

CHAPTER 173: FOOD SERVICE REGULATIONS

Section

Food Service Facilities

- 173.01 General regulations
- 173.02 Rules and regulations
- 173.03 Definitions
- 173.04 Permits
- 173.05 ~~Survey/investigation/consultation~~ Inspections
- 173.06 Examination and condemnation of food
- 173.07 Review of plans
- 173.08 Procedure when infection is suspected
- 173.09 Remedies
- 173.10 Education, generally
- 173.11 Enactment provisions

*Food and Beverage Vending Machines*173.20 Rules and regulations

- ~~173.25~~ Purpose
- 173.26 Definitions
- 173.27 Food supplies and food protection
- ~~173.28 Food protection~~
- ~~173.29 Special requirements~~
- 173.30 ~~Personnel~~ Employee health
- 173.31 Equipment and utensils; sanitary facilities and controls
- 173.32 Compliance procedures
- 173.33 Inspections

- 173.99 Penalty

FOOD SERVICE FACILITIES**§ 173.01 GENERAL REGULATIONS.**

It is the intent of this subchapter to enhance public protection by targeting for education and enforcement those issues which are most commonly associated with the occurrence of foodborne illness. Those issues are time-temperature control, handwashing, and cross-contamination prevention. Time-temperature control is the most important prevention technique for reducing the occurrence of foodborne illness. This subchapter codifies an ordinance defining food, ~~potentially hazardous food~~ time/temperature control for safety (TCS) food, food service facility, mobile food unit, pushcart, temporary food service facility, ~~regulatory authority~~ Health Officer, utensils, equipment, and the like; providing for the sale of only sound, safe, and properly labeled food; regulating the sources of food; establishing sanitation standards for food, food protection, food service operations, food service personnel, food service equipment and utensils, sanitary facilities and controls, and other facilities; requiring permits for the operation of food service facilities; regulating the inspection of the facilities; providing for the examination and condemnation of food; providing for incorporation by reference ~~of the "Illinois Food Code Department of Public Health Food Service Sanitation Rules and Regulations"~~, as amended from time to time, which ~~is~~ are on file with the Secretary of State, and the chapter entitled "Compliance and Enforcement" of the current and subsequent edition of the U.S. Food and Drug Administration model food code, as amended from time to time and promulgated by the U.S. Food and Drug Administration; and providing for the enforcement of this subchapter, and the fixing of penalties.

(1977 Code, § 2:1-3) (Ord. [Bd of Health Ord., Art. III] passed 6-13-1995)

§ 173.02 RULES AND REGULATIONS.

The current and subsequent editions of the Illinois Food Code ~~Food Service Sanitation Rules and~~

~~Regulations Code and Retail Food Store Sanitation Code~~, as amended from time to time and promulgated by the Illinois Department of Public Health, ~~are~~ is hereby adopted by reference. Additionally, the -chapter entitled "Compliance and Enforcement" of the current and subsequent edition of the U.S. Food and Drug Administration model food code, as amended from time to time and promulgated by the U.S. Food and Drug Administration, is hereby adopted by reference. Three certified copies of the ~~Illinois Food Code Illinois Department of Public Health Food Service Sanitation Code (77 Ill. Adm. Code part 750) and Retail Food Store Sanitation Code (77 Ill. Adm. Code part 760)~~ shall be on file at the office of the Lake County Clerk. (1977 Code, § 2:1-3) (Ord. [Bd of Health Ord., Art. III] passed 6-13-1995)

§ 173.03 DEFINITIONS.

In addition to the definitions contained in the rules and regulations referenced in § 173.02, the following definitions shall apply in the interpretation and enforcement of this subchapter.

CATEGORIES OF FACILITIES.

(A) Category 1 facility means a food establishment that presents a high relative risk of causing food-borne illness, based on the large number of food handling operations typically implicated in food-borne outbreaks and/or the type of population served by the facility. Category 1 facilities include those where the following operations occur:

- (1) Potentially hazardous foods are cooled, as part of the food handling operation at the facility;
- (2) Potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;
- (3) Potentially hazardous cooked and cooled foods must be reheated;
- (4) Complex preparation of foods or extensive handling of raw ingredients with hand contact for ready-to-eat foods occurs as part of the food handling operations at the facility;
- (5) Vacuum packaging, other forms of reduced oxygen packaging, or other special processes that require an HACCP plan; or
- (6) Immunocompromised individuals, such as the elderly, young children under age four and pregnant women are served, in a facility in which these individuals compose the majority of the consuming population.

(B) Category 2 facility means a food establishment that presents a medium relative risk of causing food-borne illness, based upon few food handling operations typically implicated in food-borne illness outbreaks. Category 2 facilities include those where the following operations occur:

- (1) Hot or cold foods are held at required temperatures for no more than 12 hours and are restricted to same-day services;
- (2) Foods are prepared from raw ingredients, using only minimal assembly; and
- (3) Foods that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food-processing plants, high-risk food service establishments or retail food stores.

(C) Category 3 facility means a food establishment that presents a low relative risk of causing food-borne illness, based upon few or no food handling operations typically implicated in food-borne illness outbreaks. Category 3 facilities include those where the following operations occur:

- (1) Only potentially hazardous foods commercially pre-packaged in an approved processing plant are available or served at the facility;
- (2) Only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or
- (3) Only beverages (alcoholic and non-alcoholic) are served at the facility.

FOOD SERVICE FACILITY. ~~Any food service establishment or retail food store.~~

~~**HAZARD ANALYSIS CRITICAL CONTROL POINT (HAACP) PROGRAM.** A comprehensive food-safety control plan which includes a step-by-step description of the food processing, packaging, and storage procedures, including identification of critical control points (CCPS); the food-contact surface cleaning and sanitizing procedures; lot identification procedures and training procedures.~~

~~**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.

HEALTH DEPARTMENT. The Lake County Health Department and Community Health Center.

~~**IMMINENT HEALTH HAZARD.** Any hazard to the public health when the evidence is sufficient to show that a product or practice, posing or contributing to a significant threat of danger to health, creates or may create a public health situation that:~~

~~— (1) Should be corrected immediately to prevent injury or illness; and~~

~~— (2) Should not be permitted to continue while a hearing or other formal proceeding is being held (i.e., flooding (including sewer backup), fire, no potable water available under pressure, no electricity, no natural gas, suspected disease transmission from employee(s), operating without a license).~~

HEALTH OFFICER. The Executive Director of the Lake County Health Department and Community Health Center or his or her authorized representative.

INSPECTION. A site visit to evaluate all appropriate sections of the Illinois Food Code. In addition, the term includes other activities: evaluation of the food handling practice, recommendations on how to improve it, educating the food workers on foodborne illness prevention topics, and the like.

PERMANENT FOOD SERVICE FACILITY. A food service facility that is permitted to operate at a fixed location:

(1) on a calendar year annual basis from January 1 to December 31; or

(2) on a seasonal basis if the facility operates for a period of six months or less during a calendar year.

RECORDS. Any employee information, purchasing document, source information, bill, charge account receipt, temperature logs, inspection sheet, or time card. For the purposes of this subchapter, information pertaining to revenue or the financial status or condition of the facility shall not be considered a **RECORD**.

TEMPORARY FOOD SERVICE FACILITY. A food 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.

~~**REGULATORY AUTHORITY.** The Executive Director of the Lake County Health Department and Community Health Center or his or her authorized representatives.~~

~~**SURVEILLANCE/INVESTIGATION/CONSULTATION.** A site visit which evaluates all appropriate sections of the Illinois Food Service Sanitation Code or Retail Food Store Sanitation Code. In addition, the term includes other activities: evaluation of the food handling practice, recommendations on how to improve it, educating the food workers on foodborne illness prevention topics, and the like.~~

TYPES OF FACILITIES.

~~— (1) **CATEGORY I.** A food service facility where:~~

~~— (a) Only pre-packaged potentially hazardous foods are available or served; and/or~~

~~— (b) Potentially hazardous foods are commercially pre-packaged in an approved processing facility; and/or~~

~~— (c) Milk is the only potentially hazardous food.~~

~~— (2) **CATEGORY II.** A food service facility where the facility meets one or more of these criteria:~~

~~— (a) Preparing foods for service from raw ingredients that do not require assembly;~~

~~— (b) Hot or cold holding is restricted to same day service; and~~

~~— (c) Foods requiring preparation are obtained (canned, frozen, fresh prepared) from approved processing facilities (i.e., frozen pizza, entrees, and the like).~~

~~— (3) **CATEGORY III.** A food service facility where the facility meets one or more of these criteria:~~

~~— (a) Preparing and holding hot or cold food more than 12 hours before serving;~~

~~— (b) Handling of raw ingredients and hand contact with ready-to-eat foods;~~

~~— (c) Reheating potentially hazardous foods which have been previously cooked and cooled;~~

~~— (d) Preparing food for off-site service (where time-temperature requirements during transportation,~~

holding, and service are a factor);

~~—(e) Vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level; and~~

~~—(f) Serving of immunocompromised individuals (where these individuals comprise the majority of the consuming population);~~

(1977 Code, § 2:1-3) (Ord. [Bd of Health Ord., Art. III] passed 6-13-1995)

§ 173.04 PERMITS.

(A) General. No person shall operate a food service facility without a valid permit issued to that person by the Health Officer. The permit is not transferrable. A valid permit shall be posted in every food service facility.

(1) Application. Any person desiring to operate a food service facility shall make written application for a permit to operate the food service facility on forms provided by the Health Officer. The application shall include the name and address of each applicant, the location and type of the proposed food service facility, and any other information deemed necessary by the Health Officer.

(2) Fees. Fees to operate a food service facility shall be paid to the Health Officer prior to the issuance of a permit. Fees shall be assessed in accordance with the current fee schedule adopted by the County Board as codified in § 178.01.

(a) Exemption. Non-governmental not-for-profit organizations that do not charge for food services are exempt from the fee schedule.

(3) Inspections. As deemed appropriate, before issuing a permit to operate a food service facility, the Health Officer shall inspect the proposed food service facility to determine compliance with the provisions of this subchapter.

(B) Permanent food 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 6 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.

(2) Revocation of permit.

(a) Cause. The Health Officer may, after providing opportunity for a hearing, revoke a permit for:

(i) Repeated violations of the time-temperature control, handwashing, or cross contamination requirements of this subchapter;

(ii) Interference with the Health Officer in the performance of its duty; or

(iii) Failure to correct an imminent hazard.

(b) Notification. Before revocation, the Health Officer shall notify the holder of the permit to operate the food service facility or the person in charge, in writing, of the reasons for which the permit is subject to revocation. The permit to operate the food service facility shall be revoked at the end of the ten days following service of the notice unless a written request for a hearing is filed with the Health Officer by the holder of the permit within the ten-day period. If no request for hearing is filed within the ten-day period, the revocation of the permit to operate the food service facility becomes final.

(c) Service of notice. A notice provided for in this subchapter is properly served when it is delivered to the holder of the permit to operate the food service facility or to the person in charge, or when it is sent by registered, certified mail, or email to the last known address of the holder of the permit to operate a food service facility. A copy of the notice shall be filed in the records of the Health Officer.

(d) Application after revocation. Whenever a revocation of a permit to operate a food service facility has become final, the holder of the revoked permit may make written application for a new permit to operate a food service facility as provided in § 173.04(A).

(C) Temporary food facility permits. A permit to operate a temporary food service facility shall be valid 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 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.

(D) Hearings. The hearings provided for in this subchapter shall be conducted in accordance with Chapter 176, §§ 176.15 through 176.17.

~~—(A) General.~~ No person shall operate a food service facility that prepares or sells potentially hazardous food without a valid permit to operate the food service facility issued to that person by the Regulatory Authority~~Health Officer~~. The permit is not transferrable. A valid permit shall be posted in every food service facility.

~~—(B) Issuance of permit.~~ The term of a permit to operate a food service facility shall be one year, from January 1 through December 31. Any permit, other than a temporary food service permit, shall be renewed annually.

~~—(1) Application.~~ Any person desiring to operate a food service facility shall make written application for a permit to operate the food service facility on forms provided by the Regulatory Authority~~Health Officer~~. The application shall include the name and address of each applicant, the location and type of the proposed food service facility, the signature of each applicant, and any other information deemed necessary by the Regulatory Authority~~Health Officer~~.

~~—(2) Inspection.~~ As appropriate, before issuing a permit to operate a food service facility, the Regulatory Authority~~Health Officer~~ shall inspect the proposed food service facility to determine compliance with the provisions of this subchapter.

~~—(C) Suspension of permit.~~

~~—(1) Cause.~~ The Regulatory Authority~~Health Officer~~ may, upon written notice, without prior warning, notice, or hearing, suspend any permit to operate a food service facility, when the Regulatory Authority~~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.

~~—(2) 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 Regulatory Authority~~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 Regulatory Authority~~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 Regulatory Authority~~Health Officer~~ shall end the suspension if the reasons for the suspension

no longer exist.

~~—(D) *Revocation of permit.*~~

~~—(1) *Cause.* The Regulatory AuthorityHealth Officer may, after providing opportunity for a hearing, revoke a permit for:~~

~~—(a) Repeated violations of the time-temperature, handwashing, or cross-contamination requirements of this subchapter;~~

~~—(b) Interference with the Regulatory AuthorityHealth Officer in the performance of its duty; or~~

~~—(c) Failure to correct an imminent hazard.~~

~~—(2) *Notification.* Before revocation, the Regulatory AuthorityHealth Officer shall notify the holder of the permit to operate the food service facility or the person in charge, in writing, of the reasons for which the permit is subject to revocation. The permit to operate the food service facility shall be revoked at the end of the ten days following service of the notice unless a written request for a hearing is filed with the Regulatory AuthorityHealth Officer by the holder of the permit within the ten-day period. If no request for hearing is filed within the ten-day period, the revocation of the permit to operate the food service facility becomes final.~~

~~—(E) *Service of notice.* A notice provided for in this subchapter is properly served when it is delivered to the holder of the permit to operate the food service facility or to the person in charge, or when it is sent by registered, or certified mail, or email return receipt requested, to the last known address of the holder of the permit to operate a food service facility. A copy of the notice shall be filed in the records of the Regulatory AuthorityHealth Officer.~~

~~—(F) *Hearings.* The hearings provided for in this subchapter shall be conducted in accordance with Chapter 176, §§ 176.15 through 176.17.~~

~~—(G) *Application after revocation.* Whenever a revocation of a permit to operate a food service facility has become final, the holder of the revoked permit may make written application for a new permit to operate a food service facility as provided in § 173.04(B).~~

~~—(H) (1) *Fees.* Fees to operate a food service facility shall be charged paid to the Regulatory AuthorityHealth Officer prior to the issuance of a permit. Fees shall be paid in accordance with the current fee schedule adopted by the County Board as codified in § 178.01.~~

~~—(2) *Exemption.* Non-governmental not for profit organizations that do not charge for food services are exempt from the fee schedule.~~

(1977 Code, § 2:1-3) (Ord. [Bd of Health Ord., Art. III] passed 6-13-1995)

§ 173.05 SURVEILLANCE/INVESTIGATION/CONSULTATIONINSPECTIONS.

~~(A) —(A) *Frequency.* Surveillance/investigation/consultationInspections of a permanent food service facility shall be performed as follows by the Regulatory AuthorityHealth Officer as follows:indicated in the table below. Inspections at temporary food facilities shall be conducted in accordance with the requirements of the Lake County Health Department Food Program Administrative Procedures and Policies, approved by the Illinois Department of Public Health, April 17, 1995, and as amended from time to time by the Lake County Board of Health.~~

Category H1	—one-three times annually
Category H2	—two times annually
Category H3	—three-one times annually

(B) *Additional services.* Additional surveillance/ investigation/consultationinspections or consultations shall be performed as often as necessary—determined necessary by the Health Officer for the efficient and effective protection of public health.

(C) *Access.* Representatives of the RegulatThe ory AuthorityHealth Officer, after proper identification, shall be permitted to enter any food service facility at any reasonable time for the purpose of conducting surveillance/investigation/consultationinspections to determine compliance with this subchapter. The representatives—Health Officer shall, upon written notice, be permitted to examine records maintained in the food service facility (or other location), to obtain information pertaining to the source of food and supplies in the facility, when deemed necessary for the enforcement of this subchapter.

(D) *Report of surveillance/investigation/ consultationinspections.* Whenever an inspectionsurveillance/investigation/ consultation is conducted at a food service facility, the Health Officer shall record the findings shall be recorded on the—either a paper or electronic report form to be provided by—

~~the Regulatory Authority.~~ A copy of the completed report ~~form~~ shall be ~~either given provided~~ to the person in charge of the facility ~~at the conclusion of the visit after the inspection has been completed.~~ The completed report ~~form~~ ~~shall~~ constitutes an official notice of findings. It is a public document that shall be made available for public disclosure to any person who requests it according to law.

(1) ~~Report Cause for re-inspection results form.~~ The report ~~form will shall~~ identify if ~~a re-inspection is required at the food service facility establishment passed or failed the inspection and based on the outcome of the inspection.~~ ~~if it did fail, the reasons therefor~~ Re-inspections shall be required in accordance with the chapter entitled “Compliance and Enforcement” of the current and subsequent edition of the U.S. Food and Drug Administration model food code, as amended from time to time and promulgated by the U.S. Food and Drug Administration and with the Lake County Health Department Food Program Administrative Procedures and Policies, approved by the Illinois Department of Public Health, April 17, 1995, and as amended from time to time by the Lake County Board of Health.

~~(2) Failures.~~

(a) ~~The establishment fails~~ ~~A food service facility shall fail an inspection if~~ ~~t~~ The Health Officer shall require a re-inspection when he or she determines that a potential for a foodborne illness exists at the time of the inspection. Conditions that may create the potential for a foodborne illness, ~~such as include:~~

1. ~~Imminent~~ An imminent health hazard, as defined in this subchapter (§ 173.03);
2. Repeated or serious violations of ~~the time-temperature~~ time-temperature control requirements of TCS foods, cross-contamination, employee hygiene/handwashing; or
3. Other deficiencies outlined in the Lake County Health Department Food Program Administrative Procedures and Policies, approved by the Illinois Department of Public Health, April 17, 1995, and as amended from time to time by the Lake County Board of Health.

(b) ~~If the food service facility establishment fails an inspection, t~~ The Health Officer ~~shall~~ may also conduct further actions ~~are to be conducted~~ in accordance with the Lake County Health Department Food Program Administrative Procedures and Policies, approved by the Illinois Department of Public Health, April 17, 1995, and as amended from time to time by the Lake County Board of Health ~~administrative procedures and policies.~~

(E) *Correction of* violations ~~deficiencies.~~

(1) *Time frame.* The completed report ~~form~~ shall specify ~~a reasonable~~ the required period of time for the correction of the ~~violations~~ deficiencies found during the inspection. ~~and correction~~ Correction of the ~~violations~~ deficiencies shall be accomplished within the period specified in the chapter entitled “Compliance and Enforcement” of the U.S. Food and Drug Administration model food code and in the Lake County Health Department Food Program Administrative Procedures and Policies, approved by the Illinois Department of Public Health, April 17, 1995, and as amended from time to time by the Lake County Board of Health ~~Department Administrative Procedures and Policies, approved by the Illinois Department of Public Health, April 17, 1995, as amended from time to time by the Lake County Board of Health and in accordance with the following provisions:~~

(a) *Imminent health hazard.* If an imminent health hazard exists, the facility shall immediately cease ~~the~~ affected food service facility operations. The operations shall not be resumed until authorized by the ~~Regulatory Authority~~ Health Officer.

(b) *Time-temperature.* All time-temperature control violations shall be corrected immediately in a manner acceptable to the ~~Regulatory Authority~~ Health Officer. The Health Officer may require a temperature log to verify compliance ~~may be required on the products until correction is verified by the~~ ~~Regulatory Authority.~~ Failure to correct ~~the a~~ a time-temperature control violation within the specified time shall result in an administrative office compliance hearing.

(c) *Temporary food service facility.* In the case of temporary food service facilities, all ~~deficiencies~~ violations shall be corrected prior to operation. ~~If operational deficiencies are not corrected, food service facility operations shall cease immediately until authorized to resume by the Regulatory Authority.~~

(2) *Failure to comply.* Failure to comply with any of subsection (E)(1) above may result in revocation of the permit to operate the food service facility.

(1977 Code, § 2:1-3) (Ord. [Bd of Health Ord., Art. III] passed 6-13-1995)

§ 173.06 EXAMINATION AND CONDEMNATION OF FOOD.

(A) *Examination of food.* Food may be examined or sampled by the ~~Regulatory Authority~~ Health Officer

for the purpose of determining compliance with this subchapter. The Regulatory AuthorityHealth Officer may place a hold order on any food which it has reason to believe is ~~a~~in violation of any section of this subchapter and which may pose a health hazard to the public, provided:

(1) *Written notice.* A written notice is issued to the holder of the permit to operate the food service facility, or to the person in charge; and

(2) *Hold order.* ~~A hold order is issued thatThe notice~~ specifies in detail the reason(s) for the hold order. The Regulatory AuthorityHealth Officer shall tag, label, or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, sold, moved from the food service facility, or destroyed without permission from the Regulatory AuthorityHealth Officer.

(B) *Storage.* The Regulatory AuthorityHealth Officer shall permit storage of food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished.

(C) *Hearing request.* The hold order shall state that a written request for hearing may be filed with the Regulatory AuthorityHealth Officer in accordance with §§ 176.15 through 176.17, ~~within ten days~~, and that if no hearing is requested, the food shall be destroyed. If a request for a hearing is received, the hearing shall be conducted in accordance with §§ 176.15 through 176.17 ~~held within 35 days after receipt of the request.~~ A fee in accordance with the current fee schedule adopted by the County Board as codified in § 178.01 shall be submitted with the hearing request. On the basis of evidence produced at that hearing, the hold order may be vacated or the holder of the permit to operate the food service facility, or the person in charge, may be directed by written order to denature or destroy the food or to bring it into compliance with the provisions of this subchapter. If food is to be denatured or destroyed, that action shall be taken under the supervision of the Regulatory AuthorityHealth Officer.

(1977 Code, § 2:1-3) (Ord. [Bd of Health Ord., Art. III] passed 6-13-1995)

§ 173.07 REVIEW OF PLANS.

(A) *Submission of plans.* Submission and review of plans is Rrequired for each new and extensively remodeled food service facility. The specific building and sanitation requirements for each food service facility ~~will~~shall be based on the ~~risk~~ category of the facility as established in compliance with the requirements of this subchapter and defined through the Department Administrative Procedures and Policies, approved by the Illinois Department of Public Health, April 17, 1995, and as amended from time to time by the Lake County Board of Health, based on the applicable IDPH Illinois Food Code.

~~(B) Change of ownership. All facilities undergoing a change of ownership will have a plan review that will cause the elimination of physical violations that have the potential to cause disease.~~

~~(CB)~~ *Equipment.* New or replacement equipment, which includes equipment new to the food service facility, shall meet the Standards of the National Sanitation Foundation or equivalent applicable standard as to construction and installation. The equipment shall only be used as prescribed in the ~~applicable~~-National Sanitation Foundation Standard or equivalent applicable standard.

~~(DC)~~ *Preoperational inspection.* Whenever plans and specifications are required by subsection (A) of this section, the Regulatory AuthorityHealth Officer shall inspect the food service facility prior to the start of operations to determine compliance with the approved plans and specifications, and with the requirements of this subchapter.

(1977 Code, § 2:1-3) (Ord. [Bd of Health Ord., Art. III] passed 6-13-1995)

§ 173.08 PROCEDURE WHEN INFECTION IS SUSPECTED.

(A) *General.* When the Regulatory AuthorityHealth Officer has reasonable cause to suspect possible disease transmission from ~~any~~ food service facility employee, ~~it the Health Officer~~ may ~~secure~~obtain a morbidity health history of the suspected employee, ~~or~~ make any other necessary investigation, as indicated and ~~shall~~ take appropriate action.

(B) *Remedies.* The Regulatory AuthorityHealth Officer may require any or all of the following measures in this subsection:

(1) *Employee.* The Health Officer may require the immediate exclusion of the employee from ~~employment in the~~ food service ~~facilities~~facility;

(2) *Closing/Suspension of permit.* The Health Officer may require the ~~The~~ immediate ~~closing~~suspension of the food service facility ~~permit concerned~~ until the Regulatory AuthorityHealth Officer has determined s that ~~no further danger of disease outbreak exists~~ the risk of disease transmission no longer exists;

(3) *Employee restriction.* The Health Officer may require the ~~R~~restriction of the employee's ~~services to~~

~~some area of duties in~~ the food service facility ~~where such that~~ there ~~could will~~ be no ~~danger potential for~~ transmitting disease.;

(4) *Medical examination.* ~~The Health Officer may require the Adequate~~ medical and laboratory examination of the employee, of other employees, ~~and of the body discharges of the employees; and as determined to be necessary.~~

(5) *Education.* ~~The Health Officer may R~~require additional foodborne illness prevention education for the food service facility staff.

(1977 Code, § 2:1-3) (Ord. [Bd of Health Ord., Art. III] passed 6-13-1995)

§ 173.09 REMEDIES.

(A) *Injunctions.* The ~~Regulatory Authority~~Health Officer may seek to enjoin any violation of this subchapter.

(B) *Fines.* Violation of any provision of this subchapter shall be punishable by a fine as set forth in § 173.99.

(C) *Notice of ordinance violation tickets.* As an alternative remedy to any other remedy that may be available to the Health Department in this chapter, the Health Officer may, when a food establishment operator violates the provisions of this chapter, issue a notice of ordinance violation ticket in accordance with the provisions of the Lake County Administrative Adjudication Ordinance. The ticket shall identify the violation for which it is being issued, the corresponding fine amount as established in the Lake County Administrative Adjudication Ordinance (§§ 94.50 - 94.66) and shall require the alleged violator to appear before the county's administrative hearing officer, provide the alleged violator the option to appear before the county's administrative hearing officer, or pay the established fine.

(1977 Code, § 2:1-3) (Ord. [Bd of Health Ord., Art. III] passed 6-13-1995; Res. passed 2-10-2015) Penalty, see § 173.99

§ 173.10 EDUCATION, GENERALLY.

(A) *Certified Manager.* Every Category ~~H1-medium~~ and Category ~~III-I-high 2~~ food service facility ~~will shall have be under the operational supervision of~~ a certified food protection manager as specified in the rules and regulations referenced in this subchapter.

(B) *Facility staff education.* The ~~Health Officer shall provide education and training for following~~ food service facility staff ~~education will be required: a standard training session for Category II and III facilities. All facility employees who handle or prepare potentially hazardous food will attend at least one training session each year. This training will be provided or approved by the Lake County Health Department; Category II facilities will have two education sessions annually; and Category III facilities will have three education sessions annually in accordance with the Lake County Health Department Food Program Administrative Procedures and Policies, approved by the Illinois Department of Public Health, April 17, 1995, and as amended from time to time by the Lake County Board of Health.~~

~~(C) Health Department staff training. All Health Department food surveillance/investigation/consultation staff will have manager certification and Hazard Analysis Critical Control Point (HACCP) training. Every Category III facility will have the Lake County Health Department conduct a HACCP analysis of at least one menu item during each visit.~~

(D) *Contact hours.* The Lake County Health Department staff shall ~~have obtain~~ a minimum of five contact hours in food protection training, or such other standard as set forth in the Illinois Department of Public Health Local Health Protection Grant Codes ~~GRANT.~~

(1977 Code, § 2:1-3) (Ord. [Bd of Health Ord., Art. III] passed 6-13-1995)

§ 173.11 ENACTMENT PROVISIONS.

(A) *Captions.* Sections and other captions are part of this subchapter.

(B) *Exceptions.*

(1) *Existing facilities.* ~~Building f~~Food service facilities and equipment in use before the effective date of this subchapter, ~~which that~~ do not meet ~~fully all of~~ the design and fabrication requirements of this subchapter, shall be acceptable if they are in good repair, capable of being maintained in ~~a~~ sanitary condition, and if the food-contact surfaces (if any) are in compliance with the requirements of this subchapter.

~~—(2) New facilities. New building facilities and new equipment for which contractual obligations are incurred before the effective date of this subchapter, and which do not fully meet all the design and fabrication requirements of this subchapter, shall be acceptable if they are capable of being maintained in a sanitary condition and the food-contact surfaces (if any) are in compliance with this subchapter.~~

(C) *Effective date.* This subchapter is effective after January 11, 1960.
(1977 Code, § 2:1-3) (Ord. [Bd of Health Ord., Art. III] passed 6-13-1995)

FOOD AND BEVERAGE VENDING MACHINES

§ 173.20 RULES AND REGULATIONS.

(A) The current and subsequent edition of the Illinois Food Code, as amended from time to time and promulgated by the Illinois Department of Public Health, is hereby adopted by reference. Additionally, the chapter entitled "Compliance and Enforcement" of the current and subsequent edition of the U.S. Food and Drug Administration model food code, as amended from time to time and promulgated by the U.S. Food and Drug Administration, is hereby adopted by reference. Three certified copies of the Illinois Food Code shall be on file at the office of the Lake County Clerk.

(1977 Code, § 2:1-3) (Ord. [Bd of Health Ord., Art. III] passed 6-13-1995)

§ 173.25 PURPOSE.

(A) This subchapter ~~codifies a sanitation ordinance~~establishes requirements for regulating the sale of food and beverages through vending machines; defining vending machine, operator, Regulatory Authority Health Officer, and other terms; requiring permits for the installation and operation of vending machines; prohibiting the sale of, or possession with intent to sell through vending machines, unsound ~~or misbranded~~ food or drink; regulating ~~maintenance and the~~ operation of vending machines; authorizing ~~official the~~ inspection of vending machines and operations connected therewith and providing for the enforcement of this subchapter; and the ~~fixing assessment~~ of penalties.

~~(B) This subchapter shall be liberally construed and applied to promote its underlying purpose of protecting the public health.~~

(1977 Code, § 2:1-16) (Ord. [Bd of Health Ord., Art. XVI] passed 6-8-1987)

§ 173.26 DEFINITIONS.

~~In addition to the definitions contained in the rules and regulations referenced in § 173.20, the following definitions shall apply in the interpretation and enforcement of this subchapter.~~

~~For the purpose of this subchapter, the following definitions shall apply:~~

~~**BULK FOOD.** A food which when dispensed to the customer is not packaged, wrapped, or otherwise enclosed.~~

~~**COMMISSARY.** A catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored for use in vending machines. The term shall not apply to an area or conveyance at a vending machine location used for the temporary storage of packaged food or beverages.~~

~~**CONDIMENT.** Any food such as salt, pepper, mustard, and ketchup that is used to enhance the flavor of other food.~~

~~**CONTROLLED LOCATION VENDING MACHINE (LIMITED SERVICE VENDING MACHINE).** A vending machine which:~~

~~— (1) Dispenses only non-potentially hazardous food;~~

~~— (2) Is of a design that it can be filled and maintained in a sanitary manner by untrained persons at the location; and~~

~~— (3) Is intended for and used at locations in which protection is assured against environmental contamination.~~

~~**CORROSION-RESISTANT MATERIALS.** Those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions of the use environment.~~

~~**EASILY CLEANABLE.** Surfaces are readily accessible and made of a material and finish and so fabricated that residues may be effectively removed by normal cleaning methods.~~

EMPLOYEE. The permit holder, individual having supervisory or management duties, and any other person who handles any food to be dispensed through vending machines, or who comes into contact with food-contact surfaces of containers, equipment, utensils, or packaging materials, used in connection with vending machine operations, or who otherwise services or maintains one or more such machines.

~~**EQUIPMENT.** Vending machines, ovens, tables, counters, sinks, and similar items, other than utensils used in vending operations.~~

~~**FOOD.** Any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.~~

~~—**FOOD-CONTACT SURFACES.** Those surfaces with which food normally comes into contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.~~

HEALTH DEPARTMENT. The Lake County Health Department and Community Health Center.

~~—**HERMETICALLY SEALED CONTAINER.** A container which is designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.~~

~~—**LAW.** Includes federal, state, and local statutes, ordinances, and regulations.~~

~~—**MACHINE LOCATION.** The room, enclosure, space, or area where one or more vending machines are installed and operated.~~

OPERATOR. Any person, who by contract, agreement, or ownership, takes responsibility for furnishing, installing, servicing, operating, or maintaining one or more vending machines.

~~—**PACKAGED.** Bottled, canned, cartoned, or securely wrapped.~~

PERSON. Includes an individual, partnership, corporation, association, or other legal entity.

~~—**POTENTIALLY HAZARDOUS FOOD.** Any food that consists in whole or in part of milk, milk products, eggs, meat, poultry, fish, shellfish, edible crustacea or other ingredients, including synthetic ingredients, which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods which have a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less under standard conditions.~~

~~—**READILY ACCESSIBLE.** Exposed or capable of being exposed for cleaning and inspection without the use of tools.~~

REGULATORY AUTHORITY HEALTH OFFICER. The Executive Director of the Lake County Health Department and Community Health Center or his or her authorized representatives.

~~—**SAFE MATERIALS.** Articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food. If materials are food additives or color additives as defined in § 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act as used, they are “safe” only if they are used in conformity with regulations established pursuant to § 409 or § 706 of the Act. Other materials are “safe” only if they are not food additives or color additives as defined in § 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act, and are used in conformity with regulations issued under the Act.~~

~~—**SAFE TEMPERATURES.** For potentially hazardous food, means temperatures of 41°F or below or 135°F or above.~~

~~—**SANITIZATION.** Effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment.~~

~~—**SEALED.** Free of cracks or other openings that permit the entry or passage of moisture.~~

~~—**SINGLE-SERVICE ARTICLES.** Cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles designed for one-time, one-person use, and then discarded.~~

~~—**UTENSIL.** Any implement used in the storage, preparation, transportation, or service of food.~~

~~—**VENDING MACHINE.** Any self-service device which, upon insertion of a coin, paper currency, token, card, or key, dispenses unit servings of food, either in bulk or in packages, without the necessity of replenishing the device between each vending operation. It shall also include self-service dispensers equipped for coin, paper currency, token, card, or key operation, and optional manual operation. Unless otherwise stated, **VENDING MACHINE** includes controlled location vending machines.~~

VENDING MACHINE PERMIT. A permit issued by the Health Officer to the owner or operator of a food or beverage vending machine to operate the vending machine.

(1977 Code, § 2:1-16) (Ord. [Bd of Health Ord., Art. XVI] passed 6-8-1987)

§ 173.27 FOOD SUPPLIES AND FOOD PROTECTION.

~~Food exposed for sale, offered for sale, sold through vending machines and offered to patrons of vending machines shall be sound and free from spoilage, filth, or other contamination and shall be safe for human consumption. The food shall be obtained from sources that comply with all laws relating to food and food labeling. The use of food in hermetically sealed containers that was not prepared in a food processing establishment is prohibited shall be from sources, and shall be protected as specified in the rules and regulations referenced in this subchapter.~~

(1977 Code, § 2:1-16) (Ord. [Bd of Health Ord., Art. XVI] passed 6-8-1987)

~~§ 173.28 FOOD PROTECTION.~~

~~—(A) At all times, including while being prepared, stored, loaded, displayed, or transported, food intended for sale through vending machines shall be protected from contamination by all agents, including dust, insects, rodents, unclean equipment and utensils, unnecessary handling, coughs, sneezes, flooding, draining, and overhead leakage or condensation.~~

~~—(B) The temperature of potentially hazardous foods shall be 41°F or below or 135°F or above at all times, except as otherwise provided in § 173.29(G).~~

~~(1977 Code, § 2:1-16) (Ord. [Bd of Health Ord., Art. XVI] passed 6-8-1987)~~

~~§ 173.29 SPECIAL REQUIREMENTS.~~

~~—(A) Milk and fluid milk products offered for sale through vending machines shall be pasteurized, shall meet the Grade A quality standards as established by law, and shall be dispensed only in individual original containers.~~

~~—(B) Milk and fluid milk products and fluid non-dairy products (creaming agents) shall not be dispensed in vending machines as additional ingredients in hot liquid beverages or other foods.~~

~~—(C) When condiments are provided in conjunction with food dispensed by a vending machine, they shall be:~~

~~—(1) Packaged in individual portions in single service containers;~~

~~—(2) Dispensed from sanitary dispensers which are cleaned, rinsed, and sanitized and filled at the commissary or at the machine location if sanitary facilities are provided; or~~

~~—(3) Made available from condiment self-service dispensing equipment at those locations having an on-duty attendant.~~

~~—(D) Fresh fruits which may be eaten without peeling shall be thoroughly washed in potable water at the packing plant by the processor, or at the commissary before being placed in the vending machines for dispensing. The washed fruit shall be protected from contamination after the washing process.~~

~~—(E) All food, other than fresh fruit, shall be stored or packaged in clean protective containers, and all food shall be handled and vended in a sanitary manner.~~

~~—(F) Potentially hazardous food offered for sale through vending machines shall be dispensed to the consumer in the individual original container or package into which it was placed at the commissary or at the manufacturer's or processor's plant. Potentially hazardous food shall not be dispensed from bulk food machines.~~

~~—(G) Potentially hazardous food shall be maintained at safe temperatures except as follows:~~

~~—(1) During necessary periods of preparation and packaging; and~~

~~—(2) During the actual time required to load or otherwise service the machine and for a maximum machine ambient temperature recovery period of 30 minutes following completion of loading or servicing operation.~~

~~—(H) Vending machines dispensing potentially hazardous food shall be provided with adequate refrigerating or heating units and thermostatic controls which ensure the maintenance of safe temperatures at all times. The vending machines shall also have automatic controls which prevent the machine from vending potentially hazardous food until serviced by the operator in the event of power failure, mechanical failure or other condition which results in non-compliance with temperature requirements in the food storage compartment.~~

~~—(1) Potentially hazardous food that has failed to conform to the time-temperature requirements of this chapter shall be removed from the vending machine, and be denatured or otherwise rendered unusable for human consumption.~~

~~—(2) Vending machines dispensing potentially hazardous food shall be provided with one or more thermometers which, to an accuracy of $\pm 3^{\circ}\text{F}$, indicate the air temperature of the warmest part of the refrigerated food storage compartment, or the coldest part of the heated food storage compartment, whichever is applicable.~~

~~(1977 Code, § 2:1-16) (Ord. [Bd of Health Ord., Art. XVI] passed 6-8-1987)~~

~~§ 173.30 PERSONNEL/EMPLOYEE HEALTH.~~

~~(A) *Employee health.* In the enforcement of this subchapter, the Health Officer shall apply the employee health requirements specified in the FOOD SERVICE FACILITIES subchapter of this chapter. No person, while infected with a communicable disease that can be transmitted by foods or who is a carrier of organisms~~

that cause such a disease, or while afflicted with a boil, an infected wound, or an acute respiratory infection, shall work in any area of a commissary or vending operation except as specified in § 173.33(E).

~~—(B) *Personal cleanliness.*~~

~~—(1) Employees shall maintain a high degree of personal cleanliness and shall conform to good hygienic practices while engaged in handling foods or food-contact surfaces of utensils or equipment.~~

~~—(2) Employees shall thoroughly wash their hands with soap and warm water immediately prior to engaging in any vending machine servicing operation which may bring them into contact with food, or with food-contact surfaces of utensils, containers, or equipment. While engaged in these servicing operations, employees shall wear clean outer garments, shall not use tobacco in any form and shall keep their fingernails clean and trimmed.~~

~~(1977 Code, § 2:1-16) (Ord. [Bd of Health Ord., Art. XVI] passed 6-8-1987)~~

§ 173.31 EQUIPMENT AND UTENSILS; SANITARY FACILITIES AND CONTROLS.

~~(A) *Interior Equipment and utensils construction and maintenance.* Equipment and utensils shall be constructed and maintained as specified in the rules and regulations referenced in this subchapter.~~

~~—(1) The non-food-contact surfaces of the interior of vending machines shall be designed and constructed to permit easy cleaning and to facilitate maintenance operations and shall be kept clean and in good repair. Inaccessible surfaces and areas shall be minimized.~~

~~—(2) All food-contact surfaces of vending machines shall be smooth, in good repair, and free of breaks, corrosion, open seams, cracks, and chipped places. The design of these surfaces shall preclude routine contact between food and “V” type threaded surfaces except that in equipment where contact is unavoidable, such as ice makers, the threads shall be minimized. All joints and welds in food-contact surfaces shall be smooth, and all internal angles and corners of the surfaces shall be rounded to facilitate cleaning.~~

~~—(3) If solder or other sealer is used on food-contact surfaces, it shall be composed of safe materials and be corrosion resistant.~~

~~—(4) All food-contact surfaces of vending machines, including containers, pipes, valves, and fittings, shall be constructed and repaired with safe materials, including finishing materials; shall be corrosion resistant, non-absorbent, easily cleanable and durable under conditions of normal use and shall be cleaned, rinsed, and sanitized at a frequency established by the Regulatory Authority Health Officer based upon the type of product being dispensed.~~

~~—(5) All food-contact surfaces, unless designed for in-place cleaning, shall be accessible for manual cleaning, rinsing, sanitizing, and inspection:~~

~~—(a) Without being disassembled;~~

~~—(b) By disassembly without the use of tools; or~~

~~—(c) By easy disassembling with the use of only simple tools such as a screwdriver or an open-end wrench.~~

~~—(6) All food-contact parts or surfaces not designed for in-place cleaning (subsection (A)(7) below) shall be cleaned, rinsed, and sanitized in clean, portable containers or in utensil washing sinks at the location or at the commissary. Cleaning shall consist of washing in warm water containing a suitable detergent and brushing or wiping, as appropriate. Rinsing shall consist of immersion or wiping with clean clear rinse water. Sanitizing shall be accomplished by:~~

~~—(a) Immersion or rinsing in water of at least 170°F (76.7°C) for 30 seconds; or~~

~~—(b) Immersion for one minute in a chemical sanitizing solution containing at least 50 parts per million (ppm) of available chlorine, or 12.5 ppm of available iodine, or 200 ppm of quaternary ammonium sanitizer.~~

~~—(7) In machines designed so that food-contact surfaces are not readily removable, all such surfaces intended for in-place cleaning shall be designed and fabricated that:~~

~~—(a) Cleaning and sanitizing solutions can be circulated throughout a fixed system using an effective cleaning and sanitizing regimen;~~

~~—(b) Cleaning and sanitizing solutions will contact all food-contact surfaces;~~

~~—(c) The system is self-draining or capable of being completely evacuated; and~~

~~—(d) The procedures utilized result in thorough cleaning of the equipment.~~

~~—(8) The openings into all non-pressurized containers used for the storage of vendible food, including water, shall be provided with covers which prevent contamination from reaching the interior of the containers. The covers shall be designed to provide a flange which overlaps the opening, and shall be sloped to provide drainage from the cover wherever the collection of condensation, moisture, or splash is possible.~~

Concave covers are prohibited. Any port opening through the cover shall be flanged upward at least three-sixteenths inch, and shall be provided with an overlapping cover flanged downward. Condensation, drip, or dust deflecting aprons shall be provided on all piping, thermometers, equipment, rotary shafts, and other functional parts extending into the food container unless a water tight joint is provided. The aprons shall be considered as satisfactory covers for those openings which, are in continuous use. Gaskets, if used, shall be of safe materials, relatively stable, and relatively non-absorbent, and shall have a smooth surface. All gasket retaining grooves shall be easily cleanable.

—(9) The delivery tube or chute and orifice of all bulk food vending machines shall be protected from normal manual contact, dust, insects, rodents, and other contamination. The design shall divert condensation or moisture from the normal filling position of the container receiving the food. The vending stage of these machines shall be provided with a tight fitting, self-closing door or cover which is kept closed except when food is being removed. The cup filling area or platform of controlled location vending machines shall not require a door or cover if there is no opening into the cabinet interior at that point other than for dispensing tube(s) or trapped waste tubing. The dispensing compartment of prepackaged candy and similar product vending machines shall be equipped with a self-closing lid at vending locations where insect or rodent entry into the machine may occur.

—(10) The food storage compartment and other compartments in refrigerated vending machines which are subject to condensation or cooling water retention shall be self-draining or equipped with a drain outlet which permits complete draining. In vending machines designed to store cartoned beverages, diversion devices, and retention pans or drains for leakage shall be provided. All the drains, devices, and retention pans shall be easily cleanable.

—(11) Can and bottle openers which come into contact with the food or the food contact surfaces of the containers shall be constructed of corrosion-resistant, non-absorbent, and safe materials and shall be kept clean. Cutting or piercing parts of multi-use openers which come into contact with the food or food contact surface of containers shall be reasonably protected from manual contact, dust, insects, rodents, and other contamination; and the parts shall be readily removable for cleaning.

—(B) *Exterior construction and maintenance.*

—(1) The vending machine shall be of sturdy construction and the exterior shall be designed, fabricated, finished, and retained to facilitate its being kept clean and to minimize the entrance of insects and rodents. The exterior of the machine shall be kept clean.

—(2) Door and panel access openings to the food and container storage spaces of the machine shall be tight fitting, and if necessary, gasketed to prevent the entrance of dust, moisture, insects, and rodents.

—(3) All ventilation louvers or openings into vending machines shall be effectively screened. Screening material for openings into food and container storage spaces of the machine shall be not less than 16 mesh to the inch or equivalent. Screening material for openings into condenser units which are separated from food and container storage spaces shall be not less than eight mesh to the inch or equivalent.

—(4) In all vending machines in which the condenser unit is an integral part of the machine, the unit, when located below the food and container storage space, shall be separated from that space by a dust proof barrier, and when located above, shall be sealed from the space.

—(5) (a) In order to prevent seepage underneath the machine and to promote cleaning, free-standing vending machines shall have one or more of these elevation or movability features:

- 1. Be light enough to be manually moved with ease by one person;
- 2. Be elevated on legs or extended sidewalls to afford, with or without kickplates, an unobstructed vertical space of at least six inches (15.24 cm) under the machine;
- 3. Mounted on rollers or casters which permit easy movement; or
- 4. Be sealed to the floor.

—(b) Where used, kickplates shall be easily removable or be capable of being rotated. These kickplates shall be designed and installed to make the area under the machine easily accessible for routine cleaning without unlocking the cabinet door.

—(6) Counter type machines shall be:

- (a) Sealed to the counter;
- (b) Mounted on four-inch (10.16 cm) legs or the equivalent; or
- (c) Easily moved for cleaning with service connections in place.

—(7) All service connections through an exterior wall of the machine including water, gas, electrical and

refrigeration connections, shall be grommeted, or closed with no opening over one thirty-secondths inch (0.79 mm) to prevent the entrance of insects and rodents. All service connections to machines vending potentially hazardous food shall be such as to discourage their unauthorized or unintentional disconnection.

(CB) Equipment location.

(1) Vending machines, ovens, and other equipment shall be located in as specified in the rules and regulations referenced in this subchapter.~~a room, area, or space which can be maintained in a clean condition and which is protected from overhead leakage or condensation from water, waste or sewer piping. The immediate area in which the equipment is located shall be well lighted and ventilated. Each vending machine shall be located so that the space around and under the machine can be easily cleaned and maintained and so that insect and rodent harborage is not created.~~

~~—(2) The floor area where vending machines are located shall be reasonably smooth, of cleanable construction and be capable of withstanding repeated washing and scrubbing. This space and the immediate surroundings of each vending machine shall be maintained in a clean condition.~~

~~—(3) Adequate handwashing facilities, including hot or cold or tempered running water, soap and individual towels, shall be convenient to the machine location and shall be available for use by employees servicing or loading bulk food machines.~~

~~—(D) Special requirements for single service articles, other equipment.~~

~~—(1) Single service articles. Single service articles shall be purchased in sanitary packages which protect the articles from contamination, shall be stored in a clean, dry place until used, and shall be handled in a sanitary manner. These articles shall be furnished to the customer in the original individual wrapper or from a sanitary single service dispenser. All single service articles shall be protected from manual contact, dust, insects, rodents, and other contamination.~~

~~—(2) Other equipment.~~

~~—(a) All other equipment at the vending location must be kept clean. Food contact surfaces, if any, must be cleaned, rinsed, and sanitized at a frequency established by the Regulatory AuthorityHealth Officer based upon the type of product being dispensed.~~

~~—(b) The cavities and door edges of microwave ovens must be cleaned at least once a day with non-abrasive cleaners and shall be kept free of enerusted grease deposits and other accumulated soil. All doors, seals, hinges, and latch fasteners (screws and related hardware) shall be kept tight and adjusted in accordance with manufacturer's procedures. Microwave ovens shall be in compliance with applicable safety standards of the U.S. Food and Drug Administration's Bureau of Radiological Health.~~

~~—(c) Food contact surfaces of all equipment and utensils must be protected from contamination at all times including while being transported from the commissary to the vending machines.~~

(EC) Water supply.

(1) All water used in vending machines shall be of a safe and sanitary quality and from a source constructed and operated according to law. Water used as a food ingredient shall be piped to the vending machine under pressure,~~except that in controlled location vending machines, water may be obtained from a safe source and carried to the machines in containers that are clean and of good sanitary construction.~~

~~—(a) External water fill ports or drawers of controlled location vending machines shall be designed so that covers and drawers are secured to the machine.~~

~~—(b) All plumbing connections and fittings shall be installed and maintained according to law.~~

(2) All plumbing, plumbing connections and plumbing fittings shall be installed and maintained according to law.~~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.~~

~~—(3) To prevent leaching of toxic materials caused by possible interaction of carbonated water, piping and contact surfaces, post-mix soft drink vending machines manufactured after January 1, 1975, which are designed with an incoming water supply air gap shall have no copper tubing or other potentially toxic water system tubing between the air gap and the downstream, carbonated water dispensing nozzle.~~

~~—(4) To prevent leaching of toxic materials caused by possible interaction of carbonated water, piping and contact surfaces, post-mix soft drink vending machines which are directly connected to the external water supply system shall be equipped with a double (or two single) spring-loaded check valves or other devices which will provide positive protection against the entrance of carbon dioxide or carbonated water into the~~

water supply system. Backflow preventive devices shall be located to facilitate servicing and maintenance. No copper tubing or other potentially toxic tubing or contact surfaces shall be permitted in or downstream from the check valves or backflow devices. These check valves or devices should be inspected and cleaned or replaced annually.

—(5) Where spring-loaded check valves are used to prevent the backflow of carbon dioxide into accessible upstream copper or other potentially toxic piping or tubing, a screen of not less than 100 mesh to the inch shall be installed in the water line immediately upstream from the check valves in a location which permits servicing or replacement.

—(6) In all vending machines in which carbon dioxide is used as a propellant, all food contact surfaces from the check valves or other protective devices, including the valves or devices, shall be of a material as to preclude the production of toxic substances which might result from interaction with carbon dioxide or carbonated water.

(FD) Waste disposal.

(1) All trash and other solid or liquid waste shall be removed from the machine location as specified in the rules and regulations referenced in this subchapter as frequently as may be necessary to prevent nuisance and unsightliness, and shall be disposed of according to law.

—(2) (a) Self-closing, leak-proof, easily cleanable, insect-proof, and rodent-proof waste receptacles shall be provided in the vicinity of each machine or machines to receive used cups, cartons, wrappers, straws, closures, and other items. Plastic bags and wet-strength paper bags may be used to line the receptacles. Soiled waste receptacles shall be cleaned at a frequency to prevent insect and rodent attraction.

—(b) Waste receptacles shall not be located within the vending machines, with the exception of those machines dispensing only packaged food with crown closures; in which case, the closure receptacles may be located within the machine. Waste receptacles shall not be located under counters or otherwise enclosed in a manner that will create a nuisance or prevent space around and under the counter or enclosure from being easily cleaned and maintained. Suitable racks or cases shall be provided for multi-use containers or bottles.

—(3) Containers shall be provided within all machines dispensing liquid food in bulk for the collection of drip, spillage, overflow, or other internal wastes. The machines shall be equipped with an automatic shutoff device at the waste pail or other devices or valves which will place the machine out of operation before the waste pail overflows. The devices shall prevent water or liquid product from continuously running in the event of the failure of any single control, high-level control, or other flow control device in the liquid product or water system.

—(a) Controlled location vending machines not connected to a water supply system, and which generate no internal liquid wastes, may be equipped with easily removable drip pans at the dispensing platform in lieu of internal waste containers and automatic shutoff devices.

—(b) Controlled location vending machines that are connected to a water supply and have no internal waste containers, shall be equipped with at least two independently operated controls to prevent the continued flow of water in event of failure of any single flow control device.

—(c) Containers or surfaces on which the 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 within the machine are discharged into a sewerage system, the connection to the sewer shall be through an air gap.

(1977 Code, § 2:1-16) (Ord. [Bd of Health Ord., Art. XVI] passed 6-8-1987)

§ 173.32 COMPLIANCE PROCEDURES.

(A) Permits generally.

(1) No person shall operate ~~one or more~~ vending machines, ~~other than controlled location vending machines,~~ without a valid permit issued by the ~~Regulatory Authority~~ Health Officer. ~~Persons who do not comply with the requirements of this subchapter shall not be entitled to receive or retain a permit.~~ Permits are not transferable.

(2) The operator's company name and service telephone number shall be displayed on each vending machine or conspicuously adjacent to the vending machine bank.

(3) All operators of vending machines shall:

(a) Comply with the requirements of this subchapter;

(b) Maintain at the operator's headquarters or at some other designated location within the jurisdiction of the ~~Regulatory Authority~~ Health Officer a list of all vending machines operated by the operator within the

jurisdiction, and the complete address of each machine location and of all commissaries or other establishments from which his or her machines are serviced. This information shall be available to the Regulatory Authority Health Officer upon request, and shall be kept current;

(c) Notify the Regulatory Authority Health Officer of each new vending machine location at which ~~potentially hazardous~~ time-temperature control for safety (TCS) food, or hot or cold cup beverage vending machines have been placed in operation; and

(d) Notify the Regulatory Authority Health Officer of any change in operations involving new types of vending machines or conversions of existing machines to dispense products other than those for which the machines were built.

(B) *Issuance of permits.*

(1) Any person desiring to operate ~~one or more~~ vending machines, ~~other than controlled location vending machines,~~ shall make written application for a permit on forms provided by the Regulatory Authority Health Officer.

(2) Upon receipt of the application, the Regulatory Authority Health Officer shall make an inspection of the commissary if the commissary is in the Health Officer's jurisdiction, supply storage, servicing, cleaning, and sanitizing facilities, and transport facilities, and representative equipment and machine locations to determine compliance with the provisions of this chapter. A ~~numbered operator's~~ permit shall be issued to the applicant by the Regulatory Authority Health Officer after compliance by the operator with the applicable provisions of this subchapter.

(C) *Suspension of permits.* The Health Officer may suspend a vending machine permit in accordance with the requirements of § 173.04 (B)(1).

~~—(1) The Regulatory Authority Health Officer may, without prior warning, notice, or hearing, suspend any permit to engage in a vending operation if the operation constitutes a substantial hazard to public health. Suspension is effective upon service of the notice required by subsection (B) below. When a permit is suspended, vending operations shall immediately cease. Whenever a permit is suspended, the permit holder shall be afforded an opportunity for a hearing with the Regulatory Authority Health Officer within 20 days of receipt of a request for a hearing.~~

~~—(2) Whenever a permit is suspended, the permit holder or operator shall be notified in writing that the permit 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 Regulatory Authority Health Officer by the permit holder within ten days. If no request for a hearing is filed within ten days, the suspension is sustained. Prior to the hearing, the Regulatory Authority Health Officer may end the suspension if reasons for suspension no longer exist.~~

~~—(3) A sustained suspension may be rescinded by the Regulatory Authority Health Officer after confirming by inspection that the requirements of this subchapter have been satisfied.~~

~~—(4) The Regulatory Authority Health Officer, in lieu of suspending a permit, may suspend applicability of the permit to a particular vending machine, machines, commissary, or specific products.~~

(D) *Revocation.* The Health Officer may revoke a vending machine permit in accordance with the requirements of § 173.04 (B)(2). ~~Prior to revocation, the Regulatory Authority Health Officer shall notify in writing the permit holder or operator of the reasons for which the permit is subject to revocation. A permit may be revoked for serious or repeated violations of any of the items of this subchapter as delineated on the inspection report form or for interference with the Regulatory Authority Health Officer in the performance of its duties. The permits shall be revoked at the end of ten days following service of a revocation notice unless a request for a hearing is filed with the Regulatory Authority Health Officer by the permit holder within the ten-day period. If no request for a hearing is filed within the ten-day period, the revocation of the permit becomes final.~~

~~—(E) *Service of notices.* A notice provided for in this subchapter is properly served when it is delivered to the permit holder or operator or when it is sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of any notice shall be filed in the records of the Regulatory Authority Health Officer.~~

~~(F)~~ *Hearings.*

(1) The hearings provided for in this subchapter shall be conducted in accordance with §§ 176.15 through 176.17.

(2) A written report of the hearing decision shall be furnished to the permit holder by the Regulatory

Regulatory Authority Health Officer within ten days.

~~(G) Reapplication. Whenever a permit has been revoked, the holder may make a written application for a new permit as provided in subsection (B) above.~~

~~(H) Permit exemption. All controlled location vending machines and vending machines which dispense exclusively bottled or canned soft drinks; prepackaged ice; prepackaged candy, cookies, crackers, or similar prepackaged, non-potentially hazardous snacks; or ballgum, nuts, and panned candies are exempt from the requirements of subsections (A)(1) and (A)(3) above, but shall meet all other applicable requirements of this subchapter.~~

~~(I) Fees. Fees shall be charged according to a current fee schedule adopted by the County Board as codified in § 178.01.~~

(1977 Code, § 2:1-16) (Ord. [Bd of Health Ord., Art. XVI] passed 6-8-1987)

§ 173.33 INSPECTIONS.

(A) *Frequency.* The Regulatory Authority Health Officer shall select vending locations for inspection each year by a method which assures the inspection of representative machines and locations serviced by each ~~of the operator's routemen and supervisors~~. The frequency of inspection and selection of locations shall assure the widest coverage of each operator's locations over a time span ~~deemed available~~ determined by the Regulatory Authority Health Officer. ~~Vending machines as set forth in § 173.32(H) may be inspected by the Regulatory Authority Health Officer when there is reason to believe that insanitary conditions exist.~~ Commissaries in the Health Officer's jurisdiction shall be inspected in accordance with § 173.05 of this chapter. ~~shall be inspected at least once every six months.~~

(B) *Access for inspection.* The Regulatory Authority Health Officer, after proper identification, shall be permitted to enter at any reasonable time, upon any private or public property where vending machines or commissaries are operated, or from which the machines are otherwise serviced, for the purpose of determining compliance with the provisions of this subchapter. The operator shall ~~make provision for~~ assure that the Regulatory Authority Health Officer to have ~~has~~ access, ~~either in company with an employee or otherwise,~~ to the interior of all food vending machines ~~operated by him or her.~~

(C) *Notification of inspection findings.*

~~(1) Whenever an inspection is conducted, the Health Officer shall record the findings on a paper or electronic report. A copy of the completed report shall be provided to the person in charge of the vending operation after the inspection has been completed. The completed report shall constitute an official notice of findings. It is a public document that shall be made available for public disclosure to any person who requests it according to law.~~

~~Whenever an inspection of food vending machines is made, the findings shall be recorded on the inspection report form to be provided by the Regulatory Authority Health Officer. A copy of the completed inspection report form shall be furnished to the operator.~~

~~(2) Whenever the Regulatory Authority Health Officer discovers a violation of any provision of this subchapter, it shall notify the operator concerned either by the completed inspection report form or by other written notice. This form or notice, which is a public document, shall:~~

~~— (a) Describe the condition found;~~

~~— (b) Provide a specific and reasonable period of time for the correction of the condition; and~~

~~— (c) State that an opportunity for a hearing on inspection findings will be provided if a written request for the hearing is filed with the Regulatory Authority Health Officer within ten days of receipt of the notice. The Regulatory Authority Health Officer may also advise the operator in writing that unless the violations are corrected within the specified period of time, any permit issued under the provisions of this subchapter may be suspended or revoked in accordance with the provisions of § 173.32, or court action may be initiated.~~

(D) *Examination and condemnation of food.* Food may be examined or sampled, and a hold order may be placed on food by the Regulatory Authority Health Officer ~~as~~ in accordance with the requirements of § 173.06, ~~often as necessary for enforcement of this subchapter.~~ The Regulatory Authority Health Officer may, upon written notice to the permit holder or operator specifying with particularity the reasons therefor, place a hold order on any food which it believes is in violation of this chapter. The Regulatory Authority Health Officer shall tag, label, or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served, sold, or moved to facilities not under control of the permit holder. The Regulatory Authority Health Officer shall permit storage of the food under conditions specified in the hold

~~order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a request for hearing may be filed within ten days and that if no hearing is requested the food shall be destroyed. A hearing shall be held if so requested, and on the basis of evidence produced at that hearing, the hold order may be vacated, or the permit holder or person in charge of the food may be directed by written order to denature or destroy the food or to bring it into compliance with the provisions of this subchapter.~~

(E) *Procedure when infection is suspected.* When infection is suspected, the Health Officer shall enforce the requirements of § 173.08.

~~—(1) When the Regulatory Authority Health Officer has reasonable cause to suspect the possibility of disease transmission from any employee, it may secure a morbidity history of the suspected employee or make any other investigation as may be indicated and shall take appropriate action.~~

~~—(2) The Regulatory Authority Health Officer may require any or all of the following measures:~~

~~—(a) The immediate exclusion of the employee from the commissary or vending operation;~~

~~—(b) The immediate closing of the commissary and vending operations concerned until, in the opinion of the Regulatory Authority Health Officer, no further danger of disease outbreak exists;~~

~~—(c) Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease; and/or~~

~~—(d) Adequate medical and laboratory examinations of the employee, of other employees and of his or her and their body discharges.~~

(F) *Commissaries outside jurisdiction of the ~~regulatory authority~~ Health Officer.* Food from commissaries outside the jurisdiction of the ~~Regulatory Authority~~ Health Officer may be sold within the jurisdiction if the commissaries conform to substantially equivalent food service sanitation standards. To determine the extent of compliance with these provisions, the ~~Regulatory Authority~~ Health Officer may accept reports from the responsible authorities in the jurisdictions where the commissaries are located.

(1977 Code, § 2:1-16) (Ord. [Bd of Health Ord., Art. XVI] passed 6-8-1987)

§ 173.99 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) *Fines.* Violation of any provision of §§ 173.01 through 173.11 shall be punishable by a fine not exceeding \$500. Each day upon which the violation occurs shall constitute a separate offense.

(1977 Code, § 2:1-3)

(C) *Additional fines.* Any employee or operator who violates this chapter except §§ 173.01 through 173.11, or fails to perform any duty imposed by this chapter, shall upon conviction be fined not more than \$500 at the discretion of the court. In addition thereto, the persons may be enjoined from continuing the violations. Each day upon which the violation occurs shall constitute a separate offense.

(1977 Code, § 2:1-16)

(D) *Notice of ordinance violation tickets.* As an alternative remedy to any other remedy that may be available to the Health Department in this chapter, the Health Officer may, when a vending machine operator violates the provisions of this chapter, issue a notice of ordinance violation ticket in accordance with the provisions of the Lake County Administrative Adjudication Ordinance (§§ 94.50 - 94.66). The ticket shall identify the violation for which it is being issued, the corresponding fine amount as established in the Lake County Administrative Adjudication Ordinance (§§ 94.50 - 94.66) and shall require the alleged violator to appear before the county's administrative hearing officer, provide the alleged violator the option to appear before the county's administrative hearing officer, or pay the established fine.

(Ord. [Bd of Health Ord., Art. XVI] passed 6-8-1987; Ord. [Bd of Health Ord., Art. III] passed 6-13-1995; Res. passed 2-10-2015)