

## Chapter 4-8

### 4-8-010 Definitions.

The following definitions shall apply in the interpretation and the enforcement of this chapter and chapters 7-38, 70-40 and 7-42 unless the context clearly indicates that another meaning is intended. The listing of items as examples in any definition is intended to be illustrative and not exhaustive.

**"Adulterated"** means the condition of a food:

- a. If it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health;
- b. If it bears or contains any added or deleterious substance for which no safe tolerance has been established or in excess of such tolerance if one has been established;
- c. If it consists in whole or in part of any filthy, putrid, decomposed substance, or if it is otherwise unfit for human consumption;
- d. If it has been processed, prepared, packed or held under unsanitary conditions whereby it may become contaminated with filth, or whereby it may have been rendered injurious to health;
- e. If it is in whole or in part the product of a diseased animal or animal which has died other than by slaughter;
- f. If its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

**"Approved"** means acceptable to the Board of Health based on its determinations to conformance with the appropriate standards and good health practices.

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

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

**"Bactericidal treatment"** means the application of an approved method or substance to a clean surface for the destruction of pathogens and other organisms, so far as practicable, and which, in the opinion of the department of health, is effective and does not adversely affect the food, drink or equipment with which it comes in contact, or the health of the consumer of such food and drink.

**"Bakery"** means any establishment, place, vehicle or stand used for the manufacture of bread, buns, rolls, biscuits, cakes, crackers, matzos, pretzels, pastry, doughnuts, waffles, noodles, macaroni, spaghetti

or ice cream cones, or any establishment used for the process of mixing, compounding or baking any food product, of which flour or meal is the principal ingredient, for sale to the public, or for the purpose of a restaurant, bakery, hotel, commissary or catering establishment.

**"Board of health"** means the board of health of the city of Chicago, or its authorized representatives.

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

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

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

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

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

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

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

**"Commissioner"** means the Commissioner of the department of health.

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

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

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

**"Department of Health"** means the department of health of the city of Chicago, or its representatives.

**"Easily cleanable"** means readily accessible to sight and touch if manually cleaned, and of such material and finish, and of such design and construction that residue may completely be removed by normal cleaning methods. If cleaned in place, shall be a type of system approved by the department of health.

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

**"Equipment"** means all permanent fixtures and movable appliances including, but not limited to, stoves, ranges, hoods, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a food establishment.

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

**"Food"** means any raw, cooked or processed edible substance, alcoholic or nonalcoholic beverages, or ingredient, used or intended for use in whole or in part for human consumption.

**"Food-contact surfaces"** means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces with which food could come in contact and drain back onto the surfaces normally in contact with food.

**"Food dispensing"** means the act of keeping, preparing or selling, offering for sale or distribution, for consumption on or off the premises, or in an enclosed or partially enclosed dining area adjacent to the enclosed food establishment, any articles of food and drink for human consumption.

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

establishment or operation.

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

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

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

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

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

**"Mobile food dispenser"** means any person who by traveling from place to place upon the public ways, serve food or drink from a wheeled vehicle.

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

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

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

**"Prepackaged and non-perishable food"** means any food or beverage which is not capable of supporting rapid and progressive growth of microorganisms which may cause food infections; and which is packaged in a hermetically sealed container designed to keep the contents free of contamination by

microorganisms and maintain the commercial sterility of its contents after thermal processing. The term shall include packaged candy, gum and confections and bottled or canned water or soft drinks, if the package, bottle or can includes a manufacturer's quality assurance date. In no case shall the term include fresh or processed meats, poultry, seafood, dairy products, eggs, or fresh fruit and vegetables.

**"Retail food establishment"** means any building, room, stand, enclosure, place or establishment occupied and used as a place of business for the purpose of serving, storing, selling, offering for sale or keeping with the intention of selling or distributing at retail any article of food, drink, confection, condiment, ultimately used for or intended to be used for human consumption. The term shall include, but not be limited to: restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, grills, tearooms, sandwich shops, soda fountains, taverns, bars, cocktail lounges, nightclubs, industrial feeding establishments, take-out establishments, private institutions or organizations routinely serving food, catering kitchens, commissaries or any other eating or drinking establishment or operation, the automatic food-vending machine business, coffee cart vendors, candy manufacturers, confectioneries, fish markets, fruit and vegetable markets, grocery stores, meat markets, nut stores, dressed poultry markets or retail bakeries, bakery outlets or any similar place.

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

**"Safe temperatures"** as applied to potentially hazardous food means temperatures of 40 degrees Fahrenheit or below and 140 degrees Fahrenheit or above.

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

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

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

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

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

**"Service accommodation"** means the seating place where one patron or customer to be served can be seated or, in lieu of seating space, two lineal feet of counter space which may be used or occupied by one patron or customer to be served while standing, provided that, for the purpose of computing the number

of "service accommodations" at a counter where no fixed seats or stools are provided, each such counter shall be considered as a separate unit and any fractional part of two lineal feet at a side or end shall be excluded.

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

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

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

**"Unwholesome"** means the condition of any food which is diseased, decayed, emaciated, tainted, putrid, infected, poisoned, adulterated, contaminated, unclean or otherwise impure or unfit for human consumption or which contains any poisonous or deleterious or injurious ingredients in kind and quantities so as to render the uninspected meat, poultry, milk or their byproducts or which have been submerged in any solutions which are unclean, contaminated, putrid or spoiled.

**"Utensils"** means any kitchenware, tableware, glassware, cutlery, containers or other equipment with which food and drink comes in contact during storage, preparation, transportation or serving.

**"Vending machine location"** means the room, enclosure, space or area where one or more vending machines are installed and operated.

**"Water-vending machine"** means a device which treats and dispenses water, in specific amounts of not less than one gallon for purchase.

**"Wholesale"** means the making of sales to the wholesale or retail trade for purposes of resale, including sales on a large scale to hotels, food dispensers, institutions, restaurants, manufacturers, wholesale food establishments, including such sales by brokers, manufacturers' agents and itinerant vendors and the supplying of branch or chain establishments from a central depot or store.

**"Wholesale food establishment"** means any building, room, stand, enclosure, place or establishment



or

(b) A corporation, partnership, limited partnership or limited liability company, if any of the officers, substantial owners, members or other individuals required to be identified in the license application pursuant to Section 4-4-050 would not be eligible to receive a license under subsection (a).

**4-8-030 License application and non-transferability.**

- (a) An application for any license required pursuant to this chapter shall be made in conformity with the general requirements of Chapter 4-4 of the Municipal Code relating to applications for licenses. The applicant shall provide the department of health such information as the department may require in order to inform it fully as to the size and nature of the place to be used for the purpose of the business, the conditions, equipment, vehicles and facilities used for conducting the business and such other information as may be required in the provisions of this chapter pertaining to the particular type of license applied for. As part of the written application, the applicant shall specify the activities to be carried out under the license. If at any time following the issuance of a license the licensee plans to add other activities not referred to in the application, then the licensee shall so inform the department of revenue and the department of health-Food Protection Division division in writing.
- (b) The director of revenue shall issue no license pursuant to this chapter, and the applicant shall neither prepare, process nor sell any food, unless the department of health shall have inspected and approved the applicant's premises, vehicles, vending machines and other equipment and facilities for compliance with the Municipal Code of Chicago and the rules and regulations of the board of health.
- (c) In addition, an applicant for a retail food establishment license shall file an affidavit with the department of revenue verifying that any structural, plumbing, electrical, or ventilation changes made to the premises for which the license is sought, while such premises were under the ownership or control of the applicant, were done pursuant to valid building permit.
- (d) No license issued pursuant to this chapter shall be transferred from one person to another or from one place of business to another. Upon change of ownership, a new application made in conformity with the general requirements of this Municipal Code shall be submitted and the department of health shall inspect and recommend for approval as provided in this chapter.

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

- (a) In addition to the general application requirements for a retail food establishment license, if a license applicant intends to engage in the automatic food-vending machine (A.F.V.M.) business, he shall supply the following information:
  - 1. A list of all vending machines operated by him and their location and the location of all commissaries or other establishments from which his machines are serviced. This information shall be available to the health authority upon request, and shall be kept current.
  - 2. The identity and form of the products to be dispensed through vending machines; the types of

A.F.V.M. machines

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

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

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

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

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

**4-8-036 License application - Mobile food dispenser.**

In addition to the general application requirements, an applicant for a mobile food dispenser license shall supply the name and address of the owner of the mobile food-dispensing vehicle, and if the operator of the vehicle is other than the owner, the name of the operator shall also appear on the application. The applicant shall also state where the vehicle is cleaned and stored when not in use, and the department of health shall verify the information provided.

**4-8-038 Mobile dispensers of frozen desserts-----Additional vehicle requirements.**

In addition to the requirements of Section 4-8-036, every motor vehicle used by a mobile food dispenser for the sale, offering or display of frozen desserts shall be equipped with a signal arm. The arm shall be six inches high and 18 inches long, and shall be affixed to the driver's side of the vehicle, no further than 18 inches from the back wall of the vehicle and no lower than three inches from the roof of the vehicle. The arm shall be mounted on a hinge, so as to lie flat against the vehicle when the vehicle is moving. When the vehicle is stopped in order to sell or offer frozen desserts, the arm shall

be activated, either manually or mechanically, to extend perpendicularly to the side wall of the vehicle. The arm shall be fluorescent yellow and shall have the legend "Caution-----Pass With Care" written on both sides in clearly contrasting color. No letter on the arm shall be less than two and one-half inches in height. Any person who violates any provision of this section shall be subject to a fine of not less than two hundred dollars and not more than five hundred dollars for each offence.

**4-8-040 License fees.**

The annual license fees shall be as set forth in this code and shall be paid before any license may be issued. All licenses shall expire in accordance with the terms of section 4-4-021.

- (a) Retail Food Establishment License. The annual fee for a retail establishment license shall be as set forth in section 4-5-010. A charitable, religious or educational institution not carried on for private gain or profit, which only operates a eating facility or an automatic-food vending machine in connection with the immediate carrying out of its charitable, religious or educational activities, shall be exempt from the retail food establishment license fee. The Mayor shall have the authority to issue a special retail food establishment license for any event for a period not to exceed 11 days. The Mayor shall notify the alderman of the ward in which the event is to be located at least five days before issuing the license.
- (b) Wholesale Food Establishment License. The fee shall be as set forth in section 4-5-010.
- (c) Mobile Food Dispenser License. A separate license is required for each vehicle used by the mobile food dispenser in the conduct of his business. The fee for such license shall be as set forth in section 4-5-010.

**4-8-045 License posting.**

Every license shall be posted in a conspicuous place in that part of a licensed establishment to which the public has access, but every mobile food dispenser and coffee cart vendor shall post each such license in a conspicuous place in that part of the vehicle to which the public has access by sight, and every automatic food-vending machine operator shall post evidence of its license on the exterior surface of all automatic food-vending machines in a conspicuous location to which the public has access.

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

- (a) A license applicant who is located outside the jurisdiction of the department of health may obtain a retail food establishment license from the city of Chicago which authorizes the applicant to engage in the business of an automatic food vending machine operator provided that the applicant is conducting his business under supervision of a state or local health authority and provided the ordinance regulating same is substantially equivalent to this chapter. The applicant shall, in addition to the application, provide reports including inspection reports and laboratory results from the aforementioned health authority

in the jurisdiction where the commissary or commissaries are located, indicating satisfactory compliance with such provision. If such documentation is not available, approval shall be granted by the department of health, if the department determines that applicable health standards are satisfied.

(b) Applicants for a mobile food dispenser license who are located outside of the jurisdiction of the department of health

may obtain a license from the city of Chicago; provided, that the vehicle does comply with the applicable requirements of section 7-38-040 of this code and the applicant does dispense foods which are prepared and wrapped in a commissary which conducts its operations under the supervision of a state or local health authority; providing that the ordinance regulating same is substantially equivalent to this chapter. The applicant shall, in addition to the application, provide reports including inspection reports and laboratory results from the state or local health authority in the jurisdiction where the food source or commissary is located, indicating compliance with such provisions. If such documentation is not available, approval shall be granted by the department of health, if the department determines that applicable health standards are satisfied.

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

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

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

(a) A licensee shall comply with all of the particular regulatory provisions pertaining to: (i) each activity to be performed under a license issued pursuant to this chapter; and (ii) each food product used in the performance of such activities, including the provisions contained in chapters 7-38 and 7-40.

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

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

of the Municipal Code of Chicago and a copy of the Board of Health Rules and Regulations relating to retail or wholesale food establishments or mobile food dispensers, as appropriate.

**4-8-066                      Prepackage and nonperishable food - Exemption.**

- (a) No establishment where the only food, drink, confection or condiment that is stored, sold or offered for sale is prepackaged and nonperishable shall be required to obtain a retail food establishment. A limited business license may, however, be required pursuant to Chapter 4-4.
- (b) In no event, however, shall this section exempt persons in the automatic food vending machine business from the license requirements of this chapter.

**4-8-068                      Violation-Penalty.**

Any person who violates or who resists the enforcement of any of the provisions of this chapter shall be fined not less than \$200.00 nor more than \$1,000.00 for each offense, and a separate and distinct offense shall be deemed to have been committed for each and every day on which any person shall be guilty of such violation.

## Chapter 7-38

### Food Establishments - Sanitary Operating Requirements All Food Establishments

#### 7-38-001 All food establishments.

The provisions of this article shall apply to all food establishments, unless otherwise specified. The term "food establishment" shall include all establishments, businesses and vehicles required to be licensed pursuant to Chapter 4-8.

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

- (a) All food shall be protected from contamination and the elements while being stored, prepared, displayed or sold at  
a food establishment and during transportation to or between such establishments or vending machine locations, and so shall all food equipment, containers, utensils, food-contact surfaces and devices and vehicles, in accordance with the provisions of this chapter, Chapters 4-8, 7-40 and 7-42 and the rules and regulations of the board of health.
- (b) All foods to be used, prepared, cooked, displayed, sold, served, offered for sale or stored in a food establishment, or during transportation to or between such establishments or vending machine locations shall be from sources approved by the health authorities of the point of origin and must be clean, wholesome, free from spoilage, adulteration, contamination or misbranding and safe for human consumption. The standards for judging wholesomeness for human food shall be those promulgated and amended from time to time by the United States Public Health Service, Food and Drug Administration and published in the Code of Federal Regulations.
1. The only milk or milk products which may be used as food ingredients shall be Grade A milk or milk products as defined in Chapter 7-40 from sources approved by the department of health. All milk and fluid milk products shall be sold in the individual original containers in which they were received from the distributor and shall be stored at a temperature of 40 degrees Fahrenheit or less until sold.
  2. Shellfish, including oysters, clams and mussels, shall be obtained from a source approved by the United States Public Health Service, Food and Drug Administration and certified by the state of origin. Shell stock and shucked shellfish shall be kept in the containers in which they were originally packed, until sold.
  3. All meats, meat food products, poultry and poultry products used in cooking, offered for sale, sold or prepared shall be from sources inspected and approved by the United States Department of Agriculture, the state of Illinois or the department of health and shall be plainly marked, tagged or stamped to indicate the source, and the inspection and approval.

4. All ice and bottled or packaged potable water shall be of safe, sanitary quality from a source approved by the Department of Health and shall be stored in such a manner as to prevent contamination. All bottled or packaged water shall be dispensed from the original container filled at an establishment approved by the Department of Health. Such water bottles shall not be refilled elsewhere.
5. All hermetically sealed foods shall have been processed in approved food-processing establishments.  
The use, preparation, display, sale or storage of home-canned foods is prohibited, and no other foods which have been processed in a private home or other than in an approved food-processing establishment shall be stored, used, kept for sale or served in a food establishment or automatic food-vending machine.
6. Only clean whole eggs with shell intact and without cracks or checks, or pasteurized liquid or pasteurized dry eggs or egg products, which, if reconstituted, shall be heated to 140 degrees Fahrenheit or above prior to usage, shall be used. Liquid, frozen dry egg products shall be used only for baking or cooking.
7. All bakery products shall be prepared in a licensed food establishment or in a food-processing establishment approved by the food sanitation authorities of the local point of origin.

- (c) It shall be unlawful for any person to use, bring, accept or keep in any food establishment or automatic vending machine with the intention of selling or serving, any food which is unwholesome or in any manner unsafe or unfit for human consumption.
- (d) It shall be unlawful for any person to mislabel any food or disseminate any false advertisement of any food. An advertisement is false if it is false or misleading in any particular. It is unlawful for any person to manufacture, sell, deliver, hold or offer for sale or exchange any food that is falsely advertised or mislabeled.
- (e) It shall be unlawful for any person to taste before purchase any food products from a sealed or closed container stored or offered for sale within any food establishment, or to open or in any way tamper with any sealed or closed container within such establishment. It shall be unlawful for any person holding a food establishment license or his agent to allow any consumer or potential consumer to taste before purchase any food product from a sealed or closed container or offered for sale with a food purveyor establishment, or to open or in any way tamper with any sealed or closed container within a food purveyor establishment.

**7-38-010 Food Handler Requirements.**

- (a) All employees who enter food processing areas, who prepare food, serve or handle in any manner unwrapped or unenclosed foods or utensils or receptacles or who handle foods on food-transporting vehicles shall maintain a high degree of personal cleanliness and conform to hygienic practices prescribed in and comply with all of the food handler requirements of the code and in the rules and regulations of the board of health.

- (b) No person affected with or carrying any disease in a communicable form, or affected with boils, infected wounds, sores, acute respiratory infection or intestinal disorder shall work in any area of a food establishment in any capacity in which there is a likelihood of that person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons. It shall be unlawful to employ any person known or suspected of being affected with any such disease or condition in such an area or capacity, and if the person in charge of any such food establishment suspects that any employee has contracted any disease, he shall notify the department of health immediately.
- (c) When suspicion arises as to the probability of transmission of infection from any food establishment employee, the Department of Health may; require the employee to submit urine or feces or other necessary specimens for laboratory examination or other medical examination to determine the presence of disease; exclude the employee immediately from all food establishments; close the food establishment until the department determines that no danger of disease outbreak exists; make such medical examinations of the employee and his associates, including laboratory examinations, as may be deemed necessary under the circumstances.

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

Samples of food may be offered to persons within a licensed retail food establishment, if prepared and served under the supervision of a person who holds a department of health certificate of registration in food handling and sanitation. The certificate of registration shall be posted conspicuously in that part of the retail food establishment where the food samples are offered. The department of health may suspend or revoke a certificate of registration when the certificate holder or the food establishment where the samples are offered has a record of repeated violations of the Municipal Code of Chicago or the rules and regulations of the board of health.

**7-38-012 Food Handling And Sanitation Certificates.**

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

classified by the board of health pursuant to Section 7-42-030, the department of health may require the certificate holder in charge of the preparation or service of potentially hazardous food at the time of the violation to successfully complete a new food sanitation course and examination approved by the department of health. Such course and examination shall be completed within 45 days of the finding of such critical violation. When a department of health inspection finds that a food establishment has a serious or minor violation as classified by the board of health, the department of health may require the certificate holder in charge of the preparation or service of potentially hazardous food at the time of the violation to successfully complete a new food sanitation course and examination approved by the department of health. Failure to successfully complete a new food sanitation course and examination required by the department of health pursuant to this subsection shall be grounds for suspension or revocation of a certificate of registration. Nothing in this subsection shall prevent a certificate of registration from being suspended or revoked by the department of health pursuant to subsection (a) of this section.

**7-38-015 Maintenance of Premises.**

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

**7-38-020 Control of Vermin and Insects.**

In accordance with this section and the rules and regulations of the board of health, all necessary control measures shall be used to effectively minimize, or eliminate when possible, the presence of rodents, roaches and other vermin and insects on the premises of all food establishments, in food-transporting vehicles and vending machines. All garbage and rubbish shall be stored, removed and disposed of as prescribed in this section and the rules and regulations.

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

At least one garbage receptacle with a capacity of 55 gallons and a lid shall be placed at an area accessible to the patrons of any outdoor eating area where the tables are not regularly cleared by waiters, waitresses or other staff. If one such garbage receptacle is not sufficient to accommodate the stream of garbage produced by the outdoor eating area, additional receptacles shall be provided to the extent the stream of garbage requires. Each receptacle shall be periodically emptied and at no time shall garbage be permitted to overflow onto the ground from a receptacle.

Every food establishment shall maintain a log containing a written record of the control measures performed by exterminators or other pest control businesses on the premises of the food establishment

and receipts and reports prepared by the exterminators or other pest control businesses for the control services. The log shall be open to inspection by the city health and sanitation inspectors.

**7-38-025      Equipment Standards.**

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

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

The floors, walls and ceilings of all rooms in which food or drink is stored, sold, offered for sale, cooked or prepared, or in which utensils and equipment are washed, shall be constructed and maintained in a manner prescribed by the building code of the city of Chicago and the rules and regulations of the board of health to ensure protection against contamination. All rooms in which food and drink are prepared or in which utensils are washed shall be well-lighted. All food establishments shall have adequate ventilation systems which comply with the applicable requirements of the ventilation and fire prevention codes of the city of Chicago and regulations published by the board of health. All food establishments shall have adequate plumbing facilities that comply with all the requirements of the plumbing chapter of the Municipal Code of Chicago and the rules and regulations of the board of health.

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

No new food establishment shall be constructed nor shall any major alteration or replacement of existing equipment affecting the sanitary requirements of this chapter or the rules and regulations of the board of health be permitted unless plans or complete drawings of this construction, alteration or replacement are submitted to the department of health and approved prior to such remodeling or construction.

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

(a) Vehicles used by food establishments for the carrying or transportation of foods shall comply with the following.

1. Each vehicle shall be constructed so that the portions of the vehicle which contain food shall be covered so that no dust or dirt will settle on the food; and such portions of the vehicles which are designed to contain food shall be at least 18 inches above the surface of the public way while the vehicle is being used for the conveyance of food;
2. Each vehicle shall be kept in clean and sanitary condition, and protected from

contamination;

3. Each vehicle shall be kept in good operating condition and comply with all safety and pollution standards set forth for comparable vehicles by the United States, the State of Illinois and the city;
4. Refrigeration equipment in such vehicles where required by any federal or state statute or regulation or by this Municipal Code shall conform to all standards for refrigerated vehicles set forth by the United States, the State of Illinois and the city of Chicago;
5. The name and address of the licensee shall appear plainly, distinctly and legible in letters and figures at least two inches in height in a conspicuous place on the outside of each side of every such vehicle;
6. The food storage areas of each vehicle shall be kept free from rats, mice, flies and other insects and vermin. No domestic animal, birds or fowl shall be permitted in any area where food is stored; and
7. Hazardous nonfood items such as detergents, insecticides, rodenticides, plants, paint and paint products that are poisonous or toxic in nature shall not be stored in the food area of the vehicle.

(b) In addition to the requirements contained in paragraph (a) of this section, every vehicle used by a wholesale food

establishment in the conduct of said business shall comply with the following requirements:

1. While being stored during transportation by a wholesale food establishment all food shall be protected from contamination; all potentially hazardous food shall be stored at 40 degrees Fahrenheit or less; and all frozen food shall be stored at zero degrees Fahrenheit or less until removed from vehicle;
2. All areas on wholesale food establishment vehicles used for the storage of potentially hazardous foods shall be provided with an indicating thermometer having a temperature range adaptable to the required facility, and accurate to plus-minus three degrees Fahrenheit located on the warmest part of the area in which the food is stored, which shall be so located that it can be easily seen for reading;
3. All unwrapped or unenclosed foods on the vehicle that are not shelled, shucked, peeled or cooked prior to eating shall be suitable protected from public handling, dust, dirt and flies. A complete enclosure in a box, carton, wrapper or package of a similar character shall be considered adequate protection for all food required to be protected. The original box, crate or container, and the usual cover for such containers, left in place and intact, shall be considered adequate protection for fruits and vegetables sold or offered for sale in such original containers; and
4. Packaged food or drink shall not be stored in contact with undrained ice.

(c) in addition to the requirements contained in paragraph (a) of this section, every vehicle used by a mobile food dispenser in the conduct of said business shall comply with the following requirements:

1. The vehicle shall be enclosed with top and sides;
2. The interior floor, walls and ceiling of each vehicle shall be of smooth, not readily corrodible, impervious material capable of withstanding repeated washing and scrubbing and shall be finished in a light color;
3. The vehicle shall not be used for any purpose other than a mobile food dispenser; and
4. All food service equipment utilized in the mobile food dispenser shall be of easily cleanable construction and shall be maintained in good repair and shall be clean;

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

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

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

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

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

Any food sanitarian employed by the city of Chicago shall be empowered to enforce applicable provisions of this chapter, Chapter 7-40 and Chapter 7-42. The mayor may designate one or more departments to supervise the activities of food sanitarians.

### **Mobile Food Dispensers**

**7-38-080 Mobile food vendors - Prohibited districts.**

No person shall engage in the occupation of mobile food dispenser at any time within any district that has been or shall be hereafter designated by the city council. A description of such districts shall be kept in the office of the city clerk. Any person who violates this section shall be subject to a fine of not less than \$200.00 and not more than \$500.00 for each offense.

**7-38-085 Preparation and service of food and drink.**

No food other than individual portions that are totally enclosed in a wrapper or container and which have been manufactured, prepared or wrapped in a food establishment licensed by the city or a food establishment which is operating under the state or local health authority, and provided the ordinance regulating same is substantially equal to this chapter, shall be sold or served from or by a mobile food dispenser. except the following:

- (a) Coffee which is prepared in a duly licensed food establishment, refrigerated cream which is kept in a covered single-service container or an approved cream dispenser, and sugar which is served only in wrapped individual packages or in a covered closed pouring-spout type container, or in any other manner approved by the department of health, which is effective in preventing contamination by the customer;
- (b) Other bulk soft drinks or beverages which are dispensed from an approved dispenser only. These approved bulk soft drink dispensers shall be serviced and filled only at a duly licensed food establishment which serves as a commissary for the mobile food dispenser. The drink outlet on all bulk liquid dispensers shall be protected from flies, dust and contamination by customers.
- (c) Ice cream, ice milk, frozen dessert mix, sodas, sundaes and other frozen desserts manufactured or processed on or served from the mobile vehicle which are prepared from ingredients dispensed only from dispensers approved by the department of health. Customers shall be served in single-service containers. Vehicles serving frozen desserts shall comply with rules and regulations of the department of health pertaining to mobile units handling frozen desserts.

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

Adequate mechanical refrigeration equipment or its equivalent as approved by the department of health shall be provided and all meat, milk, dairy products, fish, poultry and other perishable products, including meat sandwiches and cream-filled pies, shall be stored in the vehicle at a temperature not in excess of 40 degrees Fahrenheit, except that perishable food products commonly served as a hot food shall be stored in a heating appliance or oven that shall be equipped with a thermometer showing the internal temperature of such heating appliance, oven or device. Heating appliances or oven temperatures shall be kept at a minimum temperature of 180 degrees Fahrenheit during the period that the foods are being heated. Heated foods shall have an internal temperature of at least 145 degrees Fahrenheit until served.

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

All milk and milk products shall be served only in the individual containers or approved dispensers in which the product was filled in a Grade A milk plant holding a Chicago Board of Health permit or authorized number.

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

Only single-service food utensils shall be used. All single-service food utensils such as cups, straws, knives, forks, spoons and stirrers shall be individually wrapped, kept in a clean place, properly handled and shall be used only once. All cups and containers for bulk drinks shall be stored in closed cartons and served from dispensers which protect their rims from contamination by customers, dust, dirt or

flies.

**7-38-105 Information required on wrapper.**

All individually wrapped portions of perishable food products, including sandwiches, pies and other similar portions, shall be plainly marked by the manufacturer on the wrapper or container in such a manner as to plainly identify the day and the month of which such individual portion was prepared and wrapped in an establishment approved by the department of health as herein before provided. The name and address of the establishment processing or manufacturing and wrapping portions of perishable food products shall appear on each individual portion.

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

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

All perishable food products shall be stored as provided in this chapter or as provided by rules and regulations established by the board of health until served to the customer.

**7-38-115 Operational requirements.**

- (a) Mobile food dispenser vehicles shall move from place to place upon the public ways and shall not be operated at a fixed location except as otherwise provided herein.
- (b) Stops shall be made only to service customers and shall not exceed a total of two hours in any one block. Mobile food vendors may stop to service customers for a period of up to two hours notwithstanding the provisions of the second paragraph of Section 9-64-190 (a) of this code.
- (c) No mobile food dispenser vehicle shall be equipped with any electronic sound-amplifying device. Permitted advertising devices shall be limited to bells, whistles, horns or other musical or noise-making devices which do not employ any electronic sound-amplifying device. Mobile food dispenser vehicles employing musical or noise-making devices shall only sound said devices when traversing the public way and shall be prohibited from sounding said devices while parked. No mobile food dispenser vehicle equipped with musical or noise-making devices shall sound said devices within 200 feet of a hospital, nursing home or while traversing any zone of quiet established under Chapter 10-8 of the Municipal Code.
- (d) No sales from such vehicle shall be made between the hours of 10:00 p.m. and 10:00 a.m.
- (e) No operator of such vehicle shall park or stand such vehicle within 200 feet of a church, a school or school playground while school is in session.
- (f) No operator of such vehicle shall park or stand such vehicle within 200 feet of any principal customer entrance to a restaurant which is located on the street level. Restaurant, for purposes of this section, means any public place at a fixed location kept, used, maintained, advertised and held out to the public as a place where food and drink is prepared and served for the public for consumption on or off the premises pursuant to the required licenses. Such establishments include, but are not limited to, restaurants, coffee shops, cafeterias, dining rooms, eating houses, short order

cafes, luncheonettes, grills, tearooms and sandwich shops.

- (g) No sale shall be made from such vehicle except from the curb side thereof, and then only when such vehicle is legally parked.
- (h) Mobile food dispenser vehicles that are being used to provide food and drink to persons engaged in construction in the city of Chicago and which are not equipped with noise-making devices are exempt from the provisions of (b), (d) and (f) above.

**7-38-120 Sinks, water storage tanks and other plumbing requirements.**

All mobile food dispenser vehicles shall be equipped with a hand washing sink and an adequate supply of running hot water. The hot water storage tank shall be self-draining and cleaned and flushed not less than twice in each six-month period. Liquid waste from the handwashing sink shall be piped in fixed piping to a wastewater retention storage container or tank of adequate size not located in food storage or food service sections of the vehicle. The connection between piping from sink and wastewater container shall be tight-fitting and comply with the plumbing provisions of this code. The wastewater tank or container shall be emptied daily or more often if necessary, and only into a sanitary drainage facility in a manner and place approved by the department of health.

**7-38-125 Refuse receptacles.**

The operator shall maintain a suitable, tight, non-absorbent washable receptacle for refuse. He shall be responsible for sanitation of the environs of the place of operation. Said refuse receptacle shall be adjacent to, but not an integral part of, the mobile food dispenser unit.

**Automatic food-vending machines**

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

All food offered for sale through vending machines shall be manufactured, processed, prepared in and delivered from commissaries or establishments which comply with the health and sanitation requirements for food service establishments set forth in this code and in the rules and regulations of the board of health. All single-service containers, food and food-contact surfaces shall be protected from contamination, insects and vermin during transit to vending machine locations. All food shall be stored or packaged in clear, protective containers and shall be handled, transported and vended in a sanitary manner.

**7-38-155 Marking of food product wrappers.**

All individual wrapped portions of readily perishable food products, including sandwiches, pies and other similar portions, shall be plainly marked by the manufacturer on the wrapper or container in such a manner as to plainly identify the day and the month on which such individual portion was prepared and wrapped in an establishment approved by the department of health as hereinbefore provided. The

name and address of the person processing or manufacturing or wrapping portions of potentially hazardous food products shall appear on each individual portion.

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

**7-38-160 Dried milk products and non dairy coffee whiteners.**

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

**7-38-165 Sanitary requirements - Vending machine canisters and food contact surfaces.**

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

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

**7-38-175 Sanitary requirements - Nonreadily Perishable Food- Contact Surfaces.**

All parts of vending machines which come into direct contact with other than readily perishable food shall be thoroughly cleaned by approved methods. The frequency of such cleaning shall be established by the department of health based upon the type of product being dispensed. A record of such cleaning operations shall be maintained by the operator in each machine and shall be made available at the time of inspection and shall be current for at least the past 30 days.

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

Each vending machine shall be located in a room, area or space which can be maintained in a clean condition and which is protected from overhead leakage or condensation from water, waste or sewer piping. The immediate area in which the machine is located shall be well-lighted. Each vending

machine shall be so located that the space around and under the machine can be easily cleaned and maintained, and so that insect and rodent harborage is not created. The Board of Health shall publish such regulations as are necessary to ensure the sanitary maintenance of the vending machine area.

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

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

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

All water used in vending machines shall be supplied under pressure properly connected to the city water supply. All plumbing connections and fittings shall be installed in accordance with the requirements of that portion of the Municipal Code relating to water supply and distribution. All vending machines which are connected to the city water supply shall comply with the requirements of that portion of the Municipal Code relating to water supply and distribution. In all vending machines which are connected to the city water supply system, where the ingredient water-contact surfaces are open to atmosphere, such food-contact surfaces shall be of such material as to preclude the production of toxic substances. Before any vending machine can be connected to the city water supply, the owner of the machine shall bring a machine of the model type to be connected to the department of water for inspection and approval. A fee of \$500 shall be charged for each inspection. This inspection and fee requirement shall also apply to all water-vending machines connected to the city water supply on or before the effective date of this ordinance. This inspection and fee requirement shall not, however, apply to an owner who connects to the city water supply a machine of the same model type for which the owner has obtained approval and paid an inspection fee under this section.

**7-38-195 Trash and waste disposal.**

All trash and other waste material shall be removed from the machine location as frequently as may be necessary to prevent nuisance and unsightliness, and shall be disposed of in an approved manner. Self-closing, leak-proof, easily cleanable, plainly labeled and designated metal waste container or containers shall be provided in the vicinity of each machine or machines to receive used cups, cartons, wrappers, straws, closures and other single-service items. After being emptied, each waste container shall be thoroughly cleaned. Such waste containers shall not be located within the vending machines; provided, that an exception may be made for those machines dispensing only packaged food with crown closures; in which case, the closure receptacle may be located within the machine. Suitable racks or cases shall be provided for multi-use containers of bottles.

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 within the machine are discharged into a sewage it shall be accomplished by indirect or broken connection to a sewer and be effectively protected from insect and vermin infestation.

**7-38-200 Refrigeration requirements.**

Prior to being loaded in the delivery vehicle and during transit, potentially hazardous food shall be maintained at a temperature of 40 degrees Fahrenheit or below, or 140 degrees Fahrenheit or above, whichever is applicable to the type of food. If potentially hazardous food is stored at machine locations, the applicable safe temperature shall be maintained during storage.

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

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

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

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

**7-38-212 Water vending machines - Location restriction.**

No water-vending machine may be installed, operated, or maintained, except at a retail food establishment.

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

- (a) Responsibility for ensuring compliance with the requirements of this section shall be placed both on the owner of the machine and the operator of the retail food establishment where a water-vending machine is located.
- (b) No water-vending machine shall be installed, used or maintained, or permitted to be installed, used or maintained, unless inspected and approved by the departments of health and water.
- (c) The source of water to a vending machine shall be obtained from the Chicago Waterworks System.
- (d) A backflow device which has been approved by the Department of Water shall be installed in the water supply pipe between the vending machine and the source of water.
- (e) The water dispensing spigot in each vending machine shall be protected from contamination and from contact with the receiving container.
- (f) An air gap shall be provided between the water dispensing spout and the water container which is at least equal to four times the diameter of the water dispensing supply pipe.

- (g) All water-vending machines shall be kept in an area which is free of dirt and debris and the area shall be maintained to prevent insect and rodent harborage.
- (h) Any overflow or discharge of the water from the vending machine shall be indirectly connected to a sewer or to waste in accordance with the Chicago Plumbing Code (Section 13-168-900(1) of the Municipal Code).
- (i) All water-vending machines shall have displayed in a conspicuous place on the appliance a statement that the owner of the machine and the operator of the retail food establishment where the machine is located are responsible for the quality of the product. At the time of purchase, literature that has been reviewed and approved by the Department of Health shall be made available to the consumer which describes the contents of the products, the treatment process, potential hazards, and a warning on the use of unsanitary water containers.
- (j) The treated water dispensed by the vending machine shall be tested semi-annually by a state certified laboratory. The semi-annual tests shall, at a minimum, include tests for coliform, heterotrophic plate counts, and nitrates. Additional tests may be required if initial test results are unacceptable.
- (k) The owner of the water-vending machine shall provide the Department of Health with a semi-annual written report on maintenance procedures, including, but not limited to:
  1. Records of replacement of carbon pre-filters and post-filters;
  2. Records of bi-weekly cleaning and inspection of filter housing;
  3. Records of dispenser nozzle maintenance to prevent observable leakage;
  4. Records of UV light replacement and cleaning;
  5. Records of the use of food grade lubricants; and
  6. Records of an annual backflow preventer inspection.

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

- (a) The operator of the retail food establishment where a water-vending machine is located may provide single service water containers which shall be sterilized prior to use.
- (b) The department of health may authorize the use of pre-approved reusable water containers and set forth regulations for their use.

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

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

## **Coffee Cart Vendors**

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

Every coffee cart used by a coffee cart vendor in the conduct of said business shall have the following features:

- (a) An electrical system of sufficient capacity to maintain safe operation of the refrigeration and water heating units required under this section;
- (b) A self-contained refrigeration unit, capable of maintaining a temperature of 40 degrees Fahrenheit or lower;
- (c) A water heat capable of maintaining a temperature of 145 degrees Fahrenheit;
- (d) A retractable sink, dispensing hot and cold running water, for the personal use of the operator of the cart;
- (e) A hot water storage tank of sufficient capacity to allow proper use of the retractable sink;
- (f) A removable tank to receive and securely hold wastewater from the retractable sink;
- (g) Exterior surfaces of the cart and all interior surfaces of the refrigeration unit, water heater, sink and wastewater tank shall be constructed of durable, waterproof and scrubbable materials;
- (h) Such additional features related to the safe dispensing of coffee and flavorings as the department of health may require.

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

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

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

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

### **7-38-235 Sale of certain products from coffee carts prohibited.**

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

### **7-38-240 Operation of coffee carts on public way prohibited.**

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

## **Cold Storage Establishments**

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

Every person engaged in the business of cold storage warehouseman, or in the business of refrigeration, or in any business in which articles of food as defined herein are kept in cold storage for any purpose whatsoever, shall submit reports to the department of health upon printed forms to be provided by the department, setting forth in itemized particulars the quantity of each and every foodstuff in storage or in the control of said person; such reports shall be filed on or before the twenty-fifth day of January, May and September of each year, and reports so rendered shall show the true conditions in regard to such matters existing in said cold storage establishments upon the first day of the month in which said report is filed.

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

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

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

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

### **7-38-475 Time Limit Extension-Report.**

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

The department of health may, upon application or upon making the inspection herein provided for, extend the period of storage beyond the time herein prescribed, for any particular lot of goods, if the goods in question are found upon inspection and examination by the department of health to be in proper condition for food, such extension to be until such time not exceeding 90 days, as it shall consider proper, considering the condition of the food at the time such extension is made. The length

of time that such further storage may be allowed shall be specified in the order granting such extension. A report on each case in which such extension of time is granted, including all information relating to the reasons for the action of the department of health, the kind and amount of goods for which the storage period was extended, and the length of time for which the extension was granted, shall be included in a monthly report of the department of health to the mayor.

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

The transfer of any food from one cold storage establishment to another for the purpose of evading any provision of this chapter is hereby prohibited.

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

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

**Slaughtering, Rendering and Packing Establishments**

**7-38-495      Notice to alderman.**

Thirty days before a wholesale food establishment license which authorizes an applicant to engage in the business of a slaughtering, rendering and packing establishment may be issued to an applicant who has not been previously licensed to engage in such business, the city clerk shall mail a notice of such application to the alderman representing the ward in which the applicant intends to engage in such business, and to the alderman whose wards or any part thereof are within a radius of three miles from the proposed location for which application is made to carry on such business.

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

The slaughtering of animals for food shall not be permitted or conducted in any place in the city other than in a duly licensed slaughterhouse, except as authorized in this section. Any person desiring to slaughter sheep or goats for a period of only one day in a place not duly licensed as a slaughterhouse shall make application to the Department of Buildings for a permit for such slaughtering. If the department of building, upon investigation, shall find that the place where such slaughtering is to be carried on is in a good sanitary condition and the slaughtering can be conducted without causing a nuisance, it may issue a permit to carry on such slaughtering for a period of not exceeding one day at the place mentioned in said application. The fee for such permit shall be \$5.00, which fee shall cover the cost of the necessary inspection service.

**7-38-510      Slaughtering on public ways prohibited.**

No animals shall be slaughtered, or the meat or any part thereof dressed, or hung, wholly or partly,

within any public way or place; nor shall any blood or dirty water or other substance from such animals, meat or place of killing, or the appurtenances thereof, be allowed to run, fall, or be in any such public way or place.

**7-38-515 Slaughterhouse-Maintenance and construction.**

Every slaughterhouse or any part thereof shall at all times be kept adequately and thoroughly ventilated. No blood shall be allowed to remain therein over night. Adequate underground connections shall be made from every such building on which slaughtering is done and any yard connected therewith shall be cemented and paved with brick or other suitable material so as not to absorb blood and so as to carry all liquids into the sewers.

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

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

**7-38-525 Method of slaughtering.**

The keeping and slaughtering of livestock, the preparation and keeping of all meat, birds and fowls, the rendering of all animal matter, and the manufacture of glue and all byproducts from animal matter, shall be conducted in the manner which is, or is generally reputed or known to be, the best adapted to secure and continue their safety and wholesomeness as food, and to avoid all offensiveness of such keeping, slaughtering, rendering and manufacturing. Blood from slaughtered animals shall not be allowed to flow into any sewer or into the Chicago River or any of its branches, but while still fresh shall be treated so as not to become offensive.

All offensive odors arising from the handling of meat or other animal matter, melting or rendering, and the treating of and caring for offal, blood or any other material stored or manufactured, shall be destroyed by combustion, condensation or other means equally effective, and according to the best and most approved means and processes, and shall not be allowed to escape into the outside air.

**7-38-530 Method of condensation.**

In the event that condensation shall be adopted as a method of destroying offensive odors or gases, the method of condensation employed shall be as follows:

Every rendering establishment shall use tanks or other suitable airtight condensing appliances for condensers. The said appliances shall have an overflow connecting with a sewer, and shall have a feed water pipe of sufficient diameter by which a continuous stream of cold water shall pass into the condenser and escape through the said overflow at or near the top all gases generated in the process of boiling shall be carried to and entered into the bottom of and under the body of water contained by said condenser. Such gases as are not condensed in the water shall be carried through another pipe connected with the top of the condenser, to the boilers or other places where heat of not less than 600 degrees Fahrenheit is maintained, and shall there pass through such fire and be consumed. While the

condenser is in use, it shall be obligatory on the part of the user to allow sufficient water to flow through the condenser to maintain a temperature not higher than 100 degrees Fahrenheit.

A condenser of the spray, jet or other suitable pattern shall be connected with all dryers, and a fan or pump shall draw the vapors from the dryer and force them through such condenser, the water from which shall pass into the sewer, and a sufficient quantity of water shall be used to condense thoroughly any and all vapors and odors conveyed thereto.

To the end that a proper inspection may be readily made by the authorities of the temperature maintained in such condensers, there shall be attached to each of such condensers an automatic or self-registering thermometer of such a character as will automatically keep a daily record of the temperature maintained in each such condenser at all times during the use thereof.

**7-38-535      Offensive gases and odors prohibited.**

No person shall boil any offal, swill or bones, nor any fat, tallow or lard, except while the same is fresh and otherwise inoffensive, nor shall the business of bone crushing, bone boiling, bone grinding, bone burning, shell burning or gut cleaning, nor the skinning of or making of glue from any dead animal or part thereof, nor the storage or keeping of scrap, fat or grease or offensive animal matter be permitted or conducted at any place within the limits of the city, or within one mile thereof, in such a manner as to generate any offensive or deleterious gas, vapor, deposit or exhalation that is dangerous or detrimental to life or health.

It shall constitute, and it is hereby declared, a nuisance for any person so to steam or boil or in any way render any offal or tainted or damaged lard or tallow, or so to steam or render any animal substances, as to occasion any offensive smell, or to steam or boil or render any substance which by undergoing such process so taints the air as to render it unwholesome or offensive to the smell or detrimental to health, within the limits of the city, or within a distance of one mile therefrom.

Every person engaged in the business of boiling or rendering of fat, lard or animal matter shall cause the scrap or residuum to be so dried or otherwise prepared as effectually to deprive such material of all offensive odors, and to preserve the same entirely inoffensive immediately after the removal from the receptacles in which the rendering process may be conducted.

**7-38-540      Diseased cattle.**

No person shall kill or cause to be killed anywhere in the city any cattle for human food while such cattle are in an overheated, feverish or diseased condition, and the owner, keeper or person in control of any cattle which are diseased in the city shall at once inform the Department of Buildings of the fact that such cattle are diseased and of the place where they are kept immediately upon such cattle becoming diseased or upon being brought into the city in a diseased condition.

**7-38-545      Entry of carcasses prohibited.**

No person shall bring, or cause to be brought, into any slaughterhouse in the city the carcass of any dead animal.

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

No offal or butcher's refuse shall be conveyed through any public way or public place within the city without a permit from the department of buildings. Vehicles conveying such refuse shall be constructed of one or more tight compartments, each of which compartments shall be covered with a wooden or sheet metal cover attached to such compartments by substantial hinges.

**7-38-555 Sleeping On Premises Prohibited.**

No person shall use for the housing, sheltering and harboring of its employees or other persons any packing or slaughterhouse or any place which is occupied for the purpose of cleaning, treating or preparing for shipment or canning meats and other foodstuffs by hand or machinery, or cause or permit same to be used as sleeping quarters or living apartments by such employees or other persons. Any such house or place so used or occupied for sleeping or living purposes is hereby declared to be a nuisance. Whenever any such nuisance shall be found upon any premises within the city, the Department of Buildings is hereby authorized and directed to cause the same to be summarily abated in such manner as it may direct.

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

**7-38-560 Inspection.**

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

**7-38-570 Abatement Of Nuisance.**

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

## **Penalty for Violation of Chapter Provisions**

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

The board of health shall promulgate rules and regulations classifying violations of this chapter as critical. Serious or minor. Any person who violates or who resists the enforcement of any provision of this chapter shall be fined \$500.00 for each critical violation; \$250.00 for each serious violation; and \$250.00 for each minor violation that is not corrected upon reinspection by the health authority. A separate and distinct offense shall be deemed to have been committed for each and every day on which any person shall be guilty of such violations; provided that, the intervening days between when a license holder whose license has been suspended applies for restoration of the license and a reinspection has been conducted by the department of health shall not constitute separate offenses if the violation was found to be corrected upon reinspection.

## Chapter 7-40

### Food Establishments - Care Of Foods General Provisions

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

It shall be unlawful for any person to sell, transport, convey or carry from one place to another any food within the city unless such food is protected from contamination.

All foods shall be protected from contamination.

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

The protection which shall be considered adequate for food kept on sidewalks, in doorways or open windows, on street stands, pushcarts or other places in the open air, or in rooms or buildings which are not free from flies, shall be a complete enclosure of a fixed or permanent character, consisting of glass, wood or sheet metal, or material of a similar character which is impermeable so as to protect against contamination; provided, however, that in the case of fruits, bakery goods or other foods subject to sweating when completely enclosed, openings may be allowed on two sides of the enclosure required, which openings shall not exceed 10 percent of the area of such side, and which openings shall be completely covered with 20-mesh screen or material of a similar character; and provided, further, that covering the top and all sides of a container with paper, cloth, canvas, tarpaulin or material of a similar character shall be considered an adequate cover for food while being conveyed or transported in vehicles.

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

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

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

Nothing in this section shall be construed to prohibit the necessary exposure of food during the immediate processes of preparation, cooking, assortment or packing in a building or place screened and free from insects, or during loading or unloading, or during the actual process of servicing or selling.

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

No person shall sell or deliver any drugs not conforming to the rules and standards of the United States Pharmacopoeia, not any water, liquids or food which shall be impure, unwholesome, adulterated, or to which any harmful or injurious foreign substance has been added.

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

No person shall bring into the city, sell or have in his possession, charge or control with intent to sell, any article of food which is or has become unwholesome for human consumption.

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

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

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

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

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

Every person that shall be the owner, lessee or occupant of any room, stall, freight house, cold storage house, or other place, other than a private dwelling, where any food or other perishable articles adapted or designed to be used for food shall be sold, and every person having charge of, or being interested or engaged as principal or agent in the care of or in respect to the custody or sale of, any such article of food, shall keep such article of food in a clean and wholesome condition and shall not allow it nor any part thereof to become or be rendered or made unsafe or unwholesome for food.

It shall be the duty of the department of health or its duly authorized agent to enter at any time any premises used for the purposes above specified and to forthwith seize, condemn and destroy any unsafe

or unwholesome food which may be found in or upon such premises. The department of health may affix or cause to be affixed to the condemned foodstuffs or their containers a suitable seal indicating that the foodstuffs have been inspected and condemned by the department of health; and it shall be unlawful for any person to alter, remove, deface or obliterate any seal so affixed, or to remove either the foodstuffs or their containers, when so sealed to any other place, or to instigate or permit the altering, removal, defacement or obliteration of any such seal or the removal to any other place of the foodstuffs or containers so sealed.

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

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

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

Any and all foodstuffs served in any bakery, delicatessen store or other establishment shall be prepared of materials which are wholesome and free from decomposition or contamination, and any and all places where such foodstuffs are displayed, offered, prepared, cooked or served as food shall be protected from contamination, shall be kept clean and sanitary, the room or rooms shall be lighted and well-ventilated, and the floors, walls, ceilings and tables shall be smooth and free from contaminating surroundings.

**7-40-045 Bread making.**

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

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

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

**7-40-060 Animals in stores.**

It shall be unlawful for the owner of, or the person having the care or custody of any animal, to suffer or permit such animal to enter any store, meat market, bakery or other place where foodstuffs are sold or on display; provided, that the person owning or operating such store or place may permit a watchdog to remain therein if chained or bound in such a way that the dog cannot come in contact with any of the foodstuffs; provided, further, that when a blind person is accompanied by a dog which serves as a guide or leader for him, neither the blind person nor the dog shall be denied the right of entry and

use of the facilities, if such dog is wearing a harness and the person presents credentials for inspection issued by a school for training guide dogs approved by the United States Veterans Administration. Any person violating any of the provisions of this section shall be fined not less than \$10.00 nor more than \$25.00 for each offense.

## **Meat**

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

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

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

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

### **7-40-075 Condition of meat.**

No person shall bring or cause to be brought into or sold in any public or private market within the city any meat or any dead animal, the flesh of which is intended to be used for food, until such meat or such dead animal shall have been fully and properly cooled and until all blood shall have ceased dripping therefrom. Nor shall any person bring or cause to be brought into any such public or private market in the city and dead animal intended to be used for food unless the hide, horns, feet, head and entrails shall have been removed therefrom, nor bring or cause to be brought into such market any gut fat or any unwholesome or offensive matter or thing; provided, that this section shall not be construed as relating to poultry, game or fish.

### **7-40-080 Immature calves, pigs and lambs - Sales restrictions.**

No person shall bring into or sell in the city for food any calf or any part of the meat thereof which at the time it was killed was less than four weeks old, or any pig or any part of the meat thereof which at the time it was killed was less than five weeks old, or any lamb or any part of the meat thereof which at the time it was killed was less than eight weeks old.

### **7-40-085 Markets and stables-Sanitary requirements.**

Every keeper of a meat market, or dealer in meats, and every person owning, leasing or occupying any place, room or building where any cattle are killed or dressed, and every person being the owner, lessee or occupant of any room or stable where any cattle may be kept, shall cause such place, room, building,

stall or market, and its yards and appurtenances, to be thoroughly cleansed and purified, and all offal, blood, fat, garbage, refuse and unwholesome or offensive matter to be removed therefrom at least once in every 24 hours after the use thereof for any of the purposes herein referred to; and shall also at all times keep all woodwork, except floors and counters, in any building, place or premises aforesaid, thoroughly painted or whitewashed.

**7-40-090 Sale of canned poultry.**

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

Each can or other container containing such canned poultry or canned poultry products shall be plainly marked, stamped or labeled on the outside of the container to show that the contents therein have been so inspected, together with the name and address of the packer or distributor of such canned poultry and such canned poultry products.

### **Vegetables, Fruits and Berries**

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

No person shall sell or offer for sale, or have in his possession for the purpose of selling or offering for sale, any basket, box, barrel, bag or other package of fruit, berries or vegetables of any kind, the contents of which are not of uniform quality and size throughout. This section shall not apply to sales in bulk, either by the carload, by the bushel, or otherwise where such fruits or vegetables are not sold in boxes, bags or other packages or parcels.

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

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

**7-40-105 Inspection.**

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

## **Water**

### **7-40-110      Drinking water.**

It shall be the duty of every person, officer, board or department having any authority and control in regard to any water designed for human consumption to take all usual, and also all reasonable, measures and precautions, to secure and preserve the purity and wholesomeness of such water.

### **7-40-115      Drinking fountains.**

No person shall destroy or in any way injure or impair any drinking fountain or part thereof in the city; nor shall any person interfere with the use of or enjoyment of the water therein or therefrom, or interrupt the flow thereof, nor shall any person put any dirt, poisonous, medicinal or noxious substance into or near such water or hydrant whereby such water is made, or may be regarded as, dangerous or unwholesome as a drink.

### **7-40-120      Use of impure water.**

No person shall use water taken from the Chicago River or any of its branches, or from any body of water within the city which is stagnant, or in which there is refuse, waste, garbage, sewage or any other material tending to destroy the purity of the water, for domestic purposes, for watering livestock, for preparing meats, poultry or provisions which are intended for human consumption, or for any other purpose whatever which endangers the public health; but nothing in this section contained shall be construed as limiting or prohibiting the right of persons to use water as a means of supplying motive power for mechanical purposes.

## **Candy**

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

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

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

itinerant vendors.

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

No person shall manufacture, give away, sell or offer for sale, or have in his possession or custody for any purpose any candy or other confectionery which contains malt, vinous or spirituous liquor, or which contains any added substance or ingredient that gives or imparts to said candy or other confectionery any color, flavor or aroma, unless such added substance or ingredient is wholly a vegetable product or conforms to the provisions of the United States Food and Drug Act and is not injurious to health. It shall be the duty of the department of health to inspect all candy and other confectionery that may be manufactured or offered for sale within the city, and to cause the arrest and punishment of any person that shall in any way violate any of the provisions of this section.

**Poultry**

**7-40-135 License required - Sanitary requirements.**

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

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

- (a) The floors shall be constructed of cement, concrete or other approved watertight nonabsorbent material so graded and drained as to discharge all liquid matter into properly trapped sewer or cesspool-connected drains.
- (b) The ceilings shall be of a smooth, hard, impervious material free from crevices, cracks, ledges or projections. The walls shall be of enamel brick, enamel tile or any other impervious material to the entire height of the ceiling. The junctions with the ceilings and floors shall be made with a six-inch sanitary cove base of glazed tile or brick.
- (c) All ceilings shall be at least eight feet in height measured from the surface of the floor to the said ceiling.
- (d) Adequate ventilation to the external air shall be provided at all times.
- (e) Adequate natural or artificial light of at least 10 foot-candles shall be provided in every room.
- (f) The preparation room shall be provided with a killing trough with a minimum width of one foot and a minimum depth of one and one-half feet, approved by the Health Department. The walls and face of the trough must be of white glazed brick or tile, porcelain or enamel-finished metal, or stainless steel, and shall discharge over properly trapped and sewer-connected drains. Proper receptacles shall be provided for the holding, storing or keeping of all refuse material. All equipment shall be of enamel, enamel tile, steel or other impervious and readily cleanable material. The preparation room and all equipment therein shall be cleaned each day after the slaughtering

for the day has been completed.

- (g) Crates, cages or batteries shall be elevated at least one foot above floor level and shall not be placed nearer than two feet from the side walls of the building. No crates shall be permitted to remain outside the licensed premises.
- (h) An adequate supply of running hot water under pressure shall be provided for flushing all parts of the premises.
- (i) All portions of the premises shall be constructed and maintained rat-proof in accordance with the rat-proofing provisions of the Building Code.
- (j) All doors, windows and other openings to the outer air shall be properly and adequately screened to eliminate flies and prevent their entry.
- (k) Adequate water closet accommodations shall be provided, and sufficient fixtures with hot and cold running water for washing purposes shall be provided at all times; the toilet room or rooms shall not open directly into the preparation room, and shall be ventilated to the outside air by a direct or approved indirect method.
- (l) Empty crates shall be thoroughly disinfected and cleaned daily so that no odors or nuisances are created by the storage of said empty crates.
- (m) Feathers and refuse material shall be disinfected and removed from the premises at least once in every business day in metal receptacles which shall be provided with tight-fitting covers, kept closed when not in use, and cleaned and disinfected daily.
- (n) No live poultry shall be allowed or permitted at large upon the premises but shall be kept at all times in the cages or crates provided for such purpose.
- (o) The premises and all yards adjoining same and all air shafts, courts and open places connected therewith shall be at all times kept in a clean, sanitary condition, free from accumulation of refuse, garbage and offensive material and nuisances of all kinds.
- (p) All poultry shall be kept in good condition, healthy and clean. Diseased or sick poultry shall be immediately removed from cages or crates, killed or disinfected. Any poultry that has died otherwise than by slaughter shall be immediately removed from cages or crates, denatured and placed in metallic garbage receptacles and removed from the premises daily, and in addition, any poultry that has been slaughtered and which has deteriorated and become unfit for human consumption, or such as may have been returned by customers, shall not be kept on the premises unless such poultry is similarly denatured and disposed of in metal receptacles and removed from the premises daily. Failure to denature and render such poultry unfit for human food and the keeping of same on the premises shall create a presumption that such poultry is intended for sale as human food.
- (q) Refrigeration facilities shall be maintained sufficient to provide storage for dressed poultry.

**7-40-140 Location restrictions.**

No retail food establishment which authorizes the retail sale of live poultry or other live fowl shall be issued to any person for any premises not heretofore licensed for the retail sale of live poultry or other live fowl where such establishment is within 200 feet distant from any place or structure used as a

church, school, library, hospital, public park, public playground or other public institution; from any building in which food is manufactured; or from any building used for residence purposes. No license shall be issued to any person for the conduct of any such establishment on any premises exempted from the prohibition as to location contained in this section if such premises have not been used for the conduct of such an establishment for the period of one year.

**7-40-150 Record keeping.**

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

**Bottled Water and Nonalcoholic Beverages**

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

All fruit and vegetables to be prepared into a beverage or beverage ingredient shall be cleaned and subjected to an approved bactericidal rinse immediately before preparation. The water used in the manufacture of beverages and for rinsing bottles or other containers shall be free from substances deleterious to health and shall conform to the United States Public Health Service standards for potable water. All coloring ingredients used in beverages shall be colors certified for use in food products by the United States Food and Drug Administration.

**7-40-160 Sales restrictions on products of non-city bottled water plants.**

Products of a bottled-water plant located outside the city of Chicago shall not be brought into the city for sale therein unless such plant shall have placed on file with the department of health a certificate from the state board of health of the State in which such plant is located, stating that with reference to such product all requirements of this code relating to sanitation and purity of product are complied with. On receipt of such a certificate, the department of health may permit the sale of the products of such plants for a period not to exceed the term of the license.

**7-40-165 Labels.**

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

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

All beverages and beverage ingredients while being stored, prepared, displayed or sold at an establishment or during transportation shall be protected from contamination. The original box, crate or container, and the usual cover for such containers, left in place and intact, shall be considered adequate protection for beverages during plant storage, transportation and sale to wholesale and retail establishments. All unwrapped or unenclosed beverage containers in storage shall be suitable protected from dust, dirt and flies. Packaged beverages shall not be stored in contact with water or undrained ice.

Storage areas shall be kept free from rats, mice, flies and other insects and vermin. No domestic animals, birds or fowl shall be permitted in any such place where beverages or beverage ingredients are stored, sold, prepared or offered for sale. All means necessary for the elimination of flies, roaches and rodents shall be used. Evidence of the presence of roaches, rodents, ants or other vermin shall be considered as a violation of this chapter.

Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitization purposes may be used or stored in bottled-water plants. Hazardous nonfood items such as detergents, insecticides, rodenticides, plants, paint and paint products, petroleum products and other similar products that are poisonous or toxic in nature shall not be stored in close proximity to beverage and beverage ingredients.

Vehicles used by bottled-water plants for the carrying or transportation of beverages shall be so constructed that the portions of same which contain the beverage shall be covered so that no dust or dirt will settle on the beverage container. Such vehicles shall be kept in clean and sanitary conditions, and shall be protected from dust, flies, rodents and other contamination. Employees handling beverages on such vehicles shall observe all the sanitary requirements prescribed in this chapter for employees of bottled-water plants, and the sanitary requirements so prescribed shall extend to such employees while engaged in and about the handling of beverages on their way to and from and while on such vehicles.

**7-40-180 Tanks and equipment - Installation, storage and maintenance.**

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

- (a) Cooling devices shall not be installed in sinks required for washing and sanitizing of utensils.
- (b) Syrup tanks shall be stored in a clean area eight inches from the floor and 18 inches away from walls in order to facilitate cleaning.
- (c) All tanks, hoses and other appurtenances shall be kept clean and free from accumulated syrup or soil at all times.

**7-40-185 Sanitary requirements for Beverage contact surfaces.**

Beverage contact surfaces of equipment and utensils used in mixing preparation or bottling of bottled-water and beverages shall be thoroughly cleaned and sanitized daily as well as following any interruption of operations during which contamination is likely to have occurred. Where equipment and utensils are used for the preparation of beverages and beverage ingredients on a continuous or production line basis, the beverage or beverage ingredient contact surface of such equipment and utensils shall be cleaned and sanitized at intervals throughout the day on a schedule approved by the department of health. The department of health shall publish regulations requiring the sanitizing and cleaning of all utensils and equipment.

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

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

**7-40-195 Storage of utensils, containers and single-service articles.**

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

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

**7-40-200 Syrup rooms.**

The syrup room shall be separately enclosed, well-ventilated and lighted, so as to yield in all parts of the room not obscured by equipment 50 foot-candles of light by illuminometer test, and shall be provided with a two-compartment sink with running hot and cold water for the purpose of cleaning utensils used within the syrup room. Sinks and drainboards shall be constructed of galvanized metal or better, suitably reinforced and of such thickness and design as to resist denting and buckling, and sloped so as to be self-draining. In addition a lavatory sink with running hot and cold water, soap and individual towels shall be provided.

All necessary beverage ingredient formulations or mixing operations prior to carbonation and filling shall be conducted exclusively within the confines of the syrup room. All syrup tanks shall have lids or covers and they shall be kept covered. Stirring devices shall be readily removable for cleaning.

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

**7-40-205 Filling and closing of beverage containers.**

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

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

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

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

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

In bottled-water plants there shall be adequate plumbing facilities that comply with all the requirements of the plumbing section of the Municipal Code of Chicago.

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

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

Broken bottles and other refuse shall immediately be placed in suitable, tight-covered, metal containers and kept in them until properly disposed of. Rubbish containers shall be washed after each use.

All broken glass, garbage and rubbish shall be removed and disposed of at such other frequencies as may be necessary to prevent a nuisance. The area outside of the establishment used for the storage of garbage shall be clean at all times and shall not constitute a nuisance.

Food waste grinders or garbage disposals, if used, shall be installed in compliance with the plumbing section of the Municipal Code of Chicago. Garbage compactors shall be treated as garbage containers and shall be installed only in a manner and area that meets with the approval of the Department of Health and shall be thoroughly cleaned after emptying or removal of refuse. The area in which the compactor is located shall be designated as a garbage area and shall be kept clean, free of flies, rodents, roaches and other vermin and shall not constitute a nuisance.

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

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

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

In all bottled-water plants hereafter constructed or reconstructed, the operations of washing, filling, compounding or mixing of beverage or beverage ingredients shall be performed in separate rooms; provided, that nothing herein contained shall prohibit the washing equipment being so arranged as to permit such portion of the mechanical bottle-washing apparatus wherein the sanitized bottles undergo final rinsing operations and from where such bottles emerge in a sanitized condition to extend into the filling room. In all such bottled-water plants hereafter constructed or reconstructed, before any equipment is installed, plans in duplicate shall be submitted for approval to the department of health. These plans shall show the plan of the building, location and construction of syrup room, bottling room and bottle-washing room; the location and layout of machinery and equipment and any other information which the department of health may require to pass on the sanitary facilities of the proposed plant. When the department of health is satisfied that the construction and layout of the proposed bottled-water plant meets the sanitation requirements of this code, one copy of the plan, bearing the approval stamp of the department of health, shall be returned to the applicant.

**7-40-235 Construction and cleaning of floors.**

The floors of all rooms in which beverage or beverage ingredients are stored or prepared, or in which utensils and equipment are washed, shall be smooth and have such construction as to be easily cleaned, and shall be kept clean and in good repair. Properly installed floor drains shall be provided in floors which are water-flushed for cleaning or which receive discharges of water or other fluid wastes and such floors shall be graded to drain. Dustless methods of floor cleaning shall be used, or dust-arresting sweeping compounds and push-brooms shall be employed. Dry sweeping of floors is prohibited. All cleaning, except emergency floor cleaning, shall be done during those periods when the least amount of beverage and beverage ingredients is exposed.

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

Walls and ceilings of all rooms in which beverage or beverage ingredients are prepared shall have a smooth washable surface, be painted or finished in light color, and shall be refinished as often as necessary in a manner approved by the department of health. The walls and ceilings shall be in good repair and easily cleaned. The floor shall be of such construction that it may be kept clean at all times. The floors and walls shall be rodent-and vermin-proofed.

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

All rooms in which beverage or beverage ingredients are prepared or in which utensils are washed shall be well lighted so that a minimum of fifty foot candles of light is available on all working surfaces of such rooms. The Department of Health shall publish such regulations which may be necessary to ensure adequate lighting.

All bottled-water plants shall have adequate ventilation. All ventilation systems shall comply with applicable requirements of the ventilation and fire prevention codes of the city of Chicago, and shall be vented to the outside air in such a manner as not to create a nuisance. The Department of Health shall publish such regulations which may be necessary to ensure adequate ventilation.

**7-40-245 Premises - Health and sanitation.**

All parts of the establishment and all parts of the property used in connection with the operation of the establishment shall be kept in such a condition as to prevent the harborage or feeding of vermin and insects in accordance with the Department of Health regulations and clean and free of litter, rubbish and offensive odors. Adequate facilities within the establishment shall be provided for the storage of employees' personal belongings.

### **Frozen Desserts and Mixes**

**7-40-250 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this article, notwithstanding the definitions contained in chapter 4-8:

**"Dietetic frozen dessert"** means a frozen dessert in which approved non-glycogenic substances have been substituted wholly or in part for sugar or other sweeteners.

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

**"Frozen dessert"** means any frozen or partially frozen combination of two or more of the following which is intended for human consumption; milk and milk products, egg or egg products, sweeteners, approved non-glycogenic substances, water, fruit, fruit juices, candy, nut meats or other wholesome food products, natural and harmless artificial flavors, certified colors, citric acid or other types of harmless organic acids, approved stabilizers and food emulsifiers.

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

**"Frozen dessert plant"** means any place or premises where frozen desserts or mix are stored, manufactured, processed, packed or packaged or frozen for distribution.

**"License"** means permission issued by the Department of Health to manufacture, process, freeze, pack or package or distribute frozen desserts and mix in the city of Chicago pursuant to this chapter.

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

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

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

**"Permit"** means permission to manufacture, process, freeze, pack or package, or distribute frozen desserts and mix in the city of Chicago under a license issued under this code and issued by the milk control division, subject to approval by the board of health.

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

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

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

**7-40-255 Submittal of proof -prints**

A proof-print in duplicate of mix and frozen desserts single-service containers, caps, tags and labels showing the size, color and arrangement of the lettering thereon shall, before used, be submitted to and approved by the milk control division as in compliance with this Article of chapter 7-40 and the rules and regulations promulgated hereunder.

**7-40-275      Condemnation procedures**

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

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

**"Misbranded frozen dessert or mix"** means a frozen dessert or mix whose container bears or is accompanied by any false or misleading written, printed or graphic matter; or which does not conform to its definition and labeling requirements as contained in this chapter and the rules and regulations promulgated hereunder or by the Illinois department of Public health; or which is not labeled in accordance with the U. S. Food, Drug and Cosmetic Act, as amended, and applicable provisions of the Code of Federal Regulations, as amended.

**7-40-280      Sampling procedure.**

(a) As often as may be required by the department of health, but in no case less than four times within any six-month period, samples of frozen desserts and mix from each frozen dessert plant located within the city of Chicago shall be taken by the department for analysis. Such samples may be taken at any time prior to delivery to the place where frozen desserts and mix are made available to the public. Such frozen dessert plants shall furnish the department, upon request, with the names addresses of all persons who make frozen desserts or mix available to the public within the city of Chicago to whom mix or frozen desserts are sold or delivered, together with records of the kind and amount of mix or frozen desserts sold or delivered to such persons, and the names and addresses of all persons supplying such frozen dessert plant with milk, milk products and other ingredients used in the manufacture of mix or frozen desserts. An accurate daily record shall be

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

- (b) Each frozen dessert plant located outside the city of Chicago whose products are intended for sale or distribution within the city of Chicago shall be inspected and samples taken at intervals not exceeding 90 days and such inspections and sampling shall be carried out no less than four times annually by a supervising agency acceptable to the United States Public Health Service and approved by the Department of Health.
- (c) Samples of frozen desserts or mix from retail food purveyors, food dispensing establishments, mobile food dispensers, automatic food vending machines, and any other place where frozen desserts are made available to the public in the city of Chicago, shall be taken for analysis by the department as often as it may require, but in no case less than four times within any six-month period. The proprietors of such places shall furnish the department with names of all persons from whom frozen desserts or mix are obtained, upon request.

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

All milk and milk products used as ingredients in mix or frozen desserts shall comply with this chapter 7-40 of this Municipal Code and the rules and regulations of the board of health and shall be from Grade A sources approved by the board of health and which are listed in the current publication of the U. S. Food and Drug Administration Sanitary Compliance and Enforcement Ratings of Interstate Milk Shippers or Successor Publication with a minimum rating of 90. Fats other than milk fat and the substitution of other products for nonfat milk solids shall not be used in the manufacture of mix or frozen desserts unless approved by the department of health.

**7-40-290 Pasteurization required.**

No mix or frozen dessert made from mix which contains milk and milk products may be distributed or sold within the city of Chicago unless such mix has been pasteurized and maintained at a temperature of 40 degrees Fahrenheit or less after pasteurization. Such mix must be frozen within 14 days from the date of pasteurization. All containers of pasteurized mix shall bear the words "Date Pasteurized" followed by the date of pasteurization.

**7-40-295 Disease among employees - Notice required.**

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

- (1) The immediate exclusion of that person from handling mix, frozen desserts, or their ingredients;
- (2) Immediate exclusion of the mix or frozen desserts in question from distribution and use;

(3) Adequate medical and bacteriological examination of the person, his associates, and of his and their bodily discharges.

**7-40-300 Manufacturing to be in compliance with city regulations.**

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

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

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

### **Milk and Milk Products**

**7-40-310 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this Article, notwithstanding the definitions contained in chapter 4-8. Any standards or limits contained within any definition of milk or a milk product shall be construed to forbid the sale, exchange, disposal or delivery of non-conforming items for human food in the city.

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

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

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

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

**"Milk distributor"** means any person who offers for sale, or sells, or delivers to another, any milk

or milk products for human consumption.

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

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

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

**"Milk products"** means and includes cream, light cream, coffee cream, table cream, whipping cream, light whipped cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, whipped table cream, sour cream, cultured sour cream, half-and-half, sour half-and-half, cultured half-and-half, reconstituted or recombined milk and milk products, concentrated milk, concentrated milk products, flavored milk, skim milk, low-fat milk, yogurt, lowfat yogurt, nonfat yogurt, fortified milk and milk products, vitamin D milk and milk products, homogenized milk-flavored milk or milk products, eggnog and eggnog-flavored milk, buttermilk, cultured buttermilk, cultured milk, cultured whole milk buttermilk, acidified milk and milk products, low sodium milk and such other products as may from time to time be designated by the department of health and which meet the applicable definitions and standards of identity as promulgated pursuant to the Federal Food, Drug and Cosmetic Act and published in the Code of Federal Regulations Chapter 1, Title 21, as amended. "Milk products" also means and includes milk which has been treated to ensure breakup of fat globules to such extent that after 48 hours of quiescent storage at 40 degrees Fahrenheit no visible cream separation occurs on the milk, and the fat percentage of the top 100 milliliters of milk in a quart, or a proportionate volumes in containers of other sizes, does not differ by more than 10 percent from the fat percentage of the remaining milk as determined after thorough mixing. The word milk shall be interpreted to include homogenized milk. "Milk products" also means and includes the lacteal secretion obtained by the complete milking of one or more healthy cows, practically free from colostrum. Such secretion shall contain not less than eight and one-half percent of nonfat milk solids and less than three and one-quarter percent of milk fat. Milk shall be interpreted to include goat and ewe milk.

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

**"Official laboratory"** means a biological, chemical or physical laboratory which is under the direct supervision of the State Health Authority.

**"Officially designated laboratory"** means a commercial laboratory authorized to do official work

by the supervising agency, or a milk industry laboratory officially designated by the supervising agency for the examination of producer samples of Grade A raw milk for pasteurization.

**"Optional ingredients"** means dry milk products, concentrated milk, concentrated milk products, flavors, sweeteners, stabilizers, emulsifiers, acidifiers, vitamins, minerals and similar ingredients, and such other ingredients as may be approved by the department of health.

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

**Pasteurization Temperatures by Time**

<b>Temperature</b>	<b>Time</b>
145°F (63°C) *	30 minutes
161 °F (72°C) *	15 seconds
191 °F (89 °C)	1.0 second
194°F (90°C)	0.5 second
201°F (94°C)	0.1 second
204°F (96°C)	0.05 second
212°F (100 °C)	0.01 second

\* If the fat content of the milk is 10 percent or more, or if it contains added sweeteners, the specified temperature shall be increased by five degrees Fahrenheit (three degrees Celsius); however, eggnog shall be heated to at least the following temperature and time specifications:

<b>Temperature</b>	<b>Time</b>
155°F (69°C)	30 minutes
175°F (80°C)	25 seconds
180°F (83°C)	15 seconds

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

**"Person"** means any individual, plant operator, partnership, corporation, company, firm, trustee or association.

**"Sanitizing"** means the application of any effective method or substance acceptable to the Board of Health and in accordance with state rules and regulations to a clean surface for the destruction of pathogens and of other organisms as far as is practicable without adversely affecting the equipment, the milk or milk product or the health of consumers.

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

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

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

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

**A. Milk and milk products are adulterated:**

1. If they bear or contain any poisonous or deleterious substance in a quantity which may render them injurious to health;
2. If they bear or contain any added poisonous or deleterious substance for which no safe tolerance has been established by state or federal regulations, or in excess of such tolerance if one has been established;
3. If they consist, in whole or in part, of any substance unfit for human consumption;
4. If they have been produced, processed, prepared, packed or held under unsanitary conditions;
5. If the containers are composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or
6. If any substance has been added thereto or mixed or packed therewith so as to increase the bulk weight, or reduce the quality of strength, or make them appear better or of greater value than they are.

**B. Milk and milk products are misbranded:**

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

**7-40-330 Labeling and bills of lading.**

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

- (a) The name of the contents as given in the definitions of section 7-40-310;
- (b) The word "raw" if the contents are raw, and the identity of the producer, or receiving station, as the case may be;
- (c) The word "pasteurized" if the contents have been pasteurized; the words "ultra-pasteurized", if the

product is processed at temperatures of 280 degrees Fahrenheit or higher in accordance with the rules and regulations of the Board of Health. The plant national uniform code number and/or the Chicago Board of Health license number where pasteurized;

- (d) The classes of milk and milk products as designated by section 7-40-350;
- (e) In the case of vitamin D milk or milk products, the designation vitamin D (and the number of international units added per quart) and such other information as may be required by the Department of Health;
- (f) The words "nonfat milk solids added", and the percentage added, if applicable;
- (g) In the case of fortified milk or milk products, the word "fortified" (and the amount of vitamins and minerals added per quart);
- (h) The words "artificially sweetened" and the names of such non-nutritious or artificial sweetener, if such is used;
- (i) In the case of low sodium milk or milk products, the maximum sodium content in milligrams per quart and the maximum sodium content per 100 milliliters;
- (j) On all containers of milk and milk products received by pasteurization plants from receiving stations, the date received by the receiving station;
- (k) The common name of stabilizers, distillates, acidifiers and other ingredients, if such are used;
- (l) In the case of concentrated milk products, the specific name of the product shall be substituted for the generic term concentrated milk products, e.g., homogenized concentrated milk, concentrated skim milk, concentrated chocolate flavored low-fat milk;
- (m) In the case of flavored milk, flavored milk products, or flavored reconstituted milk, the name of the principal flavor shall be substituted for the word "flavored";
- (n) In the case of cultured milk and milk products, the special type culture used may be substituted for the word "culture", e.g., acidophilus buttermilk, Bulgarian buttermilk;
- (o) In the case of recombined or reconstituted milk or milk products, the word "recombined" or "reconstituted";
- (p) In the case of pasteurized concentrated milk or milk products, the proportion of volume of water to be added for recombining;
- (q) The word "milk" shall not appear or be used on any label, cap, receptacle or container for any products except those defined in this chapter as milk, flavored milk, low-fat milk, flavored low-fat milk, skimmed milk, flavored skimmed milk, buttermilk, cultured buttermilk, cultured milk, vitamin D milk, unless approved by the department of health.

All marks and labels shall be in letters of an approved size, kind and color, and shall contain no marks or words which are misleading. Proof print or sketch of the bottle cap or cover, single-service container, can tag or label, showing the size, content and arrangement of the lettering thereon shall be submitted to and approved by the department of health prior to the use of same. Whenever milk or milk products are packaged in glass bottles, jars or cans, the name and address blown into or embossed upon such container shall not be other than or different from that which is indicated on cap, cover or tag, unless approved by the department of health.

The original tags or labels shall remain on all containers until the milk or milk products in such containers are emptied therefrom for processing or sale. In the case of pasteurized milk and milk products, all of the necessary foregoing information shall be shown in an approved manner, and shall be of a design and color which makes the wording legible.

All vehicles and transport tanks containing milk or milk products shall be legibly marked with the name and address of the milk plant or hauler in possession of the contents; labels on all cans, bottles and other containers of pasteurized milk shall bear the words "date pasteurized" followed by the date of pasteurization and the words "not to be sold after" and thereafter the last date on which the milk or milk product is to be sold to the final consumer, the height of the letters of the date to be not less than three-sixteenths of an inch on the label of the single-service paper container or on bottle caps, where such are used and not less than five-eighths of an inch on tags or labels on or attached to each containers when the product is marketed in bulk containers. All date labeling required by the provisions of this subsection shall conform to the incidence and procedures set by the Illinois Department of Public Health according to the Illinois Revised Statutes, Chapter 56-1/2, Section 2204.

There shall appear on the tags or labels affixed to cans of milk the date of receipt from the producer; however, in the case of condensed products and cream, the date processed shall appear.

All vehicles and transport tanks transporting milk and milk products in bulk to a processing plant within limits of the city of Chicago shall be required to be sealed, and for each shipment a statement or bill of lading shall be prepared containing the following information:

1. Shipper's name, address, and permit and/or authorization number;
2. License number of hauler, if not employee of shipper;
3. Point of origin of shipment;
4. Tanker identity number;
5. Name of product;
6. Weight of product;
7. Grade of product;
8. Temperature of product;
9. Date of shipment;
10. Name of supervising health authority at the point of origin;
11. Whether the contents are raw, pasteurized or otherwise heat treated.

Such statements shall be prepared in triplicate and shall be kept on file by the shipper, the consignee and the carrier for a period of six months for the information of the department of health.

#### **7-40-340 Delivery, handling and receiving of Milk.**

All milk produced shall be delivered daily to a milk-receiving station, transfer station or a pasteurization plant; provided, however, that the department of health may authorize every-other-day delivery of milk to a milk-receiving station, transfer station or pasteurization plant from dairy farms

having equipment approved by the duly certified supervising enforcement agency by which all milk produced may be properly cooled in accordance with the certified supervising agency regulations and so maintained until collected under procedures prescribed by the department of health to insure production of milk meeting the standards established for raw milk for pasteurization. The department of health is hereby authorized to supervise and conduct scientific experiments and field testing of any method of handling and delivery of milk, and the department of health may authorize the sale of milk produced under such experimental program if it shall determine that milk so produced meets the standards for raw milk for pasteurization set by this chapter. All milk received by pasteurization plants shall be pasteurized within 48 hours of receipt by the processing plant.

**7-40-345 Bulk sales - Notice required.**

Every restaurant, café, soda fountain or other establishment serving milk or milk products in bulk shall display at all times, in a place designated by the department of health, a notice approved by the department of health, giving all information required with regard to labeling milk containers and such other information required by the department of health.

**7-40-350 Pasteurization of milk and milk products.**

No milk or milk products shall be sold in the city of Chicago except Grade A pasteurized milk and milk products. Grade A pasteurized milk and milk products shall conform with the rules and regulations of the board of health for Grade A pasteurized milk and milk products. All Grade A milk for pasteurization and all Grade A pasteurized milk and milk products shall be produced, processed and pasteurized to conform with the chemical, bacteriological and temperature standards and the sanitation requirements of the rules and regulations of the board of health. No Process other than pasteurization, processing methods integral therewith, or appropriate refrigeration shall be applied to milk and milk products for the purpose of removing or deactivating organisms, unless approved by the board of health.

**7-40-355 Storage and container requirements.**

Except as provided for under the provisions of this chapter, no milk producer or distributor shall transfer milk or milk products from one container or tank truck to another on the street, in any vehicle, store or in any place except a milk plant, receiving station, transfer station or milk house especially used for that purpose. The dipping or ladling of milk or fluid milk products is prohibited.

It shall be unlawful to sell or serve any milk or fluid milk products except in the individual original container received from the distributor, or from an approved bulk dispenser; provided, that this requirement shall not apply to milk for mixed drinks requiring less than one-half pint of milk, or to cream, whipped cream, or half-and-half which is consumed on the premises and which may be served from the original container of not more than one-half gallon capacity, or from a bulk dispenser approved for such service by the Department of Health.

All milk and milk products shall be stored and maintained at temperatures of 40 degrees Fahrenheit or less. If containers of pasteurized milk and milk products are stored in ice, the storage containers shall be properly drained.

**7-40-360 Time limit on sales.**

All pasteurized milk, flavored milk, cream, half-and-half, low-fat and skim milk or skimmed milk shall be sold not later than fourteen days from the day of pasteurization, and such maximum time limit shall be designated on the label, cap or tag in accordance with the provisions of section 7-40-330.

Milk products processed at temperatures known as ultrahigh-heat pasteurization in accordance with the rules and regulations of the Board of Health shall have a time limit of sale in accordance with the applicable regulations and such limit shall be designated on the label in accordance with provisions of section 7-40-325 and section 7-40-330.

**7-40-365 Inspection and supervision of dairy farms, milk plants and stations.**

Each dairy farm, milk plant, receiving station, transfer station whose milk or milk products are intended for sale or distribution within the city of Chicago shall be under the supervision of a qualified supervising enforcement agency which is certified by the United States Public Health Service, Food and Drug Administration. The plant shall be listed with a grade of 90 or better in the U.S.P.H./F.D.A. Sanitation, Compliance and Enforcement Ratings of Interstate Milk Shippers, as published and amended from time to time.

Every milk producer, hauler, distributor or plant operator shall upon request of the Department of Health, permit access of officially designated persons to all parts of his establishment or facilities to determine compliance with the provisions of this code. A distributor or plant operator shall furnish the Department of Health, upon request, for official use only, a true statement of actual quantities of milk and milk products of each grade purchased and sold, and a list of all sources of such milk and milk products, records of inspections, tests, and pasteurization time and temperature records.

It shall be unlawful for any person in an official capacity, who obtains any information under the provision of this code which is entitled to protection as a trade secret (including information as to quantity, quality, source or disposition of milk or milk products, or results of inspections or tests thereof), to use such information to his own advantage or to reveal it to any unauthorized person.

**7-40-370 Sampling and analysis.**

During any period of six consecutive months, at least four samples of raw milk for pasteurization shall be taken from each producer and four samples of raw milk for pasteurization shall be taken from each milk plant after receipt of the milk by the milk plant and prior to pasteurization. In addition, during any consecutive six months, at least four samples of pasteurized milk and at least four samples of each milk product defined in this code shall be taken from every milk plant. Samples of milk and milk

products shall be taken while in possession of the producer or distributor at any time prior to final delivery. Samples of milk and milk products from dairy retail stores, food service establishments, grocery stores and other places where milk and milk products are sold, shall be examined periodically as determined by the department of health, and the results of such examination shall be used to determine compliance with this code. Proprietors of such establishments shall furnish the department of health, upon its request, with the names of all distributors from whom milk products are obtained.

Required bacterial counts and cooling temperature checks shall be performed on raw milk for pasteurization. In addition, antibiotic tests on each producer's milk or on commingled raw milk shall be conducted at least four times during any consecutive six months. When commingled milk is tested, all producers shall be represented in the samples. All individual sources of milk shall be tested when test results on the commingled milk are positive. Required bacterial counts, coliform determinations, phosphatase, and cooling temperatures checks shall be performed on pasteurized milk and milk products. Whenever a phosphatase test is positive, the cause shall be determined. Where the cause is improper pasteurization, it shall be corrected, and any milk or milk products involved shall not be offered for sale.

Samples shall be analyzed at an official or appropriate officially designated laboratory. All sampling procedures and required laboratory examinations shall be in substantial compliance with the current edition of standard methods for the examination of dairy products of the American Public Health Association, and the current edition of official methods of analysis of the Association of Official Analytical chemists. Such procedures and examinations shall be evaluated in accordance with the methods of evaluating milk laboratories recommended by the United States Public Health Service. Examinations and tests shall be conducted to detect adulterants, including pesticides, as the board of health shall require. Assays of vitamin D milk or milk products and fortified milk and milk products shall be made at least annually in a laboratory acceptable to the department of health.

**7-40-375 Products shipped From Beyond Inspection Limits.**

Milk and milk products from points beyond the limits of inspection of the city of Chicago may not be sold in the city of Chicago unless produced and pasteurized under provisions identical with those of this chapter and approved by the Compliance and Enforcement Ratings of Interstate Milk Shippers, as published and amended from time to time, with a minimum grade of 90.

**7-40-380 Prevention of transmission of infections.**

When suspicion arises as to the probability of transmission of infection from any person concerned directly or indirectly with the handling of milk or milk products, the department of health is authorized to require any of the following measures, or any additional measures which it may deem necessary:

1. The immediate exclusion of that person from milk handling;
2. The immediate exclusion of the milk supply concerned from distribution and use;
3. Adequate medical and bacteriological examination of the person, of his associates and of his and

their bodily discharges.

Notice shall be sent to the department of health immediately by the processor and/or distributor of milk or milk products in whose milk plant any case of sickness, or any infectious, contagious or communicable disease occurs.

### **Violation of Chapter Provisions**

#### **7-40-390 Violation - Penalty.**

The board of health shall promulgate rules and regulations classifying violations of this chapter as critical, serious or minor. Any person who violates or who resists the enforcement of any provision of this chapter shall be fined \$500.00 for each critical violation; \$250.00 for each serious violation; and \$250.00 for each minor violation that is not corrected upon reinspection by the health authority. A separate and distinct offense shall be held to have been committed each and every day on which any person shall be guilty of such violation; provided that, the intervening days between when a license holder whose license has been suspended applies for restoration of the license and a reinspection has been conducted by the department of health shall not constitute separate offenses if the violation was found to be corrected upon reinspection.

## Chapter 7-42

### Food Establishments - Inspections, Violations And Hearing Procedures

#### **7-42-010 Inspections.**

For the purposes of section 7-42-010 and section 7-42-020, the word "owner" shall include the owner, operator, licensee or person in charge of any food establishment or vehicles used for the storage, transportation or vending of foods, subject to the provisions of chapter 4-8.

- (a) The department of health shall inspect all food establishments as least once every six months and as often as necessary to determine that the requirements of this Municipal Code are being complied with. In addition, the department of health shall inspect mobile food dispenser vehicles serving ice cream, milk or other frozen desserts at least once every 90 days during the period from April 1st through October 1st of every year.
- (b) Whenever the health authority inspects an establishment, the inspector shall record the findings of the inspection on a summary report form provided by the department of health for this purpose. Such reports shall be signed by both the inspector and the establishment's representative, and one copy of the summary report shall be left with the management of the establishment and shall be posted by the health authority upon an inside wall of the establishment in an area visible to all diners; if the food establishment is a grocery store or delicatessen, the summary report shall be posted in an area visible to all customers. It shall be unlawful for any person except an authorized agent of the department of health to deface or remove any such posted summary report, and a violation of this provision may result in suspension of any and all licenses and permits issued to the owner of that particular food establishment.
- (c) It shall be the duty of every owner to permit a representative of the department of health, after proper identification, to enter at any reasonable time and make inspections of the facilities, equipment and vehicles for determining compliance with the requirements of this Municipal Code relating to health and sanitation and, when required to do so, the owner shall furnish samples of any foods prepared, kept, sold or transported by any such food establishment as often as the commissioner of health may deem necessary to determine that the foods are free from adulteration, not misbranded, do not contain an excessive number of microorganisms or their toxins, and otherwise comply with the provisions of this Municipal Code and rules and regulations of the board of health. The owner shall answer all reasonable and proper questions and permit the health authority to examine records of the establishment to obtain pertinent information relating to food, water, beverages and supplies received or used and persons employed. Any samples provided shall be examined or analyzed under the direction of the department of health, and a record of each such examination or analysis shall be made and kept in the offices of the department. Upon failure or refusal by an owner to permit inspection or to furnish required samples, the commissioner shall immediately suspend any and all licenses or permits issued to the owner of that particular food establishment.

**7-42-020 "Held for inspection" procedures.**

- (a) Upon written notice to the owner, the department of health may place a "Held for Inspection" order on any food which the health authority determines or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded. At the request of the owner, foods so held for inspection shall be permitted to be suitably stored pending analysis reports or voluntarily denatured and disposed of under department of health supervision.
- (b) It shall be unlawful for any person to remove the "Held for Inspection" tag or seal placed on the food by the department of health, nor shall the containers of such food be removed from the premises or destroyed without permission of the department of health except on order of a court of competent jurisdiction. The department may vacate a "Held for Inspection" order or may by written order direct the owner or person in charge of the food to denature or destroy such food, bring it in compliance with the provisions of this code and the rules and regulations of the board of health or dispose of it for non-human use as may be approved by the department of health. Any order of the department of health to denature or destroy food shall be stayed pending appeal if the order is appealed to a court of competent jurisdiction within three days. Nothing in this section shall preclude any court action based upon a finding of unwholesome or adulterated foods.

**7-42-030 Violations of provisions - Classification and notice.**

- (a) Classification of violations.

The board of health shall promulgate rules and regulations classifying violations of this chapter, chapter 7-38, chapter 7-40 and the rules and regulations promulgated thereunder or by the Illinois Department of Public Health, or any other provision of this Municipal Code relating to health and sanitation in any food establishment as critical , serious or minor.

- (b) Notice of violations.

When department of health finds a violation of any provision of this chapter, chapter 7-38, chapter 7-40 or the rules and regulations promulgated thereunder or by the Illinois Department of Public Health, or any other provision of this Municipal Code relating to health and sanitation in any food establishment, the department shall deliver to the licensee written notice of the violation with a copy of the inspection report which shall set a date by which the violation shall be corrected and designate each violation as critical, serious or minor as classified by the board of health

**7-42-035 License suspension.**

Whenever an inspection indicates that the conditions in the food establishment create an imminent hazard to the public health, the license of the food establishment shall be immediately suspended, including whenever an inspection indicates that a critical violation exists which is not capable of being corrected prior to the conclusion of the inspection.

**7-42-040 Request for time Extension; procedures for preliminary hearing to contest inspection report findings.**

- (a) After the owner receives a notice of a violation from the department of health, as evidenced by the inspection report, but before the allotted time has elapsed for compliance, the owner may request a preliminary hearing at the offices of the department of health to file exceptions to and contest the findings of the inspection report or he may request the commissioner to extend the time allowed for compliance. In any case, the request must be filed with the commissioner within 24 hours of receipt of the notice of violation, excluding Saturdays, Sundays and legal holidays. Upon receipt of a request for a hearing, the commissioner shall institute an action with the department of administrative hearings which shall appoint an administrative law officer who shall conduct the preliminary hearing within 48 hours of the owners request for a hearing, excluding Saturdays, Sundays and legal holidays.
- (b) Unless the administrative law officer finds that there is no probable cause to believe that the violation exists or a time extension is granted by the commissioner, the commissioner may immediately suspend any and all licenses or permits related to public health and safety issued to the owner of the food establishment upon the owners failure to correct the violations within the time allotted in the notice of violation: provided that the commissioner shall immediately suspend all licenses of the food establishment related to public health and safety if any of the violations found not to be corrected is critical or serious.
- (c) Nothing in this section shall prevent the commissioner from immediately suspending a license or permit pursuant to Section 7-42-035 or seeking an enforcement action pursuant to Section 7-42-085.

**7-42-050 Removal of suspended licenses and permits.**

Upon suspension of any license and permits of a food establishment, all operations related to any such suspended license or permits shall cease at once, and such license and permits shall be removed from the establishment and delivered to the department of health. The department of health may cause a “notice of closure” sign to be conspicuously placed on that part of the food establishment related to any such suspended license or permits and to which the public has access. It shall be unlawful for any person to remove a “notice of closure” sign placed on a food establishment unless authorized to do so by the department of health. The health authority shall promptly notify the Chicago Police Department of the suspension, and the Police Department shall enforce the cessation of all affected operations.

**7-42-060 Application for restoration of suspended licenses.**

A license holder whose license has been suspended may at any time apply for restoration of the license. Within 48 hours after the Department of Health receives such application, accompanied by a statement signed by the licensee that the provisions previously violated have been complied with, the Department

of Health shall reinspect the establishment to assure that the applicant is complying with the requirements of this code; provided, however, that between the hours of 3 p.m. on Friday and 9 p.m. on Sunday, the department of health shall reinspect as soon as possible, but in no event later than 48 hours after the time application for restoration is made. When the reinspection indicates full compliance, the license shall be restored and the Chicago Police Department so notified; provided that a license suspended a second or subsequent time shall not be restored sooner than the expiration of 48 hours from the time of suspension.

**7-42-065 Partial closure.**

In any instance in which a license is suspended under this chapter, the commissioner of health may order closed that portion of the food establishment which created a public health hazard, and allow the remaining portion of the establishment to remain open for business, if the commissioner determines that a partial closure would not jeopardize public health or safety.

**7-42-070 Reinspection fee.**

A \$50 reinspection fee shall be assessed against the licensee of any establishment for each inspection conducted by the department of health to address a violation previously identified by the department.

**7-42-080 License revocation.**

Upon a record of repeated violations of this Municipal Code or the rules and regulations of the board of health related to health and sanitation, or repeated suspensions of a food establishment license, the Commissioner may recommend the revocation of the license and any other license relating to the conduct of business at the food establishment to the Mayor's License Commission in accordance with the requirements of Chapter 4-4 of the Municipal Code.

**7-42-085 Enforcement.**

(a) If any person violates or resists the enforcement of any provision of this chapter, Chapter 7-38, or Chapter 7-40 or the rules and regulations promulgated thereunder or by the Illinois Department of Public Health, or any other provision of the Municipal Code relating to health and sanitation in any food establishment, the commissioner of health may initiate an action with the department of administrative hearings seeking to suspend all licenses and permits issued to the owner and/or impose a fine. The commissioner may also recommend to the mayor's license commission the revocation of the owners licenses and permits.

(b) Nothing in this chapter shall preclude bringing court action based on any violations of this code.

**7-42-090 Violation - Penalty.**

Any person who violates or who resists the enforcement of any of the provisions of this chapter ,Chapter 7-38, or Chapter 7-40 or the rules and regulations promulgated thereunder or by the Illinois Department of Public Health, or any other provision of the Municipal Code relating to health and

sanitation in any food establishment shall be fined \$500.00 for each critical violation ; \$250.00 for each serious violation; and \$250.00 for each minor violation that is not corrected upon reinspection by the health authority. A separate and distinct offence shall be deemed to have been committed for each and every day on which any person shall be guilty of such violation; provided that, the intervening days between when a license holder whose license has been suspended applies for restoration of the license and a reinspection has been conducted by the department of health shall not constitute separate offences if the violation was found to be corrected upon reinspection