shall be the duty of the Department of Health to enter at any time and place, other than a private dwelling, to forthwith seize and destroy all such food; provided, that in case there is a doubt as to the condition of any such food, the Department of Health may affix or cause to be affixed to the food, or to the container in which it may be enclosed, a seal indicating that the food and its containers have been held for further investigation by the Department of Health. It shall be unlawful for any person to alter, remove, deface or obliterate any seal so affixed, or to remove the food or container so sealed to any other place, or to instigate or permit the changing, removal, defacement or obliteration of the seal or the removal to any other place of the food or the container thereof, so sealed.

#### **7-40-030 Storage of food.**

-Every person that shall be the owner, lessee or occupant of any room, stall, freight house, cold storage house,

It shall be the duty of the department of health or its duly authorized agent to enter at any time any premises used for the purposes above specified and to forthwith seize, condemn and destroy any unsafe or unwholesome food which may be found in or upon such premises. The department of health may affix or cause to be affixed to the condemned foodstuffs or their containers a suitable seal indicating that the foodstuffs have been inspected and condemned by the department of health; and it shall be unlawful for any person to alter, remove, deface or obliterate any seal so affixed, or to remove either the foodstuffs or their containers, when so sealed to any other place, or to instigate or permit the altering, removal, defacement or obliteration of any such seal or the removal to any other place of the foodstuffs or containers so sealed.

#### **7-40-035 Salesrooms-Sanitary requirements.**

~~Every person who is the owner, lessee or occupant of any room, stall or place where any food shall be sold shall put and keep such room, stall or place, and its appurtenances, in a clean and sanitary condition.~~

#### **7-40-040 Protection from contamination.**

~~AnV rinrJ nil fnnH^ti iff^, ^,p-rx/p^H in nnv/ hnkprv Hp\*lip.r>tp|RRP-n Rtnrp\* or othp^r p^^tnhli^hmp^nt shrll ho prepared of materials which are wholesome and free from decomposition or contamination, and~~

46

~~any and all places where such foodstuffs are displayed, offered, prepared, cooked or served as food shall be protected from contamination, shall be kept clean and sanitary, the room or rooms shall be lighted and well ve~~

#### **7-40-045 Breadmaking.**

~~All bread made or procured for the purpose of sale or sold in the city shall be made in a clean and sanitary place of good and wholesome flour or meal and shall contain no deleterious substance or material.~~

#### **7-40-050 Misrepresentation prohibited.**

a) No food shall knowingly be bought, sold, labeled, or any representation made in respect thereof, under a false name or quality, or under any false representation whatsoever respecting its wholesomeness, soundness or safety for food or drink.

b) Any retail food establishment which shall treat fresh fruits, fresh vegetables and other raw food with a sulfiting agent must inform consumers of such treatment pursuant to the rules of the Department of Health.

#### **7-40-060 Animals in stores retail food establishments.**

It shall be unlawful for the owner of, or the person having the care or custody of any animal, to suffer or permit such animal to enter any store, meat market, bakery or other place where foodstuffs are sold or on display; provided, that the person owning or operating such store or place may permit a watchdog to remain therein if chained or bound in such a way that the dog cannot come in contact with any of the foodstuffs; provided, further, that when a blind person with a disability is accompanied by a dog which serves as a guide or leader for him, neither the blind person nor the dog service animal, neither shall be denied the right of entry and use of the facilities, subject to § 35.136 of the Americans with Disabilities Act. (28 C.F.R. § 35.136). if such dog is wearing a harness and the person presents credentials for inspection issued by a school for training guide dogs approved by the United States Veterans Administration. Any person violating any of the provisions of this section shall be fined not less than \$10.00 nor more than \$25.00 for each offense. Any violation of this provision will be enforced under section 7-42-090.

### **Article II. Meat**

#### **7-40-065 Compliance required - Inspections.**

All meats and meat-food products sold or held for sale within the City of Chicago shall comply with the standards, requirements and regulations of the United States Department of Agriculture and the Illinois Department of Agriculture, for such meats and meat-food products and the rules and regulations of the board Department of Hbealth. The Ddepartment of Hbealth shall make such inspections as are necessary to iensure compliance with this section.

#### **7-40-070 Department of agriculture inspection - Required.**

It shall be unlawful for any person to sell within the city or for any dealer in meats or any manufacturer of meat-food products to purchase, accept, hold or store within the city any carcass of cattle, sheep, swine or goats, or any meat-food products thereof, unless they shall have been inspected and passed by a duly authorized inspection of the United States Department of Agriculture or the Illinois Department of Agriculture.

It shall be unlawful for any person to pack, prepare, produce, or put up for food or sell within the city any canned carcasses or parts of carcasses of chickens, ducks, geese, turkeys or other kinds of canned poultry, or any products thereof, unless the same shall have been inspected. and passed as fit for consumption as human food by a duly authorized inspector of the United States Department of Agriculture.

~~Each can or other container containing such canned poultry or canned poultry products shall be plainly marked.~~

### **ARTICLE III. ~~VEGETABLES, FRUITS AND BERRIES (7 40-095 et-se%)~~**

#### **7-40-095 Size and quality.**

No person shall sell or offer for sale, or have in his possession for the purpose of selling or, offering for sale, any basket, box, barrel, bag or other package of fruit, berries or vegetables of any kind, the contents of which are not of uniform quality and size throughout.

This section shall not apply to sales in bulk, either by the carload, by the bushel, or otherwise where such fruits or vegetables are not sold in boxes, bags or other packages or parcels.

#### **7-40-100 Sulfite agents.**

Any restaurant, grocery or other retail food establishment who shall treat fresh fruits, fresh vegetables and other raw food with a sulfiting agent will be considered safe only if consumers are informed. Acceptable consumer notices must include use of conspicuous and easily readable labels, signs, placards or menu statements.

#### **7-40-105 Inspection.**

The department of health shall inspect all fruits, vegetables and berries which may be offered for sale within the city, and cause the arrest and punishment of any person that shall in any way violate any of the provisions of this chapter with regard to fruits, vegetables and berries.

### **Article IV MI. Water**

*(Omitted text is not affected by this ordinance)*

### **ARTICLE V. ~~CANDY f7 40-125 otsoq.)~~**

#### **7-40-125 Sanitary requirements.**

Every candy sales agency shall be kept in a clean and sanitary condition. All appliances, receptacles, scales, storerooms, places or things which are used for handling, receiving or containing candy, or which are used or connected with the candy sales agency, shall be kept in a clean, wholesome and sanitary condition, and all products and merchandise of such establishment shall, at all times, be protected against contamination. Such adequate and convenient washing and toilet facilities as may be designated by the department of health shall be provided.

"Candy sales agency", as used in this section, means any building, room, place, establishment or vehicle in the city where any candy, confectionery, sugar ornaments, candied fruits, taffy apples, candied nuts, shelled nuts or peanuts, marzipan, chewing gum, lozenges, cough-drops, fruit or flavor tablets, popcorn, popcorn candy or any other candies, confectionery or similar products are sold, offered for sale, or kept with the intention of selling at wholesale either by dealers, jobbers, agents or itinerant vendors.

#### **7-40-130 Coloring, flavoring and other additives.**

No person shall manufacture, give away, sell or offer for sale, or have in his possession or custody for any purpose any candy or other confectionery which contains malt, vinous or spirituous liquor, or which contains any added substance or ingredient that gives or imparts to said candy or other confectionery any color, flavor or aroma, unless such added substance or ingredient is wholly a vegetable product or conforms to the provisions of the United States Food and Drug Act and is not injurious to health.

It shall be the duty of the department of health to inspect all candy and other confectionery that may be

manufactured or offered for sale within the city, and to cause the arrest and punishment of any person that shall in any way violate any of the provisions of this section.

## Article V4]V. Poultry

### 7-40-135 Poultry -- License required - Sanitary requirements.

It shall be unlawful for any person to sell at retail any live poultry or other live fowl, or to slaughter or cause to be slaughtered for sale at retail any live poultry or other live fowl without first having obtained a retail food establishment license, in accordance with chapter 4-8. No license shall be issued unless the premises on which the poultry or fowl is slaughtered or to be slaughtered meets all of the following requirements: complies with all pertinent rules of the Department of Health.

A separate preparation room shall be provided which shall be used exclusively for killing and dressing of poultry.

(a) The floors shall be constructed of cement, concrete or other approved watertight nonabsorbent material so graded and drained as to discharge all liquid matter into properly trapped sewer or catchment.

(b) The ceilings shall be of a smooth, hard, impervious material free from crevices, cracks, ledges or projections. The walls shall be of enamel brick, enamel tile or any other impervious material to the entire height of ceiling. The junctions with the ceilings and floors shall be made with a six-inch sanitary cove base of glazed tile or brick.

(c) All ceilings shall be at least eight feet in height measured from the surface of the floor to the said ceiling.

(d) Adequate ventilation to the external air shall be provided at all times.

(e) Adequate natural or artificial light of at least 10 footcandles shall be provided in every room.

(f) The preparation room shall be provided with a killing trough with a minimum width of one foot and a minimum depth of one and one-half feet, approved by the health department. The walls and face of the trough must be of white glazed brick or tile, porcelain or enamel-finished metal, or stainless steel, and shall discharge over properly trapped and sewer-connected drains. Proper receptacles shall be provided for the holding, storing or keeping of all refuse material. All equipment shall be of enamel, enamel tile, steel or other impervious and readily cleanable material. The preparation room and all equipment therein shall be cleaned each day after the slaughtering for the day has been completed.

(g) Crates, cages or batteries shall be elevated at least one foot above floor level and shall not be placed nearer than two feet from the side walls of the building. No crates shall be permitted to remain outside the licensed premises.

(h) An adequate supply of running hot water under pressure shall be provided for flushing all parts of the premises.

(i) All portions of the premises shall be constructed and maintained ratproof in accordance with the ratproofing provisions of the Building Code.

49

(j) All doors, windows and other openings to the outer air shall be properly and adequately screened to eliminate flies and prevent their entry.

(k) Adequate watercloset accommodations shall be provided, and sufficient fixtures with hot and cold running water for washing purposes shall be provided at all times; the toilet room or rooms shall not open directly into the preparation room, and shall be ventilated to the outside air by a direct or approved indirect method.

(l) Empty crates shall be thoroughly disinfected and cleaned daily so that no odors or nuisances are created by the storage of said empty crates.

(m) Feathers and refuse material shall be disinfected and removed from the premises at least once in every business day in metal receptacles which shall be provided with tight-fitting covers, kept closed when not in use, and cleaned and disinfected daily.

(n) No live poultry shall be allowed or permitted at large upon the premises but shall be kept at all times in the cages or crates provided for such purpose.

(o) The premises and all yards adjoining same and all air shafts, courts and open places connected therewith shall be at all times kept in a clean, sanitary condition, free from accumulation of refuse, garbage and offensive material and nuisances of all kinds.

(p) All poultry shall be kept in good condition, healthy and clean. Diseased or sick poultry shall be immediately removed from cages or crates, killed or disinfected. Any poultry that has died otherwise than by slaughter shall be immediately removed from cages or crates, denatured and placed in metallic garbage receptacles and removed from the premises daily, and in addition, any poultry that has been slaughtered and which has deteriorated and become unfit for human consumption, or such as may have been returned by customers, shall not be kept on the premises unless such poultry is similarly denatured and disposed of in metal receptacles and removed from the premises daily. Failure to denature and render such poultry unfit for human food and the keeping of same on the premises shall create a presumption that such poultry is intended for sale as human food.

(q) Refrigeration facilities shall be maintained sufficient to provide storage for dressed poultry.

#### **7-40-150 Recordkeeping.**

Every licensee who purchases any live poultry or live fowl for resale or to be slaughtered for sale at retail, shall keep a record which will show the date of purchase, the number, weight, breed, description and other distinguishing marks, if any, of said live poultry or live fowl and the name, address and brief description of the seller or sellers, type of conveyance used by said seller or sellers; and if said conveyance is a motor vehicle, a record of the license number thereof; which record shall be open to inspection by officers of the city at all times.

### **ARTICLE VII. BOTTLED WATER AND NONALCOHOLIC BEVERAGES (7-40-155-et-seq)**

#### **7-40-155 Fruits, vegetables, water and coloring ingredients^**

All fruit and vegetables to be prepared into a beverage or beverage ingredient shall be cleaned and subjected to an approved bactericidal rinse immediately before preparation. The water used in the manufacture of beverages

#### **7-40-160 Sales restrictions on products of noncity bottled water plants.**

Products of a bottled water plant located outside the City of Chicago shall not be brought into the city for sale therein unless such plant shall have placed on file with

the health department a certificate of compliance with the applicable provisions of the Sanitary Code.

50

with reference to such product all requirements of this Code relating to sanitation and purity of product are complied with. On receipt of such a certificate, the department of health may permit the sale of the products of such plants for a period not to exceed the term of the license.

7-40-165 Labels-Labels must comply with all pertinent sections of the Compiled Statutes of the State of Illinois and all provisions of the rules and regulations of the United States Food and Drug Administration relating to beverages.

#### **7-40-175 Protection from contamination.**

All beverages and beverage ingredients while being stored, prepared, displayed or sold at an establishment or during transportation shall be protected from contamination.

The original box, crate or container, and the usual cover for such containers, left in place and intact, shall be considered adequate protection for beverages during plant storage, transportation and sale to wholesale and retail establishments. All unwrapped or unenclosed beverage containers in storage shall be suitably protected from dust, dirt and flies. Packaged beverages shall not be stored in contact with water or undrained ice. Storage areas shall be kept free from rats, mice, flies and other insects and vermin. No domestic animals, birds or fowl shall be permitted in any such place where beverages or beverage ingredients are stored, sold, prepared or offered for sale. All means necessary for the elimination of flies, roaches and rodents shall be used. Evidence

nce of the presence of roaches, rodents, ants or other vermin shall be considered as a violation of this chapter. Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitization purposes may be used or stored in bottled - water plants. Hazardous nonfood items such as detergents, insecticides, rodenticides, paints, paint and paint products, petroleum products and other similar products that are poisonous or toxic in nature shall not be stored in close proximity to beverage and beverage ingredients. Vehicles used by bottled-water plants for the carrying or transportation of beverages shall be so constructed that the portions of same which contain the beverage shall be covered so that no dust or dirt will settle on the beverage container. Such vehicles shall be kept in clean and sanitary conditions, and shall be protected from dust, flies, rodents and other contamination. Employees handling beverages on such vehicles shall observe all the sanitary requirements prescribed in this chapter for employees of bottled- water plants, and the sanitary requirements so prescribed shall extend to such employees while engaged in and about the handling of beverages on their way to and from and while on such vehicles.

-Premix beverage tanks and equipment installed by bottled-water plants in retail food establishment outlets shall be installed in such a manner that will not interfere with sanitary practices in the establishment.

-(a)-Cooling devices shall not be installed in sinks required for washing and sanitizing of

LifonOilQ

-(b)-Syrup tanks shall be stored in a clean area eight inches from the floor and 18 inches away from walls in order to facilitate cleaning.

syrup or soil at all times.

#### **7-40-185 Sanitary requirements for beverage contact surfaces.**

-Beverage contact surfaces of equipment and utensils used in mixing, preparation or bottling of bottled-water and beverages shall be thoroughly cleaned and sanitized daily as well as following any interruption of operations during which contamination is likely to have occurred. Where

51

equipment and utensils are used for the preparation of beverages and beverage ingredients on a continuous or production line basis, the beverage or beverage ingredient contact surface of such equipment and utensils shall be cleaned and sanitized at intervals throughout the day on a schedule approved by the department of health. The department of health shall publish regulations requiring the sanitizing and cleaning of all utensils and equipment.

#### **7-40-190 Mechanical bottle-washing apparatus.**

All bottled water plants shall be equipped with approved mechanical bottle-washing apparatus which complies with all the requirements of the plumbing section of the Municipal Code of Chicago and rules and regulations of the board of health.

7-40-195 Storage of utensils, containers and single-service articles-After bactericidal treatment, utensils and containers shall be stored at a sufficient height above the floor in a clean, dry place protected from flies, splash, dust, overhead leakage and condensation, and other contamination. Containers and utensils shall be inverted, covered or otherwise protected from contamination until used.

Single-service articles shall be purchased in sanitary cartons and stored therein in a clean, dry place until used, and after removal from the cartons these articles shall be handled in such a manner as to prevent contamination. All single-service containers shall have, just prior to use, a bacterial count of not more than one per milliliter of capacity or not over 50 colonies per eight square inches (one per square centimeter), in three out of four samples and shall be free of coliform organisms.

#### **7-10-200 Syrup rooms.**

The syrup room shall be separately enclosed, well-ventilated and lighted, so as to yield in all parts of the room not obscured by equipment 50 footcandles of light by illuminometer test, and shall be provided with a

two- compartment sink with running hot and cold water for the purpose of cleaning utensils used within the syrup room. Sinks and drainboards shall be constructed of galvanized metal or better, suitably reinforced and of such thickness and design as to resist denting and buckling, and sloped so as to be self-draining. In addition, a lavatory sink with running hot and cold water, soap and individual towels shall be provided.

All necessary beverage ingredient formulations or mixing operations prior to carbonation and filling shall be conducted exclusively within the confines of the syrup room.

All syrup tanks shall have lids or covers and they shall be kept covered. Stirring devices shall be readily removable for cleaning.

~~No toxic material shall be stored in the syrup room. The syrup room shall be protected against vermin, flies, dirt and dust, shall have self-closing doors and be so constructed as to be easily cleanable and shall be kept clean.~~

All beverage containers shall be filled in the bottling room in a clean and sanitary manner by use of automatic filling machines. All premix beverage containers shall be filled and sealed in a clean and sanitary manner subject to the approval of the department of health.

All capping, crowing or closing of beverage containers shall be accomplished in the bottling room by use of automatic machinery. Manual capping, crowing or closing is prohibited. Caps, crowns and closures shall be stored in the original containers until used in a clean, dry place and shall be protected from contamination.

#### **7-40-210 Separate storage of finished products.**

~~The finished product shall be stored in a separate room in a clean and sanitary manner.~~

52

#### **7-40-215 Plumbing facilities.**

~~In bottled water plants there shall be adequate plumbing facilities that comply with all the requirements of the~~

Running hot and cold water shall be easily accessible to all parts of the plant, and adequate provision shall be made for quickly carrying off and disposing of wastewater. All plumbing installations shall be made so as to prevent back siphonage. Wastewater lines from bottle washers and washwater discharge lines from pressure filters shall not be directly connected to

#### **7-40-220 Garbage and waste disposal.**

~~Broken bottles and other refuse shall immediately be placed in suitable, tight covered, metal containers and kept~~

All broken glass, garbage and rubbish shall be removed and disposed of at such other frequencies as may be necessary to prevent a nuisance. The area outside of the establishment used for the storage of garbage shall

Food waste grinders or garbage disposals, if used, shall be installed in compliance with the plumbing section of the Municipal Code of Chicago. Garbage compactors shall be treated as garbage containers and shall

#### **7-40-225 Bottled water plants-Sanitary and health requirements.**

Adequate and convenient handwashing and toilet facilities shall be provided and shall be accessible at all times for employees in all bottled water plants and the location of the same with reference to the proximity to the place where the business of the establishment is carried on, and to the place where beverage and beverage ingredients are kept, stored, sold, prepared or offered for sale shall be subject to the approval of the department of health. In all establishments such facilities shall be kept clean and in good repair. The department of health shall publish regulations relating to hygienic conditions.

#### **7-40-230 Bottled water plants-New construction or reconstruction requirements.**

In all bottled water plants hereafter constructed or reconstructed, the operations of washing, filling, compounding or mixing of beverage or beverage ingredients shall be performed in separate rooms; provided, that nothing herein contained shall prohibit the washing equipment being so arranged as to permit such portion of the mechanical bottle washing apparatus wherein the sanitized bottles undergo final rinsing operations and from where

e such bottles emerge in a sanitized condition to extend into the filling room. In all such bottled-water plants her  
eoftor constructed or reconstructed, before any equipment is installed, plans in duplicate shall bo submitted for  
approval to the department of health. These plans shall show the plan of the building, location and constructi  
on of syrup room, bottling room and bottle-washing room; the location and layout of machinery and equipment  
and any other information which the department of health may require to pass on the sanitary facilities of the p  
roposed plant. When the department of health is satisfied that the construction and layout of the proposed bott  
led water plant meets the sanitation requirements of this Code, one copy of the plan, bearing the approval  
stamp of the department of health, shall be returned to the applicant.

53

The floors of all rooms in which beverage or beverage ingredients are stored or prepared, or in which utensil  
s and equipment are washed, shall be smooth and have such construction as to be easily cleaned, and shall b  
e kept clean and in good repair. Properly installed floor drains shall be provided in floors which are water flushed.

#### **7-40-240 Compliance with city regulations.**

Walls and ceilings of all rooms in which beverage or beverage ingredients are prepared shall have a smooth  
washable surface, be painted or finished in light color, and shall be refinished as often as necessary in a mann

In all establishments hereinafter constructed or in which extensive remodeling of the beverage or beverage i  
ngredient preparation areas is done, the floor and wall junction shall be provided with a four inch cove.

All rooms in which beverage or beverage' ingredients are prepared or in which utensils are washed shall be v

All bottled-water plants shall have adequate ventilation. All ventilation systems shall comply with applicable re

7-40-245 Premises-Health and sanitation-All parts of the establishment and all parts of the property used in  
connection with the operation of the establishment shall be kept in such a condition as to prevent the harborag  
e or feeding of vermin and insects in accordance with the department of health regulations and clean and free  
of litter, rubbish and offensive odors. Adequate facilities within the establishment shall be provided for the  
storage of employees' personal belongings

### **Article IX V. Frozen Desserts and Mixes**

#### **7-40-250 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this article, notwithstanding the d  
"Dietetic frozen dessert" means a frozen dessert in which approved nonglycogenic substances have been  
substituted wholly or in part for sugar or other sweeteners.

"Freezer capacity" means a manufacturer's ability to produce frozen desserts of mix using gallons per hour  
as the rating method.

"Frozen dessert" means any frozen or partially frozen combination of two or more of the following which is inte  
nded for human consumption: milk and milk products, egg or egg products, sweeteners, approved nonglycogen  
ic substances, water fruit, fruit juices, candy-nut meats or other wholesome food products, natural and harmle  
ss artificial flavors, certified colors, citric acid or other types of harmless organic acids, approved stabilizer-s-a  
nd food emulsifiers.

54

"Frozen dossort distributor" means a frozen dessert plan, the operation of which is limited to the storage, sa  
lo or offering for sale, and delivery of frozen desserts and mix.

"Frozen dossort plant" means any place or premises where frozen desserts or mix are stored, manufacturo  
d, processed, packed or packaged or frozen for distribution.

"License" moans permission issued by the department of health to manufacture, process, freeze, pack or pa  
ckage or distribute frozen desserts and mix in the City of Chicago pursuant to



"Milk" and "milk products" mean the following: milk; cream; frozen cream; concentrated milk fat; fluid skim milk; sweetened and unsweetened evaporated skim milk; sweetened and unsweetened concentrated or condensed milk and skim milk; whey dry milk; nonfat dry milk solids; sweet cream; or any of these products from which lactose has been wholly or partially removed and any other product derived in whole or in part from milk as defined in Article XI of this chapter or as may be approved and designated by the department of health, and any mixture of the aforementioned products.

"Mix" means the unfrozen combination of all ingredients of a frozen dessert with or without fruits, fruit juices, candy, nut meats, flavor or color, in a fluid or semifluid state.

"Pasteurization" has the same meaning as in Article XI of this chapter.

"Permit" means permission to manufacture, process, freeze, pack or package, or distribute frozen desserts and mix in the City of Chicago under a license issued under this Code; subject to approval by the board of health.

"Person" means any natural individual, firm, trust, partnership, association or corporation in his or its own capacity or as administrator, conservator, executor, trustee, receiver or other representative appointed by a court. Whenever the word "person" is used in any section of this chapter proscribing a penalty or fine as applied to partnership or associations, the word shall include the partners or members thereof, and such word as applied to corporations shall include the officers, agents or employees thereof who are responsible for any violations of said section.

"Vegetable fat frozen dessert" means a frozen dessert in which vegetable fat or vegetable oil has been substituted wholly or in part for milk fat.

"Vehicle" means any wheeled conveyance used for the commercial transportation of frozen desserts or mix, whether powered by motor, by human or animal power or otherwise.

#### **7-40-275 Condemnation procedures.**

Mix or frozen desserts which are found by the department of health to be adulterated or misbranded shall be condemned, and the person who is in custody or possession of said mix or frozen desserts at the time of condemnation shall cause the same forthwith to be destroyed, or, upon written permission of the department the same may be returned to the producer or shipper thereof.

"Adulterated frozen dessert or mix" means a frozen dessert or mix which bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health; or which bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by the State of Illinois or federal regulations, or in excess of such tolerance if one has been established; or which consists, in whole or in part, of any substance unfit for human consumption; or which has been produced, processed, prepared, packed or held under unsanitary conditions; or the container of which is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or the substance of which has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

is accompanied by any false or misleading written, printed or graphic matter; or which does not conform to its definition and labeling requirements as contained in this chapter and the rules and

regulations promulgated hereunder or by the Illinois Department of Public Health; or which is not labeled in accordance with the U.S. Food, Drug, and Cosmetic Act, as amended, and applicable provisions of the Code of Federal Regulations, as amended.

#### **7-40-280 Sampling procedure.<sup>1</sup>**

(a) As often as may be required by the department of health, but in no case less than four times within any six-month period, samples of frozen desserts and mix from each frozen dessert plant located within the City of Chicago shall be taken by the department for analysis. Such samples may be taken at any time prior to delivery to the place where frozen desserts and mix are made available to the public. Such frozen dessert plants shall furnish the department, upon request, with the names and addresses of all persons who make frozen desserts

its or mix available to the public within the City of Chicago to whom mix or frozen desserts are sold or delivered, together with records of the kind and amount of mix or frozen desserts sold or delivered to such persons, and the names and addresses of all persons supplying such frozen dessert plant with milk, milk products and other ingredients used in the manufacture of mix or

An accurate daily record shall be kept at each frozen dessert plant showing all purchases of vegetable fats and oils and the amount used. These records shall be available at all times for inspection by the department. Any person processing or packaging ingredients used in frozen desserts shall operate in compliance with the sanitary requirements of this chapter 7-40 and the rules and regulations promulgated hereunder.

(b) Each frozen dessert plant located outside the City of Chicago whose products are intended for sale or distribution within the City of Chicago shall be inspected and samples taken at intervals not exceeding 90 days and such inspections and sampling shall be carried out no less than four times annually by a supervising agency acceptable to the United States Public Health Service and approved by the department of health.

(c) Samples of frozen desserts or mix from retail food purveyors, food dispensing establishments, mobile food dispensers, automatic food vending machines, and any other place where frozen desserts are made available to the public in the City of Chicago, shall be taken for analysis by the department as often as it may require.

#### **7-40-285 Milk and milk products used as ingredients.**

All milk and milk products used as ingredients in mix in frozen desserts shall comply with this chapter 7 AO of this Municipal Code and the rules and regulations of the board of health and shall be from Grade A sources approved by the board of health and which are listed in the current publication of the U.S. Food and Drug Administration Sanitary Compliance and Enforcement Ratings of Interstate Milk Shippers or successor publication with a minimum rating of 90. Fats other than milk fat and the substitution of other products for nonfat milk solids shall not be used in the manufacture of mix or frozen desserts unless approved by the department of health.

distributed or sold within the City of Chicago unless such mix has been pasteurized and maintained at a temperature

#### **7-40-295 Disease among employees-Notices required.**

### **56**

Notice shall be sent to the department of health immediately by any licensee among whose employees any infectious or communicable disease occurs. When suspicion arises as to the possibility of transmission of infection from any person engaged in the handling of mix, frozen desserts or their ingredients, the commissioner is authorized to order any or all of the following measures:

(4) The immediate exclusion of that person from handling mix, frozen desserts, or their

(2) immediate exclusion of the mix or frozen desserts in question from distribution and use; (3) adequate medical and bacteriological examination of the person, his associates, and of his and their bodily discharges.

#### **7-40-300 Manufacturing to be in compliance with County regulations rules.**

No mix or frozen dessert shall be sold for consumption within the City of Chicago, unless it has been produced, processed, transported and handled in compliance with the requirements of this chapter and of the rules and regulations promulgated hereunder of the Department of Health.

#### **7-40-305 Adulterated or misbranded desserts and mixes.**

No person shall produce, provide, sell, offer or expose for sale, deliver or have in his possession with intent to deliver, any mix or frozen dessert which is adulterated or misbranded.

## **Article XI VI. Milk and Milk Products**

## 7-40-310 Definitions.

The following definitions shall apply in the interpretation and enforcement of this article, notwithstanding the definitions in the Code of Ordinances.

"Authorization" means permission given to a processing plant or supplier located outside the corporate limits of the City of Chicago to process a given milk product for sale in the City of Chicago and issued by the department of health.

"Dairy farm" means any place or premises where one or more cows or goats are kept and from which a part or all of the milk products are provided, sold or offered for sale to a milk plant, transfer station or receiving station.

"Inspection period" means such period of time as the department of health may designate, within which compliance with this Code and rules and regulations of the board of health shall be determined for all milk and milk products; provided, that the inspection period shall in no case exceed six months for dairy farms and three months for milk plants and receiving stations and transfer stations.

"License" means permission or authorization issued by the department of health to operate a milk plant or milk vehicle for the processing or distribution of milk and milk products in the city or to sell, offer for sale, expose for sale, dispose of, exchange, deliver or to store for such purposes, milk or milk products in the city for consumption in the city.

"Milk distributor" means any person who offers for sale, or sells, or delivers to another, any milk or milk products for human consumption.

"Milk hauler" means any person who transports raw milk or raw milk products to or from a milk plant, receiving or transfer station.

"Milk plant" means any place, premises or establishment where milk or milk products are collected, handled, processed, stored, bottled, pasteurized or prepared for distribution.

"Milk producer" means any person who operates a dairy farm and provides, sells or offers milk for sale to a milk plant, receiving station or transfer station.

57

"Milk products" means and includes cream, light cream, coffee cream, table cream, whipping cream, light whipped cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, whipped table cream, sour cream, cultured sour cream, half-and-half, sour half-and-half, cultured half-and-half, reconstituted or recombinated milk and milk products, concentrated milk, concentrated milk products, flavored milk, skim milk, low-fat milk, yogurt, low-fat yogurt, nonfat yogurt, fortified milk and milk products, vitamin D milk and milk products, homogenized milk-flavored milk or milk products, eggnog and eggnog flavored milk, buttermilk, cultured buttermilk, cultured milk, cultured whole milk buttermilk, acidified milk and milk products, low sodium milk and such other products as may from time to time be designated by the department of health and which meet the applicable definitions and standards of identity as promulgated pursuant to the Federal Food, Drug and Cosmetic Act and published in the Code of Federal Regulations, Chapter 1, Title 21, as amended. "Milk products" also means and includes milk which has been treated to ensure breakup of fat globules to such extent that after 48 hours of quiescent storage at 40 degrees Fahrenheit no visible cream separation occurs on the milk, and the fat percentage of the top 100 milliliters of milk in a quart, or a proportionate volumes in containers of other sizes, does not differ by more than ten percent from the fat percentage of the remaining milk as determined after thorough mixing. The word milk shall be interpreted to include homogenized milk. "Milk products" also means and includes the lacteal secretion obtained by the complete milking of one or more healthy cows, practically free from colostrum. Such secretion shall contain not less than eight and one-half percent of nonfat milk solids and less than three and one-quarter percent of milk fat. Milk shall be interpreted to include goat and ewe milk.

"Milk-receiving station" means any place, premises or establishment where raw milk is received, collected, handled, stored or cooled and prepared for further transportation.

"Official laboratory" means a biological, chemical or physical laboratory which is under the direct supervision of the state health authority.

"Officially designated laboratory" means a commercial laboratory authorized to do official work by the supervising agency, or a milk industry laboratory officially designated by the supervising agency for the examination of producer samples of Grade A raw milk for pasteurization.

"Optional ingredients" means dry milk products, concentrated milk, concentrated milk products, flavors, sweeteners, and other ingredients.

eeteners, stabilizers, emulsifiers, acidifiers, vitamins, minerals and similar ingredients, and such other ingredients as may be approved by the department of health.

"Pasteurization". The terms pasteurization, pasteurized and similar terms shall mean the process of heating every particle of milk or milk products in equipment which is properly operated and approved by the department of health to one of the temperatures given in the following table and held continuously at or above that temperature for at least the corresponding

~~c'.npp.ifipH limp\*\*~~  
~~ouLuirtou li11 ilj.~~

Temperature Time i

\*145°F (63°C) 30 minut

\*161°F (72°C) 15 secor

191°F (89°C) 1.0 secoi

194°F(90°C) 0.5 secoi

~~201°F (94°C) , 0.1 second~~

~~204°F (96°C) j 0.05 seconds~~

~~212°F (100°C) ! 0.01 second~~

58

\* If the fat contont of tho milk is ten percent or more, or if its contains added sweeteners, the specified tempe  
rature shall be increased by five degrees Fahrenheit (three degrees Celsius); however, eggnog shall be beate

~~175°F (80°C) 25 seconds~~

~~180°F(83°C)~~

Provided, that nothing in this definition shall be construed as barring any other pasteurization process or temperature requirement which has been recognized by the United States Public Health Service to be equally efficient and which is approved by the state health authority.

"Person" moans any individual, plant operator, partnership, corporation, company, firm, trustee or associati  
on.

"Sanitizing" moans the application of an effective method or substance acceptable to the board of health and in accordance with state rules and regulations to a clean surface for the destruction of pathogens and of other organisms as far as if practicable without adversely affecting tho equipment, the milk or milk product or the health of consumers.

"State Health Authority" means the Division of Food, Drugs and Dairies of the Office of Health Protection of tho Illinois Department of Public Health or its designee.

"Transfer station" means any place, premises or establishment where milk or milk products are transferred directly from one transport tank to another.

#### **7-40-325 Adulteration and misbranding designated.**

No person shall produce, provide, sell, offer or expose for sale, deliver or have in possession with intent to sell or deliver, any milk or milk products all or any part of which is ultimately delivered in tho City of Chicago, which is adulterated or misbranded.

Milk and milk products are adulterated (1) if they bear or contain any poisonous or deleterious substance in a quantity which may render them injurious to health; (2) if they bear or contain any added poisonous or deleterious substance for which no safe tolerance has been established by state or federal regulations, or in excess of such tolerance if one has been established; (3) if they consist, in whole or in part, of any substance unfit for human consumption; (4) if they have been produced, processed, prepared, packed or held under unsanitary conditions; (5) if the containers are composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or (6) if any substance has boon added thereto or mixed or

packed therewith so as to increase the bulk weight, or reduce the quality or strength, or make them appear better or of greater value than

li y Qrrr

Milk and milk products are misbranded (1) when their container bears or accompanies any false or misleading written, printed or graphic matter; (2) when such milk and milk products do not conform to their definitions as contained in this Code; or (3) when such products are not labeled in accordance with Section 7-40-330 of this Code and applicable state rules and regulations.

All bottles, cans, packages and other containers (including storage tanks and milk transport tanks) enclosing milk or any milk product defined in Section 7-40-310 shall be plainly marked or labeled with the following, and only such other information as may be designated by the department of health:

59

- a) the name of the contents as given in the definitions of Section 7-40-310;
- b) the word "raw" if the contents are raw, and the identity of the producer, or receiving station, as the case may be;
- c) the word "pasteurized" if the contents have been pasteurized; the words "ultra-pasteurized", if the product is processed at temperatures of 280 degrees Fahrenheit or higher in accordance with the rules and regulations of the board of health. The plant national uniform code number and/or the Chicago board of health license number;
- (d) the classes of milk and milk products as designated by Section 7-40-350; - (e) in the case of vitamin D milk or milk products, the designation vitamin D (and the number of international units added per quart) and such other information as may be required by the department of health;
- (f) The words "nonfat milk solids added", and the percentage added, if applicable; - (g) In the case of fortified milk or milk products, the word "fortified" (and the amount of vitamins and minerals added per quart);
- (h) The words "artificially sweetened" and the names of such nonnutritious or artificial sweetener, if such is used;
- (i) In the case of low sodium milk or milk products, the maximum sodium content in milligrams per quart and the maximum sodium content per 100 milliliters; - (j) On all containers of milk products received by pasteurization plants from receiving stations, the date received by the receiving station;
- (k) The common name of stabilizers, distillates, acidifiers and other ingredients, if such are used;
- (l) In the case of concentrated milk products, the specific name of the product shall be substituted for the generic name;
- (m) In the case of flavored milk, flavored milk products, or flavored reconstituted milk, the name of the principal flavor shall be substituted for the word "flavored";
- (n) In the case of cultured milk and milk products, the special type culture used may be substituted for the word "culture" e.g., acidophilus buttermilk, Bulgarian buttermilk;
- (e) In the case of recombined or reconstituted milk or milk products, the word "recombined"
- (p) In the case of the pasteurized concentrated milk or milk products, the proportion of volume of water to be added for recombining;
- (q) The word "milk" shall not appear or be used on any label, cap, receptacle or container for any products except those defined in this chapter as milk, flavored milk, low-fat milk, flavored low-fat milk, skimmed milk, flavored skimmed milk, buttermilk, cultured buttermilk, cultured milk, vitamin D milk, unless approved by the department of health.

All marks and labels shall be in letters of an approved size, kind and color, and shall contain no marks or words which are misleading. Proof print or sketch of the bottle cap or cover, single-service container, can-tag or label, showing the size, content and arrangement of the lettering thereon shall be submitted to and approved by the department of health prior to the use of same. Whenever milk or milk products are packaged in glass bottles, jars or cans, the name and address blown into or embossed upon such container shall not be other than or different from that which is indicated on cap, cover or tag, unless approved by the department of health.

The original tags or labels shall remain on all containers until the milk or milk products in such containers are emptied therefrom for processing or sale. In the case of pasteurized milk and milk products, all of the necessary foregoing information shall be shown in an approved manner and shall be of a design and color which

makes the wording legible:

All vehicles and transport tanks containing milk or milk products shall be legibly marked with the name and address of the milk plant or hauler in possession of the contents;

60

(f) Labels on all cans, bottles and other containers of pasteurized milk shall bear the words "Date Pasteurized" followed by the date of pasteurization and the words "not to be sold after"

the height of the letters of the date to be not less than three-sixteenths of an inch on the label of the single-service

There shall appear on the tags or labels affixed to cans of milk the date of receipt from the producer; however, in the case of condensed products and cream, the date processed shall appear.

All vehicles and transport tanks transporting milk and milk products in bulk to a processing plant within limits of the City of Chicago shall be required to be sealed, and for each shipment a statement or bill of lading shall be prepared containing the following information:

4, -shipper's name, address, and permit and/or authorization number;

2, -license number of hauler, if not employee of shipper;

3, -point of origin of shipment;

A, -tanker identity number;

5, -name of product;

6, -weight of product;

7, -grade of product;

8, -temperature of product;

9, -date of shipment;

-name of supervising health authority at the point of origin;

14, -whether the contents are raw, pasteurized or otherwise heat treated.

Such statements shall be prepared in triplicate and shall be kept on file by the shipper, the consignee and the carrier for a period of six months for the information of the department of health.

7-40-340 Delivery, handling and receiving of milk—All milk produced shall be delivered daily to a milk-receiving station, transfer station or a pasteurization plant; provided however, that the department of health may authorize every other day delivery of milk to a milk-receiving station, transfer station or pasteurization plant from dairy farms having equipment approved by the duly certified supervising-enforcement agency by which all milk produced may be properly cooled in accordance with the certified supervising agency regulations and so maintained until collected under procedures prescribed by the department of health to insure production of milk meeting the standards established for raw milk for pasteurization. The department of health is hereby authorized to supervise and conduct scientific experiments and field testing of any method of handling and delivery of milk, and the department of health may authorize the sale of milk produced under such experimental program if it shall determine that milk so produced meets the standards for raw milk for pasteurization set by this chapter.

All milk received by pasteurization plants shall be pasteurized within 48 hours of receipt by the processing plant.

#### **7-40-345 Bulk sales—Notice required.**

-Every restaurant, cafe, soda fountain, or other establishment serving milk or milk products in bulk shall display at all times, in a place designated by the department of health, a notice

p.nntninc\*. nNH "i iph  
VVI ILCIM IUI O CITTQ OCIOI

61

#### **7-40-350 Pasteurization of milk and milk products.**

No milk or milk products shall be sold in the City of Chicago except grade A pasteurized milk and milk products. Grade A pasteurized milk and milk products shall conform with the rules and regulations of the

board Department of Health for Grade A pasteurized milk and milk products.

~~All Grade A milk for pasteurization and all Grade A pasteurized milk and milk products shall be produced, processed,~~

#### **7-40-355 Storage and container requirements.**

Except as provided for under the provisions of this chapter, no milk producer or distributor shall transfer milk or milk products from one container or tank truck to another on the street, in any vehicle, store or in place except at a milk plant, receiving station, transfer station or milk house especially used for that purpose. The dipping or ladling of milk or fluid milk products is prohibited.

-It shall be unlawful to sell or serve any milk or fluid milk products except in the individual original container received from the distributor, or from an approved bulk dispenser; provided, that this requirement shall not apply to milk for mixed drinks requiring less than one half pint of milk, or to cream, whipped cream, or half-and-half which is consumed on the premises and which may be served from the original container of not more than one half-gallon capacity, or from a bulk dispenser approved for such service by the department of health.

~~All milk and milk products shall be stored and maintained at temperatures of 40 degrees Fahrenheit or less.~~

~~-If containers of pasteurized milk and milk products are stored in ice, the storage containers shall be properly drained.~~

#### **7-40-360 Time limit on sales.**

All pasteurized milk, flavored milk, cream, half and-half, low-fat and skim milk or skimmed milk shall be sold not later than 14 days from the day of pasteurization, and such maximum time limit shall be designated on the label, cap or tag in accordance with the provisions of Section 7-40-330.

~~Milk products processed at temperatures known as ultrahigh heat pasteurization in accordance with the rules and regulations of the board of health shall have a time-limit of sale in accordance with the applicable regulations and such limit shall be designated on the label in accordance with provisions of Sections 7-40-325 and Section 7-40-330.~~

#### **7-40-365 Inspection and supervision of dairy farms, milk plants and stations.**

Each dairy farm, milk plant, receiving station, transfer station whose milk or milk products are intended for sale or distribution within the City of Chicago shall be under the supervision of a qualified supervising enforcement officer.

Every milk producer, hauler, distributor or plant operator shall upon request of the department of health, permit access of officially designated persons to all parts of his establishment or facilities to determine compliance with the provisions of this Code. A distributor or plant operator shall furnish the department of health, upon request, for official use only, a true statement of

62

actual quantities of milk and milk products of each grade purchased and sold, and a list of all sources of such milk and milk products, records of inspections, tests, and pasteurization time and temperature records.

It shall be unlawful for any person in an official capacity, who obtains any information under the provision of this Code which is entitled to protection as a trade secret (including information as to quantity, quality, source or disposition of milk or milk products, or results of inspections or tests thereof) to use such information to his own advantage or to reveal it to any unauthorized person.

-During any period of six consecutive months, at least four samples of raw milk for pasteurization shall be taken from each producer and four samples of raw milk for pasteurization shall be taken from each milk plant after receipt of the milk by the milk plant and prior to pasteurization. In addition, during any consecutive six months, at least four samples of pasteurized milk and at least four samples of each milk product defined in this Code shall be taken from every milk plant. Samples of milk and milk products shall be taken while in possession of the producer or distributor at any time prior to final delivery. Samples of milk and milk products from dairy retail stores, food service establishments, grocery stores and other places where milk and milk products are sold, shall be examined periodically as determined by the department of health, and the results of such examination shall be used to determine compliance with this Code. Proprietors of such establishments shall furnish the de

partment of health, upon its request, with the names of all distributors from whom milk products are obtained.

Required bacterial counts and cooling temperature checks shall be performed on raw milk for pasteurization. In addition, antibiotic tests on each producer's milk or on commingled raw milk shall be conducted at least four times during any consecutive six months. When commingled milk is tested, all producers shall be represented in the samples. All individual sources of milk shall be tested when test results on the commingled milk are positive. Required bacterial counts, coliform determinations, phosphatase, and cooling temperature checks shall be performed on pasteurized milk and milk products.

Whenever a phosphatase test is positive, the cause shall be determined. Where the cause is improper pasteurization, it shall be corrected, and any milk or milk products involved shall not be

offoroH for cnlp

Samples shall be analyzed at an official or appropriate officially designated laboratory. All sampling procedures

#### **7-40-375 Milk and milk products shipped from beyond inspection limits.**

Milk and milk products from points beyond the limits of inspection of the City of Chicago may not be sold in the City of Chicago unless produced and pasteurized under provisions identical with those of this chapter and approved by the supervising inspectional agency, and listed in the Sanitation Compliance and Enforcement Ratings of Interstate Milk Shippers, as published and amended from time to time, with a minimum grade of 90.

63

#### **7-40-380 Prevention of transmission of infections.**

When suspicion arises as to the probability of transmission of infection from any person concerned directly or indirectly with the handling of milk or milk products, the department of health is authorized to require any of the following measures, or any additional measures which it may deem necessary:

1. the immediate exclusion of that person from milk handling;
2. the immediate exclusion of the milk supply concerned from distribution and use;
3. adequate medical and bacteriological examination of the person, of his associates and of his and their bodily discharges.

Notice shall be sent to the department of health immediately by the processor and/or distributor of milk or milk products in whose milk plant any case of sickness, or any infectious, contagious or communicable disease occurs.

### **Article X4IVII. Violation of Chapter Provisions**

#### **7-40-390 Violation - Penalty.**

The board of health shall promulgate rules and regulations classifying violations of this chapter as critical, serious or minor. Any person who violates or who resists the enforcement of any provision of this chapter shall

SECTION 5. Chapter 7-42 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

#### **7-42-010 Inspections.**

For the purposes of Sections 7-42-010, 7-42-015 and Section 7-42-020, the word "owner" shall include the owner, operator, licensee or person in charge of any food establishment or vehicles used for the storage, transportation or vending of foods, subject to the provisions of Chapter 4-8.

a) The Department of Health shall have authority to inspect food establishments at such intervals as set forth in rules and regulations adopted by of the Department of Health board of health to determine such food establishments' compliance with the requirements of this code and the rules and regulations of the board Department of Health. For purposes of such inspections, the board Department of Health shall create categories of food establishments based on the level of potential risk that such food establishments may pose to the public health.



b) Whenever the health authority inspects an establishment, the inspector shall record the findings of the inspection on a summary report form provided by the Ddepartment of Hbealth for this purpose. Such reports shall be signed by both the inspector and the establishment's representative, and one copy of the summary report shall be left with the management of the establishment and shall be posted by the health authority upon an inside wall of the establishment in an area visible to all diners; if the food establishment is a grocery store or delicatessen, the summary report shall be posted in an area visible to all customers. It shall be unlawful for any person except an authorized agent of the Ddepartment of Hbealth to deface or remove any such posted summary report, and a violation of this provision may result in

64

suspension of any and all licenses and permits issued to the owner of that particular food establishment.

(c) It shall be the duty of every owner to permit a representative of the Ddepartment of Hbealth, after proper identification, to enter at any reasonable time and make inspections of the facilities, equipment and vehicles for determining compliance with the requirements of this Municipal Code and the rules of the Department of Health relating to health and sanitation and, when required to do so, the owner shall furnish samples of any foods prepared, kept, sold or transported by any such food establishment as often as the Ceommissioner of Hbealth may deem necessary to determine that the foods are free from alteration, not misbranded, do not contain an excessive number of microorganisms or their toxins, and otherwise comply with the provisions of this Municipal Code and the rules and regulations of the board Department of Hbealth. The owner shall answer all reasonable and proper questions and permit the health authority to examine records of the establishment to obtain pertinent information relating to food, water, beverages and supplies received or used and persons employed. Any samples provided shall be examined or analyzed under the direction of the Ddepartment of Hbealth, and a record of each such examination or analysis shall be made and kept in the offices of the department. Upon failure or refusal by an owner to permit inspection or to furnish required samples, the Ceommissioner shall immediately suspend any and all licenses or permits issued to the owner of that particular food establishment.

**7-42-020 "Held for inspection" procedures.**

a) Upon written notice to the owner, the Ddepartment of Hbealth may place a "Held for Inspection" order on any food which the health authority determines or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded. At the request of the owner, foods so held for inspection shall be permitted to be suitably stored pending analysis reports or voluntarily denatured and disposed of under Ddepartment of Hbealth supervision.

b) It shall be unlawful for any person to remove the "Held for Inspection" tag or seal placed on the food by the Ddepartment of Hbealth, nor shall the containers of such food be removed from the premises or destroyed without permission of the Ddepartment of Hbealth except on order of a court of competent jurisdiction. The Ddepartment may vacate a "Held for Inspection" order or may by written order direct the owner or person in charge of the food to denature or destroy such food, bring it in compliance with the provisions of this Code and the rules and regulations of the board Department of Hbealth or dispose of it for nonhuman use as may be approved by the Ddepartment of Hbealth. Any order of the Ddepartment of Hbealth to denature or destroy food shall be stayed pending appeal if the order is appealed to a court of competent jurisdiction within three (3) calendar days. Nothing in this section shall preclude any court action based upon a finding of unwholesome or adulterated foods.

(c) Upon written notice to the owner, a "Held for Inspection" order may be placed by the Department of Health on any piece of equipment that is believed to be inoperable or that the Department has not approved for commercial use. "Held for Inspection" shall have the meaning ascribed to this term in the rules of the Department of Health.

**7-42-030 Violations of provisions - Classification and notice.**

(a) Classification of violations. The Commissioner of Health board-of health shall promulgate rules and regulations classifying violations of this chapter, Chapter 7-38, or Chapter 7-40, or the rules and the rules and regulations promulgated thereunder of the Department of Health, or rules promulgated by the Illinois Department of Public Health that are incorporated by reference into this Code, or any other provision of this

Municipal Code relating to health and sanitation in any food establishment, or Sections 2, 4, or 7 of the most current version of the FDA's Pasteurized Milk Ordinance, as critical priority item, serious priority foundation item, or minor core item.

65

(b) Notice of violations. When the Ddepartment of Hbealth finds a violation of any provision of this chapter, Chapter 7-38~~T~~ or Chapter 7-4C\ or the rules and regulations promulgated thereunder of the Department of Health, or rules promulgated by the Illinois Department of Public Health that are incorporated by reference into this Code, or any other provision of this Municipal Code relating to health and sanitation in any food establishment, or Sections 2, 4, or 7 of the most current version of the FDA's Pasteurized Milk Ordinance, the Ddepartment shall deliver to the licensee written notice of the violation with a copy of the inspection report which shall set a date by which the violation shall be corrected and designate each violation as critical priority item, serious priority foundation item, or minor core item as classified by the Commissioner of Health board of health.

(c) Correction of violations. Core item violations that are not corrected by the next routine inspection of the Department of Health shall be classified as a priority foundation item violation. Priority foundation item violations that are not corrected in the time frame specified by the Department of Health shall be classified as priority item violations.

#### **7-42-035 License suspension.**

Whenever an inspection indicates that the conditions in the food establishment create an imminent hazard to the public health, the license of the food establishment shall be immediately suspended, including whenever an inspection indicates that a critical the existence of a priority item violation exists which is not capable of being that cannot be corrected prior to the conclusion of the inspection. Except additional time may be given for correction of a priority violation, and license not immediately suspended, if the violation will not result in an imminent health hazard as determined by the Department of Health. The Department may grant additional time to correct a priority violation in lieu of immediately suspending a license if the Department deems that the violation does not pose an imminent health hazard.

#### **7-42-040 Request for time extension; procedures for preliminary hearing to contest inspection report findings.**

a) After the owner receives a notice of a violation from the Ddepartment of Hbealth, as evidenced by the inspection report, but before the allotted time has elapsed for compliance, the owner may request an extension in writing. The Commissioner of Health board-may promulgate rules to administer this subsection, pr eliminary hearing to file exceptions to and contest the findings of the inspection report or he may request the commissioner to extend the time allowed for compliance. In any case, the request must be filed with the commi ssioner within 24 hours of receipt of the notice of violation, excluding Saturdays, Sundays and legal holidays. Upon receipt of a request for a hearing, the commissioner shall institute an action with the department of admin istrative hearings which shall appoint an administrative law officer who shall conduct the preliminary hearing wi thin 48 hours of the owner's request for a hearing, excluding-Saturdays, Sundays and legal holidays.

b) Unless the administrative law officer finds that there is no probable cause to believe that the violati ons exist or a time extension is granted by the commissioner, the commissioner may immediately suspend any and all licenses or permits related to public health and safety issued to the owner of the food establishme nt upon the owner's failure to correct the violations within the time allotted in the notice of violation; provided that the commissioner shall immediately suspend all licenses of the food establishment related to public health and safety if any of the violations found-not-to-have-been-corrected-is-critical-or-serious.

(o)(b) Nothing in this section shall prevent the Coommissioner from immediately suspending a license or permit pursuant to Section 7-42-035 or seeking an enforcement action pursuant to Section 7-42-085.

#### **7-42-050 Removal of suspended licenses and permits.**

Upon suspension of any license and permits of a food establishment, all operations related to any such suspended license or permits shall cease at once, and such license and permits shall be removed from the establishment and delivered to the Department of Health. The Department of Health may cause conspicuously place a "notice of closure" "license suspended" sign to be conspicuously placed upon that part of the food establishment related to any such suspended license or permits and to which the public has access. It shall be unlawful for any person to remove, cover, or deface a "notice of closure" "license suspended" sign placed on a food establishment unless authorized to do so by the Department of Health. The health authorities shall promptly notify the Chicago Police Department of the suspension, and the Police Department shall enforce the cessation of all affected operations.

#### **7-42-060 Application for restoration of suspended license.**

A license holder whose license has been suspended may at any time apply for restoration of the license. Within 48 hours two (2) business days after the Department of Health receives such application, accompanied by a statement signed by the licensee that the provisions previously violated have been complied with, the Department of Health shall reinspect the establishment to assure that the applicant is complying with the requirements of this Code.; provided, however, that between the hours of 3 p.m. on Friday and 9 p.m. on Sunday, the department of health shall reinspect as soon as possible, but in no event later than 48 hours after the time application for restoration is made. When the reinspection indicates full compliance, the license shall be restored and the Chicago Police Department so notified^ provided that a license suspended a second or subsequent time shall not be restored sooner than the expiration of 48 hours from the time of suspension.

#### **7-42-065 Partial closures.**

In any instance in which a license is suspended under this chapter, the Commissioner of Health may order closed that portion of the food establishment which created a public health hazard, and allow the remaining portion of the establishment to remain open for business, if the Commissioner determines that a partial closure would not jeopardize public health or safety.

#### **7-42-080 License revocation.**

Upon a record of repeated violations of this Municipal Code or the rules and regulations of the Board of Department of Health related to health and sanitation, or repeated suspensions of a food establishment license, the Commissioner may recommend the revocation of the license and any other license relating to the conduct of business at the food establishment to the Department of Business Affairs and Consumer Protection in accordance with the requirements of Chapter 4-4 of the Municipal Code.

#### **7-42-085 Enforcement.**

(a) If any person violates, or resists the enforcement of any provision of this chapter, Chapter 7-38 or Chapter 7-41 or the rules and regulations promulgated thereunder of the Department of Health, or rules promulgated by the Illinois Department of Public Health that are incorporated by reference into this Code, or any other provision of the Municipal Code relating to health and sanitation in any food establishment, or Sections 2, 4, or 7 of the most current version of the FDA's Pasteurized Milk Ordinance, the Commissioner of Health or the Commissioner's designee may issue a notice of violation may to initiate an action with the Department of Administrative Hearings seeking to suspend all licenses and permits issued to the owner and/or impose a fine. The Commissioner may also recommend to the Department of Business Affairs and Consumer Protection the revocation of the owner's licenses and permits.

(b) The pertinent jurisdiction referenced in the FDA's Pasteurized Milk Ordinance is the City of Chicago, and the pertinent "regulatory agency" referenced in that Ordinance is the Department of Health.

{e)(c] Nothing in this chapter shall preclude bringing court action based on any violations of this Code.

**7-42-090 Violation - Penalty.**

Except as otherwise provided in this Code, Any any person who violates,, or who resists the enforcement of^ any provision of this chapter, Chapter 7-38<sub>T</sub> or Chapter 7-40,, or the rules and regulations promulgated thereunder of the Department of Health, or rules promulgated by the Illinois Department of Public Health that are incorporated by reference into this Code, or any other provision of the Municipal Code relating to health and sanitation in any food establishment, or Sections 2,. 4, or 7 of the most current version of the FDA's Pasteurized Milk Ordinance, shall be fined \$500.00 for each oritieat priority violation; and \$250.00 for each serious priority foundation violation^; and \$250.00 for each minor violation that is not corrected upon r einspeotion by the health authority. A separate and distinct offense shall be deemed to have been committed for each and every day on which any person shall be guilty of such violation; provided that, the intervening days between when a license holder whose license has been suspended applies for restoration of the license and a reinspection has been conducted by the Ddepartment of Hbealth shall not constitute separate offenses if the violation was found to be corrected upon reinspection.

SECTION 6. After passage and publication, this ordinance shall take effect on July 1, 2018.