

CHAPTER 173: FOOD SERVICE REGULATIONS

Proposed revisions 08/03/2022

Approved by EHAC 08/15/2022

§ 173.03 DEFINITIONS.

FOOD SERVICE FACILITY PERMIT. A permit issued by the Health Officer to the owner or operator of a food service facility to operate the food service facility, including the following permit types:

- (1) **PERMANENT FOOD SERVICE FACILITY PERMIT:** allows a food service facility to operate at a fixed location on a calendar year annual basis, from January 1 to December 31;
- (2) **SEASONAL PERMANENT FOOD SERVICE FACILITY PERMIT:** allows a food service facility to operate at a fixed location for a period of six months or less during a calendar year;
- (3) **SINGLE EVENT TEMPORARY PERMIT:** allows a food service facility to operate at a single location for a period of time of not more than 14 consecutive days in conjunction with a single public event, celebration, festival, and/or farmers market;
- (4) **MULTI-EVENT TEMPORARY PERMIT:** allows a food service facility to operate at a single or multiple locations at public events, celebrations, festivals and/or farmers' markets for a period that does not exceed six months and which is not tied to a calendar year.
- (5) **FARMERS' MARKET SALES PERMIT:** allows a farmer (as defined in the Food Handling Regulation Enforcement Act [410 ILCS 625/3.3]) to operate at farmers' markets, subject to the restrictions and requirements of 410 ILCS/625, for a period that does not exceed one year, which is not tied to a calendar year, and includes **Egg Sales** and **Full Sales** permits.

NEXT ROUTINE INSPECTION (NRI). A designation used on a food service facility inspection report to indicate that a core violation must be corrected by the next routine inspection.

TEMPORARY FOOD SERVICE FACILITY. A food service facility that is permitted to operate:

- (1) At a single location for a period of time of not more than 14 consecutive days in conjunction with a single public event, celebration, festival, and/or farmers market; ~~or~~
- (2) At a single, or multiple locations at public events, celebrations, festivals and/or farmers' markets for a period that does not exceed six months, and which is not tied to a calendar year; ~~or~~
- (3) At a single, or multiple locations at farmers' markets for a period that does not exceed one year, and which is not tied to a calendar year (farmers only).

§ 173.04 PERMITS.

(B) *Permanent food service facility permits.* A permit to operate a permanent food service facility, with the exception of a seasonal facility, shall be valid for one year from January 1 through December 31, and shall be renewed annually. Facilities that operate for six months or less during a calendar year may obtain a seasonal permit that is valid for 6 months during that calendar year.

(1) *Suspension of permit.*

(a) *Cause.* The Health Officer may, upon written notice, without prior warning, notice, or hearing, suspend any permit to operate a food service facility, when the Health Officer determines that the operation of the food service facility constitutes an imminent hazard to the

public health. When the permit is suspended because of an imminent hazard, food service operations shall cease immediately.

(b) *Written notice.* Whenever a permit to operate a food service facility is suspended, the holder of the permit to operate the food service facility, or the person in charge, shall be notified in writing that the permit to operate the food service facility is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Health Officer by the holder of the permit within ten days. If a written request is filed within ten days, an opportunity for a hearing with the Health Officer shall be afforded within 35 days of receipt of the request. ~~If no written request for a hearing is filed within ten days, the suspension is sustained.~~ The Health Officer shall end the suspension if the reasons for the suspension no longer exist.

(C) *Temporary food service facility permits.* A permit to operate a temporary food service facility shall be valid ~~at a single location~~ for a period of time as specified by the defined permit type and as issued by the Health Officer. ~~of not more than 14 consecutive days in conjunction with a single public event, celebration, festival, and/or farmers market, or at a single or multiple locations at public events, celebrations, festivals and/or farmers' markets for a period that does not exceed six months and which is not tied to a calendar year.~~

(1) Suspension of permit.

(a) Cause. The Health Officer may, upon written notice, without prior warning, notice, or hearing, suspend a permit to operate a temporary food service facility, when:

1. the Health Officer determines that the operation of the temporary food service facility constitutes an imminent hazard to the public health; or
2. the Health Officer determines that the operator of the temporary food service facility submitted false, inaccurate or invalid information on the application regarding the food source or origin, the storage of the food, the commissary used, or any other information that, if it had accurately been submitted, would have resulted in the Health Officer refusing to issue the permit.

(b) Written notice. When a temporary food service facility permit is suspended, the holder of the permit to operate the temporary food facility food service facility, or the person in charge, shall be notified in writing that the permit to operate the temporary food service facility is, upon service of the notice, immediately suspended.

(c) Resumption of operations. When a temporary food service facility permit is suspended, food service operations shall cease immediately and may not resume until the conditions that were the cause of the suspension have been corrected and verified by the Health Officer.