

**PUBLIC HEALTH ORDINANCE FOR
McHENRY COUNTY ILLINOIS**

McHENRY COUNTY DEPARTMENT OF HEALTH

**ARTICLE III
FOOD**

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ARTICLE III – FOOD

Section III.1 Purpose

This Ordinance shall be liberally construed and applied to promote its underlying purpose of protecting the public health. The purpose of this Ordinance is to protect the health, safety and general welfare of the residents and transients of McHenry County by establishing sanitation standards for food provided in food establishments, food protection, food service personnel, food equipment and utensils, sanitary facilities and controls; by regulating the inspection of food establishments; providing for examination and condemnation of food; and providing for the enforcement of this Ordinance.

Section III.2 Incorporated Materials

The Illinois Food Service Sanitation Code, Title 77, Chapter 1, Part 750 of the Illinois Administrative Code, in effect on June 28, 2016 is adopted and incorporated by reference with the following additions, insertions, deletions and changes as approved by the McHenry County Board.

Section III.3 Definitions

The following definitions shall apply in the interpretation and the enforcement of this Ordinance:

“Adulterated” means the condition of a food:

1. If it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health.
2. If it 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. If it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human consumption.
4. If it 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. If it is in whole or in part the product of a diseased animal, or an animal which has died otherwise than by approved slaughter method.
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.

“Back Siphonage” means the backing up of used, contaminated or polluted water from a plumbing fixture, vessel or tank or other source into the water supply pipe or system due to a negative pressure in the supply system.

“Bulk Food” means processed or unprocessed food in aggregate containers from which quantities desired by the consumer are withdrawn.

“Caterer” means any person, firm or corporation who provides food service to an event or location usually for a single event or celebration whether the food is prepared at an approved facility or at the location of the event.

“Commissary” means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored, and/or directly from which mobile food units or vending machines are serviced.

“Conditional Permit” means a permit issued when any condition other than those that require immediate abatement prohibits a regular permit from being issued.

“Contaminant” means any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

“Critical Violation” means a four (4) or five (5) point violation where that violation would result in an unacceptable health risk.

“Department” means the McHenry County Department of Health.

“Festival” means a particular feast, holiday or celebration occurring each year at which food is served to the public for a period of no more than fourteen (14) days.

“Fixed Food Establishment” means a food establishment that is not a mobile food unit, a temporary food establishment, vending machine or vending machine location.

“Food-borne Disease Outbreak” means

1. An incident, except as specified in Subparagraph 2 of this definition, in which:
 - a) Two or more unrelated persons experience a similar illness after ingestion of a common food; and
 - b) Epidemiological analysis implicates the food as the source of the illness.
2. Food-borne Disease Outbreak includes a single case of illness such as one person ill from botulism or chemical poisoning.

“Food establishment” means an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption:

- a) Such as a restaurant; satellite; retail food store or market; conveyance used to transport people; institution; or food bank; and
- b) That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

1. “Food establishment” includes:

- a) An element of the operation such as a transportation vehicle or a central preparation facility that supplies a satellite feeding location unless the feeding location is permitted by the regulatory authority; and

- b) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food.

2. "Food establishment" does not include:

- a) A produce stand that only offers whole, uncut fresh fruits and vegetables;
- b) A food processing establishment;
- c) A kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function such as a religious or charitable organization's bake sale if allowed by law and if the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority;
- d) An area where food that is prepared as specified in Subparagraph (2) of this definition is sold or offered for human consumption;
- e) A kitchen in a private home, such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 5, breakfast is the only meal offered, and the consumer is informed by statements contained in published advertisements, mailed brochures, or placards posted at the registration areas that the food is prepared in a kitchen that is not regulated and inspected by the regulatory authority; or
- f) A private home that receives catered or home-delivered food.

"Food grade container" means a smooth and easily cleanable container which is made from clean, sanitary, safe and non-toxic materials which will not impart odors, color, or taste or contribute to the contamination of food.

"Health Authority" means the Administrator of the McHenry County Department of Health or his designated agent.

"Law" includes applicable Federal, State, and local statutes, ordinances, and regulations.

"Mobile Food Unit" means a food establishment designed to be readily moveable and which returns each day to the commissary for cleaning and servicing.

"Poisonous or Toxic Materials" means substances that are not intended for ingestion and are included in four categories:

1. Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;
2. Pesticides, which include substances such as insecticides and rodenticides;
3. Substances necessary for the operation and maintenance of the establishment such as non-food grade lubricants and personal care items that may be deleterious to health; and
4. Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

"Pre-packaged" means bottled, canned, cartoned, bagged, or securely wrapped.

"Repetitious violation" means any violation, which has been noted on two or more inspection reports within a calendar year.

“Service area” means any area of a food establishment where food is handled, prepared, packaged, served or dispensed by either food service personnel or patrons. For the purposes of this Ordinance, service area and food service area shall have the same meaning.

“Substantial compliance” means that there are no outstanding or repetitious critical violations at the food establishment.

“Supplemental Outdoor Grilling Health Permit” means a permit issued by the Health Authority to a fixed food establishment, in addition to the annual or seasonal health permit, which allows the outdoor grilling of food items.

“Temporary Food Establishment” means a food establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration. The term does not include establishments that handle only whole fresh fruits or vegetables. For the purposes of this Ordinance, “Temporary Food Events” and Temporary Food Establishments” shall have the same meaning. Temporary Food Establishments shall be classified into three categories as follows:

- Category I: Foods with extensive or complicated preparation of high-risk foods, or high-risk populations.
- Category II: Food with limited preparation or handling.
- Category III: Pre-packaged, non-potentially hazardous foods, and pre-packaged ice cream products.

“Transportation” (transported) means movement of food within the food establishment or delivery of food from that food establishment to another place while under the control of the person in charge.

“Vending Machine” means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation. Vending machines shall be classified into three categories as follows:

- Category I: vending machines that vend in part or in total potentially hazardous foods and/or beverages into an open container.
- Category II: vending machines that vend only pre-packaged, non-potentially hazardous foods.
- Category III: vending machines that vend only bottled or canned beverages and/or gum and loose candy.

“Vending Machine Location” means the room, enclosure, space, or area where one or more vending machines are installed and operated and includes the storage and servicing areas on the premises that are used in conjunction with the vending machines.

“Wet Storage” means cold storage of food or drink by immersion in cold or iced water.

“Warewashing” means the cleaning and sanitizing of food-contact surfaces of equipment and utensils.

“Wholesome” means in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

Section III.4 Permit Requirements:

- A. No person, firm or corporation shall operate a food establishment or operate one or more food vending machines in McHenry County, unless he holds a valid operator's permit issued by the Health Authority in his name for the specific food establishment or vending machine. Category II and Category III vending machines, Category III Temporary Food Establishments and Category III Food Establishments serving only pre-packaged, non-potentially hazardous food items are exempt from the permit and fee requirements; however, all other requirements of this Ordinance must be met.
- B. **Permit Renewal:** Every operating permit shall be issued for the period May 1 – April 30, unless sooner revoked or suspended and may be renewed for successive periods not to exceed 1 year: Provided that a person, firm or corporation who begins operation after November 1st shall be required to pay only one-half (1/2) the annual permit fee for the balance of that permit year. Any operating permit not renewed by April 30, shall be considered delinquent. A late charge specified in the Public Health Fee Ordinance shall be applied to all renewal permit application(s) received after April 30th.
- C. **Condition for Permits:** The Health Authority is hereby authorized upon application thereof, to issue new operating permits and renewals in the names of the applicant, owners or operators of food establishments. Within thirty (30) days of receipt of the permit application, the Health Authority shall either issue the permit or provide written justification for the denial of the permit. No permit shall be issued unless said establishment is found upon inspection to be in substantial compliance with all the requirements of this Ordinance. When conditions exist that a regular permit cannot be issued a conditional permit will be issued. A conditional permit suspends the regular health permit. A conditional permit is not intended for new food establishments or for food establishments under new ownership.
- D. **Conditional Permit:** A conditional permit is issued for a period not to exceed 30 days at which time either the regular permit is issued or another conditional permit is issued if the conditions causing the conditional permit are not corrected. The cost of the conditional permit is due at the Health Department within 5 working days of receipt or the permit is suspended until such time that the fees have been received. A maximum of three (3) consecutive conditional permits will be issued in a permit year (May 1 – April 30.) A conditional permit suspends the regular health permit.
- E. **Application for Permit:** No operating permit shall be issued or renewed unless the applicant, owner or operator has first made application therefore on an application form provided by the Health Authority. The Health Authority shall develop such forms and make them available to the public. Such application shall include:
 - 1. Applicant's full name and post office address.
 - 2. Whether applicant is an individual, firm or corporation, and if a corporation or partnership, the names of the officers or partners, together with their addresses.
 - 3. Location of the commissary or commissaries where vending machines are repaired or renovated.
 - 4. Type of Establishment.

5. The identity and form of the products to be dispensed through vending machines and the number of each such type vending machine in his possession.
 6. The location and number of vending machines operated in McHenry County, Illinois.
 7. Signature of the applicant or applicants.
- F. **Permit Fee:** No operating permit shall be issued or renewed unless the completed application form is accompanied by a payment in accordance with the approved fee schedule contained in the Public Health Fee Ordinance approved by the McHenry County Board. A fee as contained in the Public Health Fee Ordinance shall be required for all replacement permits (i.e. due to loss, name changes, etc.)
- G. **Permit Display:** The operator's permit, as provided by the Health Authority, shall be displayed and be readily visible in each food establishment, vending machine location or on each vending machine operated by him.
- H. **Variations:** When circumstances exist which make impractical full compliance with the requirements of this Ordinance, as listed in this paragraph, an applicant may request that the Public Health Administrator grant a variance. Such request shall be made in writing, shall cite the relevant Section numbers, and shall accompany any other pertinent data which might support the request or which the Public Health Administrator may require. An explanation of how the potential public health hazards and nuisances addressed by the relevant Sections of this Ordinance will be alternatively addressed shall be included. The Public Health Administrator may grant the request for variance provided the variance does not conflict with the stated purpose of this Ordinance. Variations will be considered for items in this Ordinance that do not compromise the wholesomeness, storage, handling, or service of foods. The Health Administrator or his designated representative shall respond to all variation requests, in writing, within thirty (30) days of receipt of the request. The Department may attach conditions to a variance to ensure that a variance does not result in creating a public health hazard or nuisance condition. Failure to continue to meet the conditions of a variance is a violation of this Ordinance and may result in the variance being rescinded.
- I. **Outdoor Cooking:** Beer Gardens, pig roasts, fish boils, outdoor grilling and other outdoor food service events that are held in conjunction with permitted establishments shall only be allowed with a valid Supplemental Outdoor Grilling Health Permit or Temporary Food Permit issued by the Health Authority.

Section III.5 Inspection of Food Establishments

- A. The Health Authority shall inspect each food establishment located in the County of McHenry as follows:
1. Category I Facilities: three times annually
 2. Category II Facilities: two times annually
 3. Category III Facilities: one time annually

- B. The following substitute activities may be used in place of one annual inspection of a Category I or Category II facility, which is in substantial compliance with the requirements of this Ordinance:
- Employees involved in food operations receive a HACCP training exercise, in-service training in another food service sanitation area, or attend an educational conference on food safety or sanitation.
- C. The Health Authority shall inspect each food and/or beverage vending machine located in the County of McHenry as follows:
1. Category I Vending Machines: two annual inspections
 2. Category II Vending Machines: no annual inspections
 3. Category III Vending Machines: no annual inspections
- D. The Health Authority shall make as many additional inspections as are necessary for the enforcement of this Ordinance. The Health Authority reserves the right to change the risk classification (i.e. poor sanitation) and thus increase the frequency for Category II and III operations.
- E. **Access to Establishments:** The Health Authority, after proper identification, shall be permitted to enter, at any reasonable time, any food establishment, or upon any private or public property where vending machines or commissaries are operated, or from which such machines are otherwise serviced, within the County of McHenry, Illinois, for the purpose of making inspections to determine compliance with this Ordinance. He shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received or sold, and persons employed. The operator shall make provisions for the Health Authority to have access, either in company with an employee or otherwise, to the interior of all vending machines operated by him.
- F. **Inspection Reports:** Whenever an inspection of a food establishment, vending machine, or commissary is made, the findings shall be recorded on an approved electronic inspection report form. This inspection report form shall summarize the requirements of this Ordinance and shall set forth a weighted point value for each requirement. Inspectional remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. The rating score of the establishment shall be a total of the weighted point values for all violations, subtracted from 100. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment via electronic mail at the conclusion of the inspection.
- G. **Issuance of Notices:** Whenever the Health Authority makes an inspection of a food establishment or vending machine and discovers that any of the requirements of this Ordinance have been violated, he shall notify the permit holder or operator of such violations by means of an inspection report form or other written notice. In such notification the Health Authority shall:
1. Set forth the specific violations found, together with the rating score of the establishment.

2. Establish a specific and reasonable period of time for the correction of the violations found, in accordance with the following provisions:
 - i. All violations of one (1) or (2) violation points should be corrected immediately if possible, but must be corrected in a time period not to exceed the time of the next routine inspection.
 - ii. When one or more four (4) or five (5) violation point items are in violation, regardless of rating score, such items must be corrected immediately if possible and at no time to exceed ten (10) days, unless an extension of time has been granted by the Health Authority.
 - iii. When the rating score is 60 – 70, a conditional permit is issued. A conditional permit suspends the regular health permit.
 - iv. When the rating score of the establishment is less than sixty (60), the permit is immediately suspended. Upon reinstatement of the permit, a conditional permit will be issued. A conditional permit suspends the regular, annual health permit.
 - v. In the case of temporary food establishments, violations must be corrected within a specific period of time not to exceed 24 hours. Failure to comply with such notice shall result in immediate suspension of the permit.
 - vi. Second and subsequent re-inspections for the same violation will require a re-inspection fee specified in the Public Health Fee Ordinance. Whenever a permit to operate is suspended or revoked, a reinstatement fee specified in the Public Health Fee Ordinance shall be incurred by the permit holder.
 - vii. Re-inspection fees must be paid within fifteen (15) days of notice by the Department. Failure to pay will result in suspension of the permit to operate and an additional fee to reinstate the permit.
 3. State that failure to comply with any notice issued in accordance with the provisions of this Ordinance may result in immediate suspension of the permit.
 4. Explain the procedure for review or appeal of the alleged violation.
- H. **Service of Notices:** Notices under this Section shall be deemed to have been properly served when a copy of the inspection report form or other notice has been delivered to the permit holder or licensee or person in charge, or when such notice has been posted to the front door of the permit holder's establishment, or by leaving such notice at his residence with some person of the family of the age of ten (10) years or upwards.
- I. **Examination and Condemnation of Food:** Food may be examined or sampled by the Health Authority as often as may be necessary to determine freedom from adulteration or misbranding. The Health Authority may, upon written notice to the owner or person in charge, place a hold order on any food which he determines or has probable cause to believe to be unwholesome or otherwise adulterated, or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold

order notice, or tag placed on food by the Health Authority, and neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the Health Authority except on order by a court of competent jurisdiction. The Health Authority 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 Ordinance: Provided, that such order of the Health Authority to denature or destroy such food or bring it into compliance with the provisions of this Ordinance shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days of the issuance of such order. Samples for the determination of adulteration and misbranding shall be taken and examined in accordance with the methods prescribed by the Association of Official Agricultural Chemists, the Food and Drug Administration, or by other standard methods.

- J. **Food-borne Illness Investigation:** When cases of food-borne illness are reported, an immediate epidemiological and laboratory investigation shall be made by the McHenry County Department of Health in an effort to determine the vehicle and the source, so as to prevent a recurrence. Any food suspected of being a vehicle in a food-borne disease outbreak shall be placed under a hold order pending laboratory examination.

Section III.6 Plan Review of Future Construction:

- A. 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 Authority for approval before such work is begun.
- B. Whenever plans and specifications are required to be submitted to the Health authority under Section III.6 of this Ordinance, the Health Authority shall inspect the food establishment prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of this Ordinance.
- C. A review fee shall be charged for all new or extensively remodeled food establishment(s). The review fee is specified in the Public Health Fee Ordinance. All work that starts without written approval of the Department shall have the review fee doubled.
- D. The plan review shall be valid for a period of two (2) years from the date of approval. If construction has not commenced and significant progress is not achieved, the plan review shall expire unless an extension is granted by the Health Authority. The plan review can be renewed for a period of six (6) months for ½ of the prevailing plan review fee, provided that all of the conditions of the original submittal remain valid.
- E. Upon written request a refund of ½ of the plan review fee may be issued if a plan review is cancelled prior to expiration and before any construction begins.

Section III.7 Emergency Occurrences: In the event of a situation that might result in the contamination of food, or that might prevent the safe handling of food, the person in charge shall immediately contact the health authority. These events shall include but are not limited to fire, flood, power outage, lack of

potable water under pressure, lack of hot water, inability to clean and sanitize utensils and equipment, boil order, coliform bacteria positive water sample results, back up of sewage and malfunctioning private sewage disposal systems. Upon receiving notice of this occurrence, the health authority shall take whatever action it deems necessary to protect the public health, including but not limited to immediate suspension of the health permit.

Section III.8 Food Sample Demonstrations and Food Promotions: Food sample demonstrations and food promotions shall comply with the applicable sanitation provisions of this Ordinance.

Section III.9 New or Replacement Equipment

- A. New or replacement equipment, which includes equipment new to the food establishment, shall meet the published standards of an American National Standards Institute (ANSI) accredited equipment certification program.
- B. Small appliances, including microwaves, drink blenders, coffee machines, hand held mixers and toasters, which do not meet the published standards of an ANSI accredited equipment certification program, are acceptable provided that such appliances meet the criteria of the material, design and fabrication sections of this Ordinance and are maintained clean and in good repair.

Section III.10 Existing Equipment and Facilities: Building facilities and equipment in use before March 19, 1998, and which do not meet fully all of the design and fabrication requirements of this Ordinance, shall be acceptable if they are in good repair; capable of being maintained in a sanitary condition, and the food contact surfaces (if any) are in compliance with the definition of "Safe Materials" of this Ordinance; however, when a food establishment undergoes a change in ownership, the lavatory facilities shall be brought into compliance with Section III.15 if they are not already, whether or not the facility will be extensively remodeled.

Section III.11 Ventilation Hoods (See also Section 750.1260 of the Illinois Foodservice Sanitation Code.)

- A. Upon installation of a new ventilation hood, and make up air where needed, written certification that the ventilation hood has been tested and properly balanced by a qualified Heating and Ventilation contractor so as to prevent grease or condensation from collecting on walls and ceilings and from dripping into food or onto food contact surfaces shall be provided to the Department prior to its use.
- B. Hood Requirements: Cooking equipment used in processes producing smoke or grease-laden vapors shall be equipped with an exhaust system in compliance with this Ordinance. Notification in writing to the Health Authority shall be given of any alteration, replacement, or relocation of any exhaust system or part thereof, or cooking equipment.

Section III.12 Food Establishments Without Equipment and Utensil Cleaning Facilities:

Food establishments that do not have facilities for proper cleaning and sanitizing of utensils and equipment shall not prepare or package food or dispense unpackaged food other than whole raw fruits and raw vegetables.

Section III.13 Water Under Pressure:

Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water. For the purposes of this Ordinance, heated water shall be considered a sustained water flow with a minimum temperature of 110 degrees F.

Section III.14 Toilet Facilities (See also Section 750.1110 of the Illinois Foodservice Sanitation Code.)

Toilet rooms located in kitchen, food service, food preparation, warewashing, or food storage areas shall be completely enclosed and shall have tight fitting, self-closing doors. Such doors shall not be left open except during cleaning or maintenance.

Section III.15 Food Preparation Handwashing Facilities (See also Section 750.1120 of the Illinois Foodservice Sanitation Code.) At least one (1) handwashing lavatory and the number of handwashing lavatories necessary for their convenient use by employees in food preparation, food dispensing and warewashing areas shall be provided.

Section III.16 General – Walls and Ceilings (See also Section 750.1210 of the Illinois Foodservice Sanitation Code.)

- A. Studs, joists, and rafters shall not be exposed in refrigerating units, food-preparation and service areas, equipment and warewashing areas, storage areas where food other than commercially prepackaged food items are stored, and toilet rooms. If exposed in other rooms or areas, they shall be finished to provide a cleanable surface.
- B. Utility service lines and pipes shall not be unnecessarily exposed on walls or ceilings in walk-in refrigerating units, food-preparation and service areas or storage areas where food other than commercially pre-packaged food items are stored, equipment and warewashing areas, and toilet rooms. Exposed utility service lines and pipes shall be installed in a way that does not obstruct or prevent cleaning of the walls and ceilings.

Section III.17 Service Sinks for Cleaning: (See also Section 750.1220 of the Illinois Foodservice Sanitation Code.) Service sinks shall be readily accessible during all times of operation.

Section III.18 Animals (See also Section 750.1400 of the Illinois Foodservice Sanitation Code.)

- A. Live or dead fish bait shall be stored separately from food or food products.
- B. While on duty, persons employed in the food operational areas of an establishment shall not care for or handle any pets, or patrol/sentry dogs.

Section III.19 Mobile Food Units (See also Sections 750.1500 – 1560 of the Illinois Foodservice Sanitation Code.)

- A. **Routes:** Mobile food operators shall provide a copy of their mobile routes to the Department annually.
- B. **Base of Operations:** When not in use, mobile food establishments shall be stored at a location where the mobile unit will be protected from contamination and the wholesomeness of the food products will not be compromised.

Section III.20 Temporary Food Establishments: (See also Sections 1600 – 1700 of the Illinois Foodservice Sanitation Code.)

A. Restricted Operations

1. All foods sold or handled by a temporary food establishment shall meet the requirements of this Ordinance for preparation, packaging, display, service, storage and transportation. Foods will be classified as to their relative risk to cause a food-borne illness.
2. Certain high-risk foods may be prohibited or may require that a food preparation plan be provided and approved.
3. A fixed food establishment is allowed one temporary food event, per temporary food permit per calendar year, at that location. Permits may be renewed under Section III.20 B.
4. One temporary food event is allowed per sponsor per single location per calendar year unless the requirements of Section III.20 B are met.

B. Renewals of Temporary Food Permits: Temporary food permits may be renewed and seasonal temporary food permits may be issued at a single location provided that all of the following requirements are met:

1. The temporary food establishment shall be under the operational supervision of a certified food service sanitation manager during all times that the temporary food establishment is operating.
2. Past temporary food events by the same sponsor must have been in substantial compliance with Ordinance requirements; and
3. The appropriate application and fee must be submitted to the Department.

C. Facilities at Temporary Food Establishments:

1. Enough refrigeration and hot holding facilities must be provided to maintain potentially hazardous foods at required temperatures.
2. For other than mechanical refrigeration or hot holding facilities, prior approval of the Department is required.

D. Handwashing at Temporary Food Establishments: A facility shall be provided for employee handwashing. Where water under pressure is unavailable, such facility shall consist of at least a food grade container of warm potable water, soap and individual paper towels. The container shall have a spigot at the bottom to allow a flow of warm water into a receiving container below.

Section III.21 Catering Food Service Operations

- A. A catering food service operation shall comply with the requirements of this Ordinance. The Health Authority may impose additional requirements to protect against health hazards relating to the conduct of catering food service operations.
- B. Catering food service operations whose base of operations is located outside of McHenry County must hold a valid Health Permit to operate from the appropriate regulatory authority. If the regulatory authority does not issue health permits, alternative documentation (i.e. inspection report) from that regulatory authority shall be provided.
- C. Catering food service operations, that cater events which are open to the public, must obtain a valid Temporary Health Permit from the McHenry County Department of Health prior to operating.
- D. Restricted Operations**
 - 1. The number of meals which can be catered by any individual catering operation is limited to what the physical facilities and number of qualified personnel will allow. Upon request, catering operations shall provide documentation to the Department as to the number of meals which he/she can service based upon the following information:
 - i. Number of personnel
 - ii. Physical facilities to prepare, transport and serve so as to be in compliance with this Ordinance.
 - 2. A schedule of events including menu, number of people to be served, date and location to be catered in the county is to be provided to the Department upon request.

Section III.22 Delivery Services: Delivery services shall be limited to prepackaged food items obtained from an approved location with proper equipment to maintain product temperature and maintain food in a sanitary manner.

Section III.23 Outdoor Grilling at Fixed Food Establishments

- A. Grill cooking must be done on the premises immediately adjacent to the permitted fixed food establishment. All other food preparation and food service must be done within the facility, except that patrons or cooks may apply condiments and sauces from approved dispensers to immediate servings.
- B. The grill must meet the published standards of an American National Standards Institute (ANSI) accredited equipment certification program, or be approved by the Department.
- C. The grill must be located on a smooth and easily cleanable surface during use. Sealed concrete, mortared non-textured brick, commercially designed synthetic floor material, and asphalt are some recommended surface materials.

- D. Grills shall be effectively separated from public access and not in close proximity to waste receptacles or dumpsters.
- E. At least one (1) hand washing lavatory with hot and cold water under pressure, and plumbed to an approved wastewater disposal system, shall be provided. The hand washing station may be located inside the facility if it is easily accessible to the grilling area. Portable hand washing stations, which provide hot and cold running water under pressure, and meet the published standards of an American National Standards Institute (ANSI) accredited equipment certification program, may be utilized in lieu of a permanently plumbed hand sink. If a portable hand washing station is to be utilized, a procedure must be established by the food operator and accepted by the Department which assures that hot and cold running water will be available at all hours of operation, and the filling of the unit with potable water and emptying the wastewater will be done in a sanitary manner.
- F. Products being grilled shall be protected from contamination. Acceptable protection shall include a closed grill cover, a canopy or a roofed area.
- G. Approved mechanical refrigeration must be provided if raw product is not immediately brought from inside the approved kitchen facility to the grill.
- H. All cooked potentially hazardous food products must be held and served inside the facility at 135 degrees F or above if not immediately consumed.
- I. A certified food service sanitation manager shall be onsite at all times that foods are being grilled.
- J. Use of portable or chemical toilets is limited to the provisions of Section IV.24 of Article IV of the McHenry County Public Health Ordinance.

Section III.24 Vending of Food and Beverage:

- A. Vending machines, vending machine locations, and commissaries shall comply with the requirements of this Ordinance except as otherwise provided in this Section. The health authority may impose additional requirements to protect against health hazards related to the vending operation, and when no health hazard will result, may waive or modify requirements that do not compromise the storage, handling or service of potentially hazardous food.
- B. **Category II and III Vending Machines:** Category II and III vending machines shall be exempt from the permit and fee but must comply with all other requirements of this Ordinance.
- C. **Food Packaging:** All food shall be stored or packaged in clean protective containers, and shall be handled, transported and vended in a sanitary manner. Potentially hazardous food dispensed through a vending machine shall be in a package in which it was placed at the food establishment or food processing establishment at which it was prepared.
- D. **Condiments:** Condiments shall be protected from contamination by being kept in dispensers that are designed to provide protection, protected food displays provided with the proper utensils, original containers designed for dispensing, or individual packages or portions.

Condiments at a vending machine location shall be in individual packages or provided in dispensers that are filled at a location that is approved by the regulatory authority, such as the food establishment that provides food to the vending machine location, a food processing establishment, or a properly equipped facility that is located at the site of the vending machine.

- E. Potentially Hazardous Food Temperatures** Potentially hazardous food within the vending machine shall be maintained at a temperature of 41 degrees F or below, or 135 degrees F or above, whichever is applicable; Provided that exceptions may be made for:
1. The actual time required to load or otherwise service the machine and for a maximum recovery period of 30 minutes, following completion of loading or servicing operation; and
 2. In the case of hot food vending machines, a maximum of 120 minutes to heat food through the 41 degrees F to 135 degrees F temperature zone. In hot food vending machines, which are not equipped with refrigerated storage, there shall be no time delay to preclude heat from being applied to potentially hazardous food immediately after it is located or placed in the machine. Potentially hazardous food once heated to, or held at, a temperature of 135 degrees F or above, shall be maintained at such temperature until served or discarded.
- F. Vending Machine Controls** Vending machines dispensing potentially hazardous food shall be provided with adequate refrigerating or heating units, or both. A machine vending potentially hazardous food shall have an automatic control that prevents the machine from vending food:
1. If there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that cannot maintain food temperatures as specified in Section III.24 E; and
 2. If a condition specified in Subparagraph (1) of this section occurs, until the machine is serviced and restocked with food that has been maintained at temperatures specified under Section III.24 E.
- G.** The temperature specified for activation of the automatic shutoff within a machine vending potentially hazardous food may deviate from the temperature and for a time as follows:
1. In a refrigerated vending machine, at an ambient temperature of 41 degrees F or more, for no more than 30 minutes immediately after the machine is filled, serviced, or restocked; or
 2. In a hot holding vending machine, at an ambient temperature of 135 degrees F or less, for no more than 120 minutes after the machine is filled, serviced or restocked.
- H. Vending Machine Location:** The machine location shall be such as to minimize the potential for contamination of the food, shall be well lighted, easily cleanable, and shall be kept clean. The vending machine location shall comply with all applicable sections of this Ordinance.
- I. Design and Construction of Food and Beverage Vending Machines:** All vending machines in McHenry County, Illinois, must comply with the National Automatic Merchandising Association or National Sanitation Foundation Standards for vending machines.

- J. Water Supply:** All water used in vending machines shall be in compliance with the relevant sections of this Ordinance. All plumbing connections and fittings shall be installed in accordance with State and local plumbing regulations.
- K. Water Filters or other Water Conditioning Devices:** If used, water filters or other water conditioning devices shall be of a type, which may be disassembled for periodic cleaning or replacement of the active element. Replacement elements shall be handled in a sanitary manner.
- L. Backsiphonage Protection:** All vending machines which dispense carbonated beverages, and which are connected to a water supply system, shall be equipped with two (or a double) check valves; or an air gap; or a device to vent carbon dioxide to the atmosphere; or other approved device, which will provide positive protection against the entrance of carbon dioxide or carbonated water into the water supply system.
- M. Trash and Waste Material:** 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 compliance with this Ordinance.
- N. Sewage Disposal:** All water carried sewage shall be disposed of in compliance with Article IV of the Public Health Ordinance.
- O. Internal Waste Containers:** 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 vending machine out of operation before such container overflows. Containers or surfaces on which such wastes may accumulate shall be readily removable for cleaning, shall be easily cleanable, and shall be corrosion-resistant. If liquid wastes from drip, spillage, or overflow, which originate with the machine, are discharged into a sewage system, the connection to the sewer shall be through an air gap.
- P. Returnables, On-Site Cleaning and Refilling:** Except as specified in paragraphs 1 and 2 of this section, empty containers intended for cleaning and refilling with food shall be cleaned and refilled in a regulated food processing establishment.
1. A food-specific container for beverages may be refilled at a food establishment if:
 - i. Only beverages that are not potentially hazardous are used; The consumer-owned container returned to the food establishment for refilling is refilled for sale or service only to the same consumer; and
 - ii. The container is refilled by:
 1. An employee of the establishment, or
 2. The owner of the container if the beverage system includes a contamination – free process that cannot be bypassed by the container owner (i.e. air gap)

2. Consumer-owned containers may be filled at a water vending machine.

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