CHAPTER 11 - FOOD AND FOOD ESTABLISHMENTS

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038  Control of Ice Cream Vendors. 08.24.66

290  Food & Food Establishments. 08.11.71

327  Amended in its entirety. 04.05.72

74-118  Standing and Stopping of Food Vehicles. 10.29.74

76-112  Pro-rating Fees. 10.19.76

76-126  Repealing Ordinance 76-112 and Annual Fees. 11.30.76

04-052  Amending Fines and Charges 05.03.04

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CHAPTER 11 - FOOD AND FOOD ESTABLISHMENTS

ARTICLE 1 - GENERAL PROVISIONS

Section 11-101. DEFINITIONS. Unless otherwise expressly stated, the following words or terms, for purposes of this chapter, shall have the meanings indicated in this section.

ADULTERATED shall mean the condition of food if it:

(1) bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health;

(2) bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established;

(3) consists in whole or in part of any putrid or decomposed substance, or if it is otherwise unfit for human consumption;

(4) has been processed, prepared, packed or held under unsanitary conditions, whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(5) is in whole or part a product of a diseased animal, or an animal which has died otherwise than by slaughter; or

(6) 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 shall mean acceptable to the Health Officer based on his determination as to conformance with appropriate standards of good public health practice.

CLOSED shall mean fitted together snugly, leaving no openings large enough to permit the entrance of vermin.

CORROSION RESISTANT MATERIAL shall mean material which maintains its original surface characteristics under prolonged influence of the food, cleaning compounds and sanitizing solutions which may contact it.

EASILY CLEANABLE shall mean readily accessible and of such material and finish and so fabricated that residue may be completely removed by normal cleaning methods.

EMPLOYEE shall mean any person, working in a food establishment or food vehicle or employed by any licensee under this chapter, who engages in food preparation or service, or who comes in contact with any food contact surfaces or engages in any food contact activities.

EQUIPMENT shall mean all facilities in a food establishment used in operations involving food, except that utensils shall not be included as equipment. Equipment shall include, but not necessarily be limited to, stoves, ranges, hoods, cutting and trimming tables, tables, counters, bins, refrigerators, sinks, dish washing machines, steam tables, automatic food vending machines, saws and grinders and similar items.

FOOD shall mean any raw, cooked or processed edible substance, beverage or ingredient used or intended for use or sale in whole or in part for human consumption.
FOOD CONTACT ACTIVITY shall mean any activity involving the handling of, direct contact with, or close proximity to, either:

(1) food, except for food in sealed packages or containers; or

(2) utensils or equipment used for food; or

(3) any food contact surface.

FOOD CONTACT SURFACES shall mean those surfaces of equipment and utensils in a food establishment with which food normally comes in contact, and those surfaces of equipment and utensils with which food may come in contact, and the drainback onto surfaces or equipment and utensils normally in contact with food.

FOOD ESTABLISHMENT shall mean any place, establishment or operation where food is manufactured, processed, prepared, displayed, handled, served, transported, sold or offered for sale, either at wholesale or retail, or kept or stored for any of these purposes, including, but not necessarily limited to, food dealers operations, food service establishments and food processing establishments, all as defined herein.

FOOD DEALER shall mean and include every person engaged in conducting or operating any of the following businesses in the Village:

(1) wholesale beverage dealers;

(2) fruit stores or establishments conducted or operated for the retail or wholesale sale of fresh fruits and berries;

(3) grocery stores or establishments conducted or operated for the sale at retail or wholesale of food;

(4) candy stores;

(5) meat markets or establishments conducted or operated for the retail or wholesale of fresh meat, poultry or fish;

(6) retail or wholesale soft drink dealers;

(7) bakeries or any establishment conducted or operated for the mixing, compounding or baking for sale directly to the general public or to a food service establishment of any bread or bread stuffs, or any food product of which flour meal is the principal ingredient; provided, however, that if such food stuffs are baked in the kitchens of food service establishments or in private dwellings in ordinary stoves or ranges for consumption on such premises only, such places shall not be considered as bakeries; and provided further, that notwithstanding anything herein contained to the contrary, the term "food dealer" shall not include food processing establishments and food service establishments as herein defined.

FOOD PROCESSING ESTABLISHMENT shall mean a commercial establishment in which food is processed, manufactured or otherwise prepared and packaged for human consumption.

FOOD SERVICE ESTABLISHMENT shall mean any fixed or mobile restaurant; coffee shop; cafeteria; shortorder cafe; luncheonette; grill; tea room; sandwich shop; soda fountain;
tavern; bar; cocktail lounge; night club; roadside stand; industrial feeding establishment; private, public or non-profit organization or institution routinely serving food; catering kitchen; commissary; or similar places in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

FOOD VEHICLE shall mean any vehicle, including but not limited to wagons, motor vehicles and vehicles propelled by manpower, used for the storage, transportation, delivery, sale, or serving of food. Unless otherwise expressly stated, food vehicles shall be subject to all applicable provisions of the regulations governing food establishments.

HEALTH OFFICER shall mean a public health officer who possesses qualifications as may be prescribed for a public health physician by the State Department of Public Health. Until such time as a Village Health Department is organized and a Village Health Officer possessing such qualifications is appointed, the Health Officer shall be duly appointed and acting Health Officer of the County having jurisdiction over the premises or equipment in question.

KITCHENWARE shall mean all multi-use utensils other than tableware used in the storage, preparation, conveying or serving of food.

MISBRANDED shall mean 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.

PERISHABLE FOOD shall mean any food of such type or in such condition as may spoil.

PERSON shall mean and include any natural individual, firm, trust, partnership, company association or corporation, in his or its own capacity or as administrator, conservator, executor, trustee, receiver or other representative appointed by the court.

POTENTIALLY HAZARDOUS FOOD shall mean any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shell fish, or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms.

SAFE TEMPERATURES, as applied to potentially hazardous food, shall mean temperatures of 45°F or below, and 140°F or above.

SANITIZE shall mean effective bacterioidal treatment of clean surfaces by a process which has been approved by the Health Officer as being effective in destroying micro-organisms, including pathogens.

SEALED shall mean free of cracks or other openings which permit entry or passage of moisture.

SINGLE SERVICE ARTICLES shall mean cups, containers, lids or closures, plates, knives, forks, spoons, stirrers, paddles, straws, placemats, napkins, doilies, wrapping materials, and all similar articles which are constructed in whole or in part from paper, paperboard, molded pulp, foil, wood, plastic synthetic or other readily destructible materials, and which are intended by the manufacturer and generally recognized by the public as for one usage only and then to be discarded.

TABLEWARE shall mean all multi-use eating and drinking utensils, including flatware (knives, forks, and spoons).
TEMPORARY FOOD SERVICE ESTABLISHMENT shall mean any food service establishment which operates at a fixed location for a temporary period of time, not to exceed two weeks, in connection with a fair, carnival, circus, public exhibition or similar transitory gathering.

UTENSIL shall mean tableware and kitchenware used in the storage, preparation, conveying or serving of food.

VILLAGE shall mean the Village of Bolingbrook.

WHOLESOME shall mean in sound condition, clean free from adulteration, and otherwise suitable for use as human food.

**Section 11-102. FOOD PROTECTION.**

(A) All food, while being stored, prepared, displayed, served or sold at food establishments or from food vehicles, or during transportation between such establishments, shall be protected from contamination from dust, flies, rodents and other vermin; from unclean utensils and work surfaces; from unnecessary handling; from coughs and sneezes; from flooding, drainage, and overhead leakage; and from any other source. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored.

(B) All perishable food shall be stored at such temperatures as will protect against spoiling. All potentially hazardous food shall be maintained at SAFE TEMPERATURES (45°F or below, or 140°F or above), except during necessary periods of preparation and service.

(C) Containers of food shall be stored above the floor, on clean racks, dollies, or other clean surfaces, in such a manner as to be protected from splash or other contamination. Food not subject to further washing or cooking before serving shall be stored in such a manner as to be protected against contamination from food requiring washing or cooking. Wet storage of packaged food shall be prohibited.

**Section 11-103. FOOD SUPPLIES.** All food in all food establishments shall be from sources approved or considered satisfactory by the Health Officer, shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption. No hermetically sealed non-acid and low acid food which has been processed in a place other than a commercial food processing establishment shall be used, served, sold or offered for sale.

**Section 11-104. SHELL FISH.**

(A) All oysters, clams and mussels shall be from a source that is certified by the State of Illinois, or if the source is outside the State, it shall be one which is certified by the State or origin. Oysters, clams and mussels must also be in compliance with the provisions of Section 11-102 of this Chapter.

(B) Shell stock shall be identified with an official tag giving the name and certificate number of the original shell stock shipper and the kind and quantity of shell stock. Fresh and frozen shucked oysters, clams and mussels shall be packed in non-returnable containers identified with the name and address of the packer, repacker or distributor, and the certificate number of the packer or repacker preceded by the abbreviated name of the State.

**Section 11-105. HEALTH AND DISEASE CONTROLS.** No person, while affected by any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection, shall work in any area of a food establishment or engage in any food contact activity or be employed by any licensee under this chapter in any capacity in which there is a likelihood of such person contaminating food or food contact surfaces with pathogenic organisms, or transmitting disease to other individuals.
**Section 11-106. EMPLOYER’S RESPONSIBILITY.** It shall be unlawful to employ any person in any job which he is prohibited from holding by Section 11-105 of this chapter. If the manager or person in charge of a food establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall prohibit further work by this employee and shall notify the Health Officer at once.

**Section 11-107. MEDICAL EXAMINATIONS.** All employees shall permit such medical examinations and submit such laboratory specimens as the Health Officer may require for the purpose of determining freedom from infection. Each such person shall carry, or shall have on file in the establishment where he works, a card stating that he has had a tubercular test or chest X-ray within the past year, and that this test or X-ray was negative and did not show signs of active tuberculosis.

**Section 11-108. CLEANLINESS.** All employees shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty; they shall wash their hands in an approved hand washing facility before starting work, and as often as may be necessary to remove soil and contamination. After visiting the toilet room, no employee shall resume work without first washing his hands.

**Section 11-109. USE OF TOBACCO.** Employees shall not use tobacco in any form while engaged in food contact activities, provided that designated locations in areas containing food contact surfaces may be approved by the Health Officer for smoking where no contamination hazards will result.

**Section 11-110. HEAD COVERING.** Hair nets, headbands, caps, or other effective hair restraints shall be used by employees engaged in food contact activities to keep hair from food and food contact surfaces.

**Section 11-111. SANITARY DESIGN, CONSTRUCTION AND INSTALLATION OF EQUIPMENT AND UTENSILS.**

(A) From and after the effective date of this Chapter II, all new equipment and utensils in food establishments and food vehicles shall bear the seal of approval of the National Sanitation Foundation. All equipment and utensils in food establishments and food vehicles existing on the effective date of this Chapter 11 and shall be so designed and of such material and workmanship as to be smooth, easily cleanable and durable, and shall be in good repair. The food contact surfaces of such equipment and utensils shall, in addition, be easily accessible to cleaning, non-toxic, corrosion resistant and relatively non-absorbent; provided that, when approved by the Health Officer, exceptions may be made to the above requirements for such existing equipment such as cutting boards, cutting and trimming tables and baker's tables.

(B) All equipment shall be located and installed in one of the following manners:

1. Be located at least 18" from adjacent walls and 6" from the floor.
2. Be housed on National Sanitation Foundation approved casters.
3. Be sealed to adjacent walls, floors, and other permanent equipment with an approved moisture proof sealer.

(C) Equipment in use at the time of adoption of this Chapter 11 which is in full compliance with all previously existing requirements but does not fully meet the requirements of this Section 11-111 may be continued in use if it is in good repair, capable of being maintained in a sanitary condition, and if the food contact surfaces are not toxic.
Section 11-112. CLEANLINESS OF EQUIPMENT AND UTENSILS. All utensils and food contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in any food contact activity, and all food storage utensils, shall be thoroughly cleaned after each use. Cooking surfaces of equipment shall be cleaned at least once a day. All utensils and food contact surfaces of equipment used in the preparation, service, display or storage of potentially hazardous foods shall be thoroughly cleaned and sanitized prior to each use. Non-food contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition. After cleaning and until use, all food contact surfaces of equipment and utensils shall be so stored and handled as to be protected from contamination.

Section 11-113. SEWAGE DISPOSAL. All sewage from food establishments shall be disposed of in a public sewage system or, in the absence thereof, in a manner approved by the Health Officer.

Section 11-114. GARBAGE AND RUBBISH DISPOSAL. All garbage and rubbish of food establishments or food vehicles containing food wastes stored on the premises, whether or not within any building, shall, prior to disposal, be kept in leak proof non-absorbent containers, which shall be kept covered with tight-fitting lids at all times. At no time shall such containers be so filled that the aforementioned lids cannot be tightly fitted to the said containers. All other rubbish, including but not limited to, boxes, crates, paper and cardboard backed or unbacked packing material, shall be stored in the same manner unless stored within a building on the premises. Inside storage rooms or areas, and containers used therein, shall be adequate for the storage of all food wastes and rubbish which may accumulate on the premises. Adequate cleaning facilities shall be provided, and each container, room or area shall be thoroughly cleaned after the emptying or removal of garbage or rubbish. Such inside storage areas shall be kept in a clean and sanitary condition at all times. Food waste grinders, if used, shall be installed in compliance with State and local standards and shall be of suitable construction. All garbage and rubbish shall be disposed of with sufficient frequency and in such manner as to prevent a nuisance. All outside storage areas together with containers thereon for food wastes and other rubbish shall be kept neat and clean at all times. Such storage areas, together with docks and other loading areas, shall be swept and otherwise cleared at least once daily.

Section 11-115. PLUMBING. All plumbing in food establishments shall meet the minimum requirements of the Illinois Plumbing Code and the Plumbing Code of the Village and be so sized, installed and maintained as to carry adequate quantities of water to required locations throughout the establishment; to prevent contamination of the water supply; to convey properly sewage and liquid wastes from the establishment to the sewage disposal system; and to prevent unsanitary conditions, nuisances and contamination of food, equipment and utensils.

Section 11-116. TOILET FACILITIES. Each food establishment shall be provided with adequate, conveniently located toilet facilities for its employees. Toilet fixtures shall be of sanitary design and readily cleanable. Toilet facilities shall be installed in accordance with the applicable State and local laws, ordinances and regulations, or in the absence thereof, as approved by the Health Officer. Toilet facilities, including rooms and fixtures, shall be kept clean and in good repair, and free of objectionable odors. All toilet facilities shall have mechanical ventilation discharging directly to the outside atmosphere. Doors of all the toilet rooms shall be self-closing and tightfitting. Such doors shall not be left open except during cleaning or maintenance. If vestibules are provided, they shall be kept clean and in good repair. Toilet tissue shall be provided. Easily cleanable, covered receptacles shall be emptied at least once a day, and more frequently when necessary to prevent excessive accumulation of waste material. Such facilities shall be separate from the establishment. When toilet facilities are provided for patrons, or for the public, such facilities shall meet the requirements of this section. Where food is eaten on the premises, separate toilets for men and women shall be provided in all buildings which are constructed or substantially remodeled or rebuilt after the effective date of this Chapter 11. This section shall not apply to food vehicles.

Section 11-117. HAND WASHING FACILITIES. Each food establishment shall be provided with adequate, conveniently located hand washing facilities for its employees, including a lavatory or lavatories equipped with hot and cold running water with mixing faucets or a tempering device, hand cleansing soap or detergent, and approved sanitary towels or other approved hand drying devices. Separate hand washing
facilities shall be provided in all food preparation areas. Such facilities shall be kept clean and in good repair. Signs shall be posted near all toilet facilities used by employees instructing employees not to return to work after using the toilet facilities without washing their hands. This section shall not apply to food vehicles used only for the transportation of food, or in which no food contact activities are carried on except loading or unloading of food.

Section 11-118. VERMIN CONTROL. Effective measures shall be taken to protect against the entrance into all food establishments and the breeding or presence on the premises of vermin, roaches or other bugs. The premises shall be inspected at intervals of no less than three months by a duly qualified and registered sanitarian. Records of such inspections indicating the date and result thereof shall be kept on file on the premises. Such records shall be available at any time for inspection by the Village Health Officer.

Section 11-119. FLOORS, WALLS AND CEILINGS. (A) The floor surfaces in kitchens and in all other rooms and areas in which contact activities are carried on in food establishments, walk-in refrigerators, dressing or locker rooms and toilet rooms shall be of smooth non-absorbent materials, and so constructed as to be easily cleanable. All walls of rooms or areas in which food contact activities are carried on or utensils or hands are washed shall be easily cleanable, smooth, and light colored, and shall have washable surfaces. All exterior areas where food is served or sold shall be kept clean and properly drained, and surfaces in such areas shall be finished so as to facilitate maintenance and minimize dust. An approved coving juncture shall be provided at points at which the floor surface meets the walls.

(B) The walls and ceilings of all rooms shall be kept clean and in good repair. All floors in food establishments shall be kept clean and in good repair. Floor drains shall be provided in all rooms where floors are subjected to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor.

Section 11-120. LIGHTING. All areas in food establishments in which food contact activities are carried on or in which utensils are washed, and washing areas, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas shall be well lighted. During all cleanup activities, adequate light shall be provided in the area being cleaned, and upon or around equipment being cleaned.

Section 11-121. VENTILATION. All rooms or areas in food establishments in which food contact activities are carried on, all dressing or locker rooms, all toilet rooms, and all garbage and rubbish storage rooms or areas shall be well ventilated. Cooking ventilation systems shall comply with the provision of Technical Release No. 3.0 of the Will County Health Department. All ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food contact surfaces. All filters where used, shall be readily removable for cleaning or replacement. All ventilation systems shall comply with applicable State and local fire prevention regulations and shall, when vented to the outside air, discharge in such a manner as not to create a nuisance. No ventilation system shall be fabricated for or installed in a food establishment in the Village unless the Health Department of the county having jurisdiction has issued its written approval of all such systems, including hood, duct work, filters and exhaust fan.

Section 11-122. ADEQUATE FACILITIES FOR STORAGE OF EMPLOYEES CLOTHING AND PERSONAL BELONGINGS. Where employees routinely change clothes within a food establishment, one or more dressing rooms or designated areas shall be provided for this purpose. Such designated areas shall be located outside of areas used for food contact activities, including but not limited to utensil washing or storage, provided that when approved by the Health Officer such an area may be located in a storage room where only completely packaged food is stored. Designated areas shall be equipped with adequate lockers and lockers or other suitable facilities shall be provided in dressing rooms. Dressing rooms and lockers shall be kept clean.

Section 11-123. HOUSEKEEPING. All parts of a food establishment and its premises shall be kept neat, clean and free of litter and rubbish. Cleaning operations shall be conducted in such a manner as to
minimize contamination of food and food contact surfaces. None of the operations connected with a food establishment shall be conducted in any room used as a living or sleeping quarter. Soiled linens, coats and aprons shall be kept in suitable containers until removed for laundering. No live birds or animals shall be allowed in any area used for the conduct of food establishment operations, except that guide dogs accompanying blind persons may be permitted in areas open to customers or the public.

**Section 11-124. EXEMPTIONS.** The Health Officer may exempt any food establishment that deals only in completely sealed and packaged foods, or in which no food contact activities are carried on, from any of the requirements of this chapter which, in its judgment, would serve no health purpose as applied to such food establishment.

**Section 11-125. INSPECTION OF FOOD ESTABLISHMENTS.**

(A) The Health Officer shall inspect each food establishment located in or food vehicle operated in the Village as often as is necessary for the enforcement of this chapter.

(B) The Health Officer, after proper identification, shall be permitted to enter, at any reasonable time, any food establishment or food vehicle in the Village, for the purpose of making inspections to determine compliance with this chapter. He shall be permitted to examine the records of the establishment and operator to obtain pertinent information pertaining to food and supplies purchased, received or used, and persons employed.

(C) Whenever the Health Officer makes an inspection of a food establishment or food vehicle, he shall record his findings in writing, and shall furnish the original of such inspection report to the licensee or operator.

(D) Whenever the Health Officer makes an inspection of a food establishment or food vehicle and discovers that any of the applicable requirements of this chapter have been violated, he shall notify the licensee or operator of such violations by means of an inspection report or other written notice. In such notification, the Health Officer shall:

1. set forth the specific violations found;
2. establish a specific and reasonable period of time for the correction of the violations found;
3. state that failure to comply with any notice issued in accordance with the provisions of this chapter may result in immediate suspension of the license; and
4. state that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Health Officer within the period of time established in the notice for correction.

(E) Notices provided for under this chapter shall be deemed to have been properly served when the original of the inspection report or other notice has been delivered personally to the licensee or person in charge of the food establishment or person in charge of the food vehicle, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the license holder, a copy of such notice shall be filed with the records of the Health Officer.

**Section 11-126. EXAMINATION AND CONDEMNATION OF FOOD.**

(A) Food may be examined or sampled by the Health Officer as often as may be necessary to determine freedom from adulteration or misbranding.

(B) The Health Officer may, upon written notice to the owner or person in charge, place a hold order on any food which he determines or has probable cause to believe to be unwholesome or otherwise adulterated, or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be
unlawful for any person to remove or alter a hold order, notice or tag placed on food by the Health Officer, and neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of and destroyed without permission of the Health Officer, except on order by a court of competent jurisdiction. After the owner or person in charge has had a hearing, as provided in Article 9 of this Chapter, and on the basis of evidence produced at such hearing, or on the basis of his examination in the event the written request for a hearing is not received within ten (10) days, the Health Officer may vacate the hold order, or may by written order direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of this chapter; provided, that such order of the Health Officer to denature or destroy such food or to bring it into compliance with the provisions of this chapter shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.

Section 11-127. PLAN REVIEW OF FUTURE CONSTRUCTION. When a food establishment is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a food establishment, properly prepared plans and specifications for such construction, remodeling or alteration, showing layout, arrangement and construction materials of work areas and the location, size and type of fixed equipment and facilities, shall be submitted to the Health Officer for approval before such work is begun. No building permit for any such construction or remodeling shall be issued until and unless the Health Officer has given approval to the plans for such construction or remodeling in writing.

Section 11-128. PROCEDURE WHEN INFECTION IS SUSPECTED. When the Health Officer has reasonable cause to suspect the possibility of disease transmission from any food establishment employee or food vehicle employee, the Health Officer shall secure a health history of the suspected employee, or make such other investigation as may be indicated, and take appropriate action. The Health Officer may require any or all of the following measures:

(A) The immediate exclusion of the employee from all food establishments and vehicles.

(B) The immediate closing of the food establishment concerned or suspension of use of the vehicle concerned until, in the judgment of the Health Officer, no further danger of disease outbreak exists.

(C) Adequate medical and laboratory examinations of the employee, or other employees, and of his and their bodily discharges.

Section 11-129. CONFLICTS.

(A) The provisions of this Article 1 shall apply to all food establishments within the Village and all food vehicles operated within the Village, except that where a provision of this article conflicts with any applicable provision of any other article of this chapter, the provisions of such other article shall prevail.

(B) Any person who has obtained a license under any of the articles of this chapter, and has paid the appropriate fee, may conduct on the same premises and in connection with the licensed business any other business licensed by this chapter without paying any additional fee therefor, provided that the fee paid for the licensed business is at least as great in amount as the fee required for the other business so conducted, and provided that this subsection shall not be construed as to relieve any such applicant from the regulatory requirement for such additional business.
**ARTICLE 2 - FOOD DEALERS**

**Section 11-201. LICENSE REQUIRED.** No person shall engage in the business of food dealer in the Village without first having obtained a license therefor; provided, however, that a "peddler" of food, who is licensed as a peddler need not obtain a license under this article, but such peddler shall be subject to the regulatory provisions of this Chapter 11 relating to food dealers.

**Section 11-202. APPLICATION.** An application for a food dealer's license shall be made in conformity with the general requirements of this chapter relating to applications for licenses. The application shall also state the number of employees to be employed by the applicant in his business.

**Section 11-203. INVESTIGATION.** The Health Officer shall make or cause to be made such investigation as he deems necessary to determine whether the applicant's proposed place of business and methods of operation comply with all the provisions of this chapter relating to health, sanitation and food establishments and with all other applicable provisions of the laws of the Village. No license shall be issued to any applicant whose proposed place of business and methods of operation do not comply with the applicable provisions of this chapter. The Health Officer shall indicate on the application for a license the results of his investigation and his approval or disapproval of said application.

**Section 11-204. FEE.** The annual fee for a food dealer's license shall be Forty Dollars ($40.00) for food dealers employing five (5) employees or less; Eighty Dollars ($80.00) for food dealers employing more than five (5) but less than twenty-one (21) employees; and One Hundred Twenty Dollars ($120.00) for food dealers employing twenty-one (21) or more employees. For purposes of this section, the number of employees shall be determined on the basis of the average number of full-time and part-time employees employed by the licensee in each calendar month during the twelve (12) calendar months period immediately preceding the month in which this license fee is paid.

**Section 11-205. REGULATIONS.** Every licensed food dealer shall comply strictly with all the provisions of this chapter relating to health, sanitation and food establishments and all other applicable provisions of this chapter.

**Section 11-206. INSPECTIONS.** The Health Officer shall inspect or cause to be inspected as often as he deems necessary the premises and operations of every food dealer in the Village to determine whether all applicable provisions of this chapter are being complied with. Such inspections shall be conducted in accordance with the provisions of Article 1 of this chapter.
ARTICLE 3 - FOOD SERVICE ESTABLISHMENTS

Section 11-301. LICENSE REQUIRED. No person shall conduct or operate a food service establishment in the Village without first having obtained a license therefor.

Section 11-302. APPLICATION. An application for a license to conduct or operate a food service establishment shall be made in conformity with the general requirements of the Village relating to applications for licenses.

Section 11-303. INVESTIGATION. The Health Officer shall make or cause to be made such investigation as he deems necessary to determine whether the applicant's proposed place of business and equipment and methods of operation comply with all the provisions of this chapter relating to health, sanitation and food establishments and with all other applicable provisions of this chapter. No license shall be issued to any applicant whose proposed place of business and equipment and methods of operation do not comply with the applicable provisions of this chapter. The Health Officer shall indicate on the application for a license the results of his investigation and his approval or disapproval of said application.

Section 11-304. FEE. The annual fee for a license to conduct and operate a food service establishment shall be Forty Dollars ($40.00) for food service establishments employing five (5) employees or less; Eighty Dollars ($80.00) for food service establishments employing more than five (5) but less than twenty-one (21) employees; and One Hundred Twenty Dollars ($120.00) for food service establishments employing twenty-one (21) or more employees. For purposes of this section, the number of employees shall be determined on the basis of the average number of full-time and part-time employees employed by the licensee in each calendar month during the twelve (12) calendar months period immediately preceding the month in which this license fee is paid. The annual fee for a license to conduct a food service establishment which has no employees, or where the help is donated, shall be Forty Dollars ($40.00). Licenses issued subsequent to December 31, but prior to July shall remit the full annual fee. Licenses issued on or subsequent to July 1, but prior to the following January shall remit 1/2 the full annual fee. (Ordinance 76-126, 11.30.76).

Section 11-305. MILK AND MILK PRODUCTS. (A) All milk and milk products, including fluid milk, other fluid dairy products and manufactured milk products, which are used or served in food service establishments, shall meet the standards of quality established for such products by applicable State and local laws and regulations.

(B) Only pasteurized fluid milk and fluid milk products shall be used or served. Dry milk and milk products may be reconstituted in the food service establishment if used for cooking purposes only.

(C) All milk and fluid milk products for drinking purposes shall be purchased and served in the original individual container in which they were packaged at the milk plant, or shall be served from an approved bulk milk dispenser; provided, that cream, whipped cream or half and half, which is to be consumed on the premises, may be served from the original container of not more than one-half gallon capacity or from a dispenser approved by the Health Officer for such service, and for mixed drinks requiring less than one-half pint of milk, milk may be poured from one quart or one-half gallon containers packaged at a milk plant.

Section 11-306. BAKERY PRODUCTS. All bakery products used shall have been prepared in the food service establishment or in a food processing establishment; provided, that the Health Officer may accept other sources which are in his judgment satisfactory and which are in compliance with the applicable State and local laws and regulations. Custards, cream fillings or similar products, which are prepared by hot or cold processes and which are used as puddings or pastry fillings, shall be kept at safe temperatures, except during necessary periods of preparation and service.

Section 11-307. FOOD PROTECTION.
(A) Raw fruits and vegetables used shall be washed before use. Stuffings, poultry, stuffed meats and poultry and pork and pork products shall be thoroughly cooked before being served. Individual portions of food once served to the customer shall not be served again; provided, that wrapped food which has not been unwrapped and which is wholesome may be reserved.

(B) Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitation purposes may be used or stored in food service establishments. Poisonous and toxic materials shall be identified, and shall be used only in such manner and under such conditions as will not contaminate food or constitute a hazard to employees or customers.

Section 11-308. MANUAL CONTACT WITH FOOD
(A) Convenient and suitable utensils shall be provided and shall be used by employees to reduce manual contact with food to a minimum during preparation, display, and service. For self-service by customers, similar instruments shall be provided.

(B) Self-service openings in counter guards shall be so designed and arranged as to protect food from manual contact by customers.

(C) Dispensing scoops, spoons and dippers used in serving frozen desserts shall be stored, between uses, either in an approved running water dipperwell, or in a manner approved by the Health Officer.

(D) Sugar shall be provided only in closed dispensers or in individual packages.

Section 11-309. CLEANLINESS OF EQUIPMENT AND UTENSILS
(A) All eating and drinking utensils shall be thoroughly cleaned and sanitized after each usage as hereinafter provided.

(B) Single service articles shall be made from non-toxic materials. All single serve articles shall be stored, handled, and dispensed in a sanitary manner, and shall be used only once.

(C) Food service establishments which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single service articles only.

(D) Cloths used by waiters, chefs and other personnel, shall be cleaned, and any such cloths used for wiping food contact surfaces shall be used for no other purposes.

Section 11-310. METHODS AND FACILITIES FOR WASHING AND SANITIZING
(A) Prior to washing, all equipment and utensils shall be pre-flushed or pre-scraped and, when necessary, pre-soaked to remove gross food particles and soil.

(B) Effective concentrations of a suitable detergent shall be used in both manual and mechanical dishwashing.

(C) When manual dishwashing is employed, equipment and utensils shall be thoroughly washed in a detergent solution which is kept reasonably clean, and then shall be rinsed free of such solution. All eating and drinking utensils and, where required, the food contact surfaces of all other equipment and utensils shall be sanitized by one of the following methods:

(1) Immersion for at least one-half minute in clean hot water at a temperature of at least 170°F.

(2) Immersion for a period of at least one minute in a sanitizing solution containing:
(a) At least 50 ppm of available chlorine at a temperature of not less than 75°F.; or

(b) At least 12.5 ppm of available iodine in a solution having a pH not higher than 5.0 and a temperature of not less than 75°F.; or

(c) Any other chemical-sanitizing agent which has been demonstrated to the satisfaction of the Health Officer to be effective and non-toxic under use conditions, and for which a suitable field test is available. Such sanitizing agents, in use solutions, shall provide the equivalent bactericidal effect of a solution containing at least 50 ppm of available chlorine at a temperature not less than 75°F. Bactericides which, in recommended concentration, produce a 99.999 per cent kill of 75-125 million E. coli ATTC 11229 and of 75-125 million M. Pyogenes var. aureus FDA 209 per ml., within 30 seconds, at 70° - 75°F., shall be considered satisfactory.

(d) The strength of sanitizing solutions shall be at least twice the minimum strength required for the particular sanitizing solution used.

(3) Equipment too large to treat by methods (1) and (2) above may be treated:

(a) With live steam from a hose, in the case of equipment in which steam can be confined; or

(b) By rinsing with boiling water; or

(c) By spraying or swabbing with a chemical sanitizing solution of at least twice the minimum strength required for the particular sanitizing solution when used for immersion sanitization.

(D) A three-compartment sink shall be provided and used wherever washing and sanitization of equipment or utensils are conducted manually.

(E) Sinks used for manual washing and sanitizing operations shall be of adequate length, width, and depth to permit the complete immersion of the equipment and utensils and each compartment of such sinks shall be supplied with hot and cold running water. Dish baskets shall be of such design as to permit complete immersion of the utensils and equipment components being sanitized therein.

(F) When hot water is used as the sanitizing agent in manual operations, thermometers, accurate to 12°F., shall be provided convenient to the sink to permit frequent checks of the water temperature.

(G) Dish tables and drainboards, of adequate size for the proper handling of soiled utensils prior to washing and for cleaned utensils following rinsing or sanitization, shall be provided, and shall be so located or constructed as not to interfere with the proper use of the dishwashing facilities; provided, that drainboards shall not be required for cooks' and bakers' rinse sinks. Sinks, dish tables, and drainboards shall be constructed of galvanized metal or better, suitably reinforced, of such thickness and design as to resist denting and buckling, and sloped so as to be self-draining. All such dish tables and drainboards shall bear the seal of approval of the National Sanitation Foundation.

(H) Dishwashing machines shall be of such materials and so designed and constructed as to be easily cleanable, and shall be capable, when operated properly, of rendering all surfaces of equipment and utensils clean to sight and touch, and sanitized.
When spray-type dishwashing machines are used, the following additional requirements shall be met:

1. Wash water shall be kept reasonably clean, and rinse-water tanks shall be so protected by distance, baffles, or other effective means as to minimize the entry of wash water into the rinse water.

2. The flow pressure shall be not less than 15 or more than 25 pounds per square inch on the water line at the machine, and not less than 10 pounds per square inch at the rinse nozzles. A suitable gauge cock shall be provided immediately upstream from the final rinse sprays to permit checking the flow pressure of the final rinse water.

3. The wash-water temperature shall be at least 140°F. and in single-tank conveyor machines shall be at least 160°F. When hot water is relied upon for sanitization, the final or fresh rinse water shall be at a temperature of at least 180°F. at the entrance of the manifold. When a pumped rinse is provided, the water shall be at a temperature of at least 170°F. When chemicals are relied upon for sanitation, they shall be of a class or type approved by the health authority, and shall be applied in such concentration and for such a period of time as to provide effective bactericidal treatment of the equipment and utensils.

4. Conveyors in dishwashing machines shall be accurately timed to assure proper exposure times in wash and rinse cycles.

5. An easily readable thermometer shall be provided in each tank of the dishwashing machine which will indicate to an accuracy of 12°F. The temperature of the final rinse water as it enters the manifold.

6. Jets, nozzles, and all other parts of each machine shall be maintained free of chemical deposits, debris, and other soil. Automatic detergent dispensers, if used, shall be kept in proper operating condition.

When an immersion-type dishwashing machine is employed for equipment and utensil washing and sanitizing, the applicable requirements pertaining to manual dishwashing shall be met; provided, that a two compartment system shall be deemed adequate when the temperature of the wash water is maintained at or above 140°F. and hot water at a temperature of at least 170°F. is used as the sanitizing agent.

Any other type of machine, device, or facilities and procedures may be approved by the Health Officer for cleaning or sanitizing equipment and utensils, if it can be readily established that such machine, device, or facilities and procedures will routinely render equipment and utensils clean to sight and touch, and provide effective bactericidal treatment as demonstrated by an average plate count per utensil surface examined, of not more than 100 colonies.

Section 11-311. WATER SUPPLY.

A. The water supply in a food service establishment shall be adequate, of a safe, sanitary quality, and, from an approved source. Hot and cold running water, under pressure, shall be provided in all areas where food is prepared or equipment, utensils, or containers are washed.

B. Water, if not piped into the establishment, shall be transported and stored in approved containers, and shall be handled and dispensed in a sanitary manner.

C. Ice used for any purpose shall be made from water from an approved source, and shall be used only after it has been manufactured, stored, transported and handled in a sanitary manner.
Section 11-312. TOILET FACILITIES. Toilet facilities shall comply strictly with Section 11-116 of this chapter and all other applicable provisions of this chapter.

Section 11-313. HAND WASHING FACILITIES.

(A) Lavatories shall be located within or immediately adjacent to all toilet rooms or vestibules. In all new establishments, and establishments which are extensively altered, lavatories shall also be located within the area where food is prepared.

(B) Lavatories shall be adequate in size and number and shall be so located as to permit convenient and expeditious use by all employees.

(C) Lavatories shall be installed in accordance with applicable State and local laws, ordinances, and regulations, or in the absence thereof, as approved by the Health Officer.

(D) Each lavatory shall be provided with hot and cold running water, a mixing faucet or tempering device. Steam mixing valves are prohibited.

(E) An adequate supply of hand cleansing soap or detergent shall be available at each lavatory. An adequate supply of sanitary towels, or an approved hand-drying device, shall be available and conveniently located near the lavatory. Common towels are prohibited. Where disposable towels are used, waste receptacles shall be located conveniently near the hand-washing facilities.

(F) Lavatories, soap dispensers, hand-drying devices, and all other components of the hand-washing facilities shall be kept clean and in good repair.

Section 11-314. TEMPORARY FOOD SERVICE ESTABLISHMENTS. A temporary food service establishment shall comply with all provisions of this chapter which are applicable to its operation, provided that the Health Officer may augment such requirements when needed to assure the service of safe food; may prohibit the sale of potentially hazardous food provided that this prohibition shall not apply to hamburgers, frankfurters and other food which prior to service require only limited preparation such as seasoning and cooking, and provided further, that this prohibition shall not apply to any potentially hazardous food which is obtained in individual servings, is stored in approved facilities which maintain such food at safe temperatures, and is served directly in the individual, original container in which it was packed at a commercial food establishment; and may modify specific requirements for physical facilities when, in his judgment, no health hazard will result.

Section 11-315. FOOD SERVICE VEHICLES.

(A) The term "food service vehicle" when used in this chapter shall mean a food service establishment operated in a vehicle, as defined in Section 11-101. The term a “manpowered-propelled food service vehicle” shall mean a food service vehicle whose motive force is provided, in whole or in part, through the exertion of force by human muscles. (Ordinance 04-070, 05.18.04)

(B) Food service vehicles shall be subject to the regulations in this section and Section 11-316, as well as to all other regulations governing food vehicles and food service establishments.

(C) Only single-service food utensils shall be used by food service vehicles.

(D) No food service vehicle shall stop in any location that is not clean and sanitary. The operator of such vehicle shall be responsible for sanitation of the environs of the place of operation. Every food service vehicle shall maintain suitable, tight, nonabsorbent, washable receptacles for refuse, which shall be attached to but not be an integral part of the vehicle.

Section 11-316. SERVICE OF FOOD FROM VEHICLES. It shall be unlawful to serve food from a vehicle or for food to be served by a food service vehicle except as provided in subsections (A) through (F) of this section.
(A) Coffee, sugar and cream shall be served only in approved containers.

(B) Coffee is to be prepared in a commercial food processing establishment. Cream is to be refrigerated and kept in a covered single service container, or in an approved cream dispenser. Sugar shall be served only in wrapped individual packages or in a covered closed pouring spout type container, or in any other manner approved by the Health Officer which is effective in preventing contamination by the customers.

(C) Other bulk soft drinks or beverages shall be dispensed from an approved dispenser only. The drink outlet on all bulk liquid dispensers shall be protected from flies, dust and contamination by the customer.

(D) All food products shall be completely enclosed, covered and protected while being conveyed, transported or dispensed.

(E) Ice cream, ice milk, frozen dessert mix, sodas, and sundaes manufactured or processed on or served from the mobile vehicle shall be prepared from ingredients dispensed from an approved dispenser only. Customers shall be served in single-service containers.

(F) Except as provided in subsections (A) through (E) above, no food other than individual portions totally enclosed in a wrapper shall be served from a food service vehicle.

Section 11-317. INSPECTIONS. The Health Officer shall inspect food service vehicles operated in the Village as provided in Section 11-125 of this chapter.

Section 11-318. LICENSE FEES/NUMBER OF LICENSES. (Ordinance 04-070, 05.18.04)
(A) The annual license fee for each food service vehicle shall be $100.00 per vehicle.

(B) The number of annual licenses available for manpowered-propelled food service vehicles shall be 1 such license for every 10,000 residents of the Village.

Section 11-319. LOCATION OF OPERATION. Food vehicles are permitted to operate only on streets one block removed from public or parochial school grounds or municipal playgrounds.
ARTICLE 4 - FROZEN DESSERT ESTABLISHMENTS

Section 11-401. DEFINITIONS.
(A) The term "frozen desserts" when used in this chapter shall mean ice cream, water ices, frozen puddings or any food made wholly or in part from milk or cream and frozen.

(B) The term "frozen dessert establishment" when used in this chapter shall mean any food establishment in the Village that manufactures, sells, offers for sale or deals in frozen desserts.

Section 11-402. LICENSE REQUIRED. No person shall conduct or operate a frozen dessert establishment without first having obtained a license therefor.

Section 11-403. APPLICATION. An application for a license to conduct or operate a frozen dessert establishment shall be made in conformity with the general requirements of this chapter relating to applications for licenses.

Section 11-404. INVESTIGATION. The Health Officer shall make or cause to be made such investigation as he deems necessary to determine whether the applicant's proposed place of business and the equipment and methods of operation comply with all the provisions of this chapter relating to health, sanitation and food establishments and with all other applicable provisions of this chapter. No license shall be issued to any applicant whose proposed place of business and equipment and methods of operation do not comply with the applicable provisions of this chapter. The Health Officer shall indicate on the application for a license the results of his investigation and his approval or disapproval of said application.

Section 11-405. FEE. The annual fee for a license to conduct or operate a frozen dessert establishment shall be Forty Dollars ($40.00) for establishments employing five employees or less; Eighty Dollars ($80.00) for establishments employing more than five but less than twenty-one employees; and One Hundred Twenty Dollars ($120.00) for establishments employing twenty-one or more employees. For purposes of this section, the number of employees shall be determined on the basis of the average number of full-time and part-time employees employed by the licensee in each calendar month during the twelve calendar months period immediately preceding the month in which this license fee is paid.

Section 11-406. GENERAL REGULATIONS. All persons conducting or operating frozen dessert establishments, whether licensed under the provisions of this article or under any other article of this chapter, shall comply strictly with all the regulations of this article and with all the applicable regulations of Article 1 of this chapter.

Section 11-407. SANITARY CONDITIONS. All frozen desserts made or sold in the Village shall be produced under conditions such that the frozen dessert in the process of production, preparation, manufacture, packing, storing, sale, distribution or transportation is securely protected from flies, vermin, dogs, cats, dust, dirt and other foreign or injurious contamination. All refuse, dirt or waste products subject to decomposition and fermentation shall be removed daily from the premises of all frozen dessert establishments. All trucks, trays, boxes, buckets or other receptacles, and the chutes, platforms, racks, tables, shelves and knives, saws, cleavers or other utensils or the machinery used in handling cutting, chipping, mixing, canning or other processes shall be clean at all times. The clothing of operators or other persons employed in frozen dessert establishments shall be clean; and adequate toilet facilities and soap and clean towels shall be provided for employees handling frozen desserts and products entering the manufacture of the same. It shall be a violation of this Article 4 either to make frozen dessert in conditions not in accordance with these requirements or to sell frozen dessert not so made.

Section 11-408. SALE OF FROZEN DESSERTS MADE UNDER CONDITIONS OF CONTAGION PROHIBITED. It shall be unlawful to sell or offer for sale in the Village any frozen dessert which has been produced, prepared or handled by any person infected or suspected of being infected with any contagious disease. When there is any such condition of contagion or suspected contagion about any place, the fact shall be reported by the person producing frozen dessert therein and the sale and delivery of frozen dessert
manufactured therein within the Village shall be stopped immediately by the Health Officer. When the Health Officer is satisfied that there is no longer any danger of contagion from the sale of frozen dessert produced therein, he shall then permit such sale, but not before.

**Section 11-409. INGREDIENTS.** It shall be unlawful to make frozen desserts, or to deliver in the Village frozen desserts made from substances other than eggs, milk, cream, condensed milk, fruits, gelatin, nuts and harmless flavoring and coloring matters. Only such fruits and nuts may be used in the manufacture of frozen desserts as are sound, clean, mature and non-rancid. All milk and cream used for the manufacture of frozen desserts sold or offered for sale in the Village shall be pasteurized and shall comply in all other respects with the standards for milk and cream as defined by the provisions of this chapter.

**Section 11-410. MILK FAT AND BACTERIA CONTENT.** It shall be unlawful to make, sell or offer for sale in the Village any ice cream which contains less than 8% of milk fat. Such ice cream shall be free from bacteria in excessive numbers.

**Section 11-411. REFREEZING PROHIBITED.** It shall be unlawful to refreeze any frozen food or food products or to sell or offer for sale any such refrozen food or food product, including, but not limited to, desserts, meats, fish, poultry, vegetables and fruits.

**Section 11-412. WHOLESOMENESS OF CONES.** No person shall make, give, deliver, sell or offer for sale in the Village any frozen dessert cones which are made under unsanitary conditions or in any unclean manner or which contain any ingredients which are unwholesome or deleterious to health.

**Section 11-413. UTENSILS USED IN MANUFACTURE.** All utensils and equipment used in the manufacture, handling or sale of frozen desserts shall be of nonabsorbent material, free from rust or corrosion, constructed in such a manner that they may be easily cleaned and sterilized and shall be kept clean and sterilized at all times.

**Section 11-414. RECEPTACLES FOR STORAGE AND TRANSPORTATION.** No person shall keep or store frozen desserts for sale or disposal, or transport the same over any street, alley or way in the Village, except in a receptacle which is clean, dustproof and flyproof. Such storage receptacles shall be kept in a location and in a manner which is satisfactory to the Health Officer.

**Section 11-415. INSPECTIONS.** The Health Officer shall inspect or cause to be inspected as often as he deems necessary every frozen dessert establishment in the Village to determine whether all applicable provisions of this chapter are being complied with. Such inspection shall be conducted in accordance with the provisions of Article I of this chapter.
ARTICLE 5 - MILK DEALERS

Section 11-501. DEFINITION. The term "milk dealer" when used in this article shall mean any person who processes, prepares, handles, serves, transports or sells milk, or who keeps, stores or offers milk for any of these purposes.

Section 11-502. LICENSE REQUIRED. No person shall engage in the business of a milk dealer without first having obtained a license therefor.

Section 11-503. APPLICATION. An application for a milk dealer's license shall be made in conformity with the general requirements of this chapter relating to applications for licenses. Such application shall also state the source of the supply of milk to be sold and the name of the owner of the cattle from which the milk is obtained.

Section 11-504. INVESTIGATION. The Health Officer shall make or cause to be made such investigation as he deems necessary to determine whether the applicant's proposed place of business and equipment and methods of operation comply with the regulations of this chapter relating to health, sanitation and food establishments and with all other provisions of this chapter. No license shall be issued to any applicant whose proposed place of business and equipment and methods of operation do not comply with the applicable provisions of this chapter. The Health Officer shall indicate on the application for a license the results of his investigation and his approval or disapproval of said application.

Section 11-505. FEE. The annual fee for a milk dealer's license shall be Forty Dollars ($40.00) for dealers employing five employees or less; Eighty Dollars ($80.00) for dealers employing more than five but less than twenty-one employees; and One Hundred Twenty Dollars ($120.00) for dealers employing twenty-one or more employees. For purposes of this section, the number of employees shall be determined on the basis of the average number of full-time and part-time employees employed by the licensee in each calendar month during the twelve calendar months period immediately preceding the month in which the license fee is paid. No additional fee shall be required by a licensee hereunder for any food delivery vehicles employed by him.

Section 11-506. GENERAL REGULATIONS. All milk dealers, whether licensed under the provisions of this article or under any other article of this chapter, shall comply strictly with all the regulations of this article and with all applicable regulations of this chapter.

Section 11-507. STANDARDS.

(A) All milk sold or offered for sale in the Village shall be the whole, fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept clean. It shall be practically colostrum free, and in any event shall not have been obtained within fifteen days before or five days after calving. It shall contain not less than 3% of milk fat and not less than 8-1/2% of milk solids other than fat.

(B) All skim milk, buttermilk and cream shall conform to the standards for these products fixed by State and Federal law. The sale or offering for sale of any milk or milk products in any way not in conformity with State or Federal law is prohibited.

Section 11-508. CREAM. No cream shall be sold, offered for sale, exchanged, delivered or kept for the purpose of sale in the Village that contains less than 18% of milk fat, or that is obtained from any impure, diseased or unwholesome milk, or from milk to which any foreign substance has been added, or from milk containing less than 3% of butterfat.

Section 11-509. STANDARDS. No milk or cream shall be sold that contains any artificial preservative, or that comes from cows fed on refuse or slop, mush or food which has been subject to fermentation, or any food other than good wholesome food.
Section 11-510. CONTAINERS. No milk, except skimmed milk, buttermilk or sour milk, shall be delivered or sold at retail in quantities of one gallon or less except in containers bearing the true name of the product, the name and address of the producer, dealer or distributor, and the net volume of the contents in accordance with the Illinois Dairy Statute. No person shall sell milk or cream in any bottle or container which does not bear the seller's name or to which the seller has not acquired title as required by law.

Section 11-511. PREVENTION OF INFECTION. All milk offered for sale or sold in the Village must come from animals under State and Federal supervision, shall be proven free from all contagious and infectious diseases, shall not contain more than fifty thousand bacteria per cubic centimeter, and shall contain no pathogenic bacteria. It shall be produced under the following conditions:

(A) All persons coming in contact with the milk on farms, in dairies or in any other place shall be free from contagious diseases or infectious diseases, and shall not have been exposed to anyone having such disease within a period of one week prior to coming in contact with the milk.

(B) No person who is a paratyphoid, diphtheria or septic sore throat carrier shall be employed in the production or handling of the milk. It shall be the duty of every person with knowledge of the facts to notify the Health Officer at once of the occurrence of any of the afflictions listed in subsection (A) and this subsection (B) in any person employed in or living about a place where milk is produced, handled or sold.

Section 11-512. INCORPORATION OF STATUTORY REQUIREMENTS.

(A) It shall be unlawful to sell, or offer for sale, for human consumption any milk or milk product which has not been produced and pasteurized in the manner required by statute.

(B) It shall be unlawful to sell or offer for sale any milk labeled as "Grade A" milk unless the same has been produced and transported in compliance with State and Federal law.

Section 11-513. QUARANTINED PREMISES.

(A) Milk shall not be delivered to quarantined premises except in such manner that there is no contact of any kind between the inmates and contents of the quarantined premises and the delivery agent.

(B) No milk receptacles shall be taken from quarantined premises during the period of quarantine. If milk receptacles are to be taken from such premises and reused after the quarantine has been lifted, they shall be thoroughly sealed and sterilized before being taken from the formerly quarantined premises.

Section 11-514. VEHICLES. Every vehicle used for the delivery of milk and cream to consumers shall have marked plainly on it the name of the vendor of the milk and his address.

Section 11-515. INSPECTION. The Health Officer shall conduct periodic inspection of all milk distribution plants, dairies, vehicles and equipment used in the sale or distribution of milk as well as of the milk itself. Such inspections shall be made every quarter or as often as the Health Officer deems necessary. The inspector may, in his discretion, accept in lieu of inspection the certificate of inspection of any other city or village with requirements equal to or more rigid than those of this article and Article 1 of this chapter. The licensee shall pay the cost of all bacteriological inspections and tests necessary.
ARTICLE 6 - AUTOMATIC FOOD VENDING MACHINES

Section 11-601. DEFINITION. The term "automatic food vending machine" when used in this article shall mean any mechanical container or device used for the sale of any beverage or article of food the operation of which is governed or controlled by the deposit of a coin or token.

Section 11-602. LICENSE REQUIRED. No person shall install, keep, maintain or use an automatic food vending machine in the Village, or permit the installation, keeping or maintenance of use upon his premises of an automatic food vending machine, without first having obtained a license therefor; provided, however, that when the owner or operator of an automatic food vending machine has obtained such a license, the owner of the premises on which said machine is to be located need not obtain a further license for the machine; and provided further, that nothing herein contained shall require a licensed food establishment licensee under this chapter to procure a license under this article for operating an automatic food vending machine owned by such licensee and operated on the licensed premises. No license shall be issued for any automatic food vending machine that does not meet the requirements and standards of the National Sanitation Foundation.

Section 11-603. APPLICATION. An application for a license to install, keep, maintain or use an automatic food vending machine shall be made in conformity with the general requirements of this chapter relating to applications for licenses. The application shall also state the types of automatic food vending machines intended to be operated, a description of each type, and the number of employees to be involved in servicing the machines.

Section 11-604. INVESTIGATION. The Health Officer shall make or cause to be made such investigation as he deems necessary to determine whether the applicant's automatic food vending machine and automatic food vending operations comply with all the provisions of this chapter relating to health, sanitation and food and with all other applicable provisions of this chapter. No license shall be issued to any applicant whose automatic food vending machines and the operation thereof do not comply with the applicable provisions of this chapter. The Health Officer shall indicate on the application for a license the results of his investigation and his approval or disapproval of said application.

Section 11-605. FEE. The annual fee for a license to install, keep, maintain or use an automatic food vending machine shall be Five Dollars ($5) per machine; except that, notwithstanding the foregoing, the annual fee for a license to install, keep, maintain or use any machine which vends milk shall be Fifteen Dollars ($15) per machine.

Section 11-606. GENERAL REGULATIONS. All persons licensed hereunder to install, keep, maintain or use an automatic food vending machine, whether licensed under this article or under another article of this chapter, shall comply strictly with all the regulations of this article and all applicable regulations of this chapter, except that no lavatory or toilet facilities or clothing storage areas need be provided where employees in food contact activities are not present for more than one hour a day.

Section 11-607. OPERATOR'S PLACE OF BUSINESS. (A) The Health Officer shall be notified of any change in the address of the operator's place of business; and the current address, along with the operator's name, shall be indicated in some conspicuous place on each of the machines.

(B) In addition, there shall be posted in a conspicuous place on each machine the name, address and telephone number of the person responsible for the maintenance of such machine.

Section 11-608. PREMISES. No automatic food vending machine shall be located on any premises that expose the food to danger from improper handling, dust, dirt, flies, vermin or other contamination. No automatic food vending machine shall be installed or kept in any toilet or washroom.
Section 11-609. INSPECTIONS. The Health Officer shall inspect or cause to be inspected as often as he deems necessary every automatic food vending machine and automatic food vending machine operation located and conducted in the Village to determine whether all applicable provisions of this chapter are being complied with. Such investigation shall be made in accordance with Article 1 of this chapter.
ARTICLE 7 - FOODVEHICLES

Section 11-701. LICENSE REQUIRED. No person shall operate, use, or cause the operation or use in the Village of any food vehicle without first having obtained a license therefor; provided, however, that no license need be obtained hereunder for food vehicles to be used to deliver food from a food establishment or milk dealer otherwise licensed under this chapter or to be used by a peddler licensed under this chapter, but such vehicles shall comply with the regulatory provisions of this Article. Notwithstanding the foregoing or anything to the contrary set forth in this Chapter, all manpower-propelled food service vehicles shall be licensed in accordance with the provisions of Article 3 of this Chapter. (Ordinance 04-070, 05.18.04)

Section 11-702. APPLICATION. Application for a food vehicle license shall be made in conformity with the general requirements of this chapter relating to applications for licenses. The application shall also state the type and use of the proposed food vehicle.

Section 11-703. INVESTIGATIONS. The Health Officer shall make or cause to be made such investigation as he deems necessary to determine whether the applicant's proposed vehicle and operations comply with all the provisions of this chapter relating to health, sanitation and food vehicles and with all other applicable provisions of this chapter. No license shall be issued to any applicant whose proposed vehicle and operations do not comply with the applicable provisions of this chapter. The Health Officer shall indicate on the application for a license the results of his investigation and his approval or disapproval of said application.

Section 11-704. FEE. The annual fee for a food vehicle license shall be Thirty Dollars ($30.00) per vehicle.

Section 11-705. REGULATIONS. Every holder of a food vehicle license shall comply strictly with all the provisions of this chapter relating to health, sanitation and food vehicles and all other applicable provisions of this chapter.

Section 11-706. INSPECTIONS. The Health Officer shall inspect or cause to be inspected as often as he deems necessary the vehicle and operations of every food vehicle operator in the Village to determine whether there is compliance with the applicable provisions of this chapter. Such inspections shall be conducted in accordance with the provisions of Article 1 of this chapter.

Section 11-707. STANDING AND STOPPING.

(A) Food vehicles shall not remain more than one hour on a street in the same block in a residential area of the Village while the vehicle is being used for food vehicle purposes.

(B) Food vehicles shall not stop or stand on private property within the Village unless a public gathering, sporting event or other similar activity is taking place on the said premises and then only if:

1. Written permission of the owner of the property has been secured by the owner or operator of the food vehicle and such permission has been filed with the Bolingbrook Police Chief at least 24 hours prior to the date on which the vehicle will be parked on the property; and

2. Food vehicles shall not, in any event, be parked on private property sooner than 30 minutes before the scheduled starting time of such public gathering, sporting event or similar activity and shall not remain on such premises for longer than 30 minutes after the conclusion thereof. (Ordinance 74-118, 10.29.74)
ARTICLE 8 - COUNTY HEALTH DEPARTMENT PERMIT

Section 11-801. COUNTY PERMIT REQUIRED. Whenever the ordinances or resolutions of the Health Department of Will County or DuPage County require that any food dealer, or the owner or operator of any food establishment, food service or processing equipment, or food vehicle apply for and secure a permit from the Health Department of either of such Counties, then no license required to be issued by this Chapter 11 shall be issued to such applicant unless the Health Department of the county having jurisdiction over such dealer, establishment, equipment or vehicle shall have issued such permit.
ARTICLE 9 - SUSPENSION AND REVOCATION OF LICENSE

Section 11-901. SUSPENSION OF LICENSE.

(A) Any license issued under this chapter may be suspended temporarily by the Health Officer for failure of the licensee to comply with, or for violation of, any provision of this chapter relating to the conduct of the business, the condition of the premises or vehicle, the article of food dealt in, or the license required; provided, however, that no license shall be suspended hereunder until notice has been given to the licensee as provided in Section 11-125, subsections (D) and (E) of this chapter and until a reasonable time has elapsed to enable the licensee to comply with the provisions of this chapter. Such notice shall state that the licensee is entitled to a hearing before the Health Officer if a written request for such a hearing is filed by the licensee with the Health Officer.

(B) Notwithstanding anything contained in this section to the contrary, whenever the Health Officer finds unsanitary or other conditions in the operation of a food establishment or food vehicle which, in his judgment, constitute a substantial hazard to the public health, he may, without warning, notice or hearing, issue a written order to the license holder or operator citing such condition, specifying the corrective action to be taken and specifying the time period within which such action shall be taken; and if deemed necessary, such order shall state that the license is immediately suspended and that all food operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the Health Officer, shall be afforded a hearing as soon as possible.

Section 11-902. REINSTATEMENT OF SUSPENDED LICENSE. Any person whose license under this chapter has been suspended may, at any time, make application for reinspection for the purpose of reinstatement of the license. Within ten days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the license have been corrected, the Health Officer shall make a reinspection. If the applicant is complying with all applicable provisions of this chapter, the license shall be reinstated.

Section 11-903. HEARING. The hearing provided for hereunder shall be conducted by the Health Officer at a time and place designated by him. Based upon the record of such hearing, the Health Officer shall make a finding and shall sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the licensee by the Health Officer.
ARTICLE 10 - PENALTY

Section 11-1001. PENALTY. Any person violating any of the provisions of this Chapter II shall be fined not less than Twenty-Five Dollars ($25.00) and not more than Five Hundred Dollars ($500) for each offense. A separate offense shall be deemed to have been committed on each day during or on which a violation occurs or continues.