

**Retail Food Establishment  
Sanitation Ordinance of  
Cook County, Illinois**



**Published by Authority of  
The Board of Commissioners of  
the County of Cook, Illinois**

Approved and Adopted by the  
Board of Commissioners of Cook County

September 8, 1987

Board of Health of Cook County

George W. Dunne, President

Charles R. Bernardini	Robert P. Gooley	Joseph D. Mathewson	John H. Stroger, Jr.
Jerry Butler	Carl R. Hansen	Mary M. McDonald	Harold Tyrrell
Frank A. Damato	Irene C. Hernandez	Richard A. Siebel	Samuel G. Vaughan
Marco Domico	Rose-Marie Love	Bobbie L. Steele	Joseph I. Woods

Information relative to application for license may be obtained from:

Cook County Department of Public Health  
1010 Lake Street, Suite 300  
Oak Park, Illinois 60301  
708-445-2470

TDD 708-445-2405 for the hearing/speech impaired

Karen L. Scott, MD, MPH  
Director, Cook County Department of Public Health

RETAIL FOOD ESTABLISHMENT SANITATION

ORDINANCE OF COOK COUNTY, ILLINOIS.

PUBLISHED BY AUTHORITY OF THE BOARD OF COMMISSIONERS OF THE  
COUNTY OF COOK, ILLINOIS.

ABSTRACT

This is an Ordinance by the Board of Commissioners of the County of Cook defining food, potentially hazardous food, retail food establishment <the term retail food establishment as used in this Ordinance shall mean either a food service establishment or a retail food store>; also defining mobile food unit, temporary, occasional, seasonal food service establishment, regulatory authority, utensils, equipment, etc. This Ordinance permits the sale of only sound, properly labeled food; regulates the sources of food; establishes sanitation standards for food, food protection, food personnel, food operations, food equipment and utensils, sanitary facilities and controls, and other facilities; requires licenses for the operation of food service establishments and retail food stores; regulates the inspection of such establishments; provides for the examination and condemnation of food; provides for incorporation by reference (Illinois Revised Statutes [1985] chapter 34, §651 et seq.) of the Chapter Ten, "Compliance Procedures", of the 1976 and all subsequent editions or amendments to the United States Food and Drug Administration's publication currently titled, "Food Service Sanitation Manual", except sections 10 - 601 and 10 - 602, in Chapter Ten "Compliance Procedures", concerning legal remedies such as penalties and injunctions; provides for the incorporation by reference of the 1987 and all subsequent editions or amendments to the Illinois Department of Public Health's publication currently titled, "Food Service Sanitation Rules and Regulations", that are on file with the Secretary of State; provides for the incorporation by reference of the 1987 and all subsequent editions or amendments to the Illinois Department of Public Health's publication currently titled, "Retail Food Store Sanitation Rules and Regulations", that are on file with the Secretary of State; provides for enforcement of this Ordinance including the filing of action for injunctive relief; and the fixing of penalties for violation.

Be it enacted by the People of the County of Cook, represented in the Cook County Board.

ORDAINING CLAUSE

Whereas, The Board of Commissioners of Cook County, Illinois, have determined that certain revisions and amendments be made in the Cook County Food Service Establishment and Retail Food Store Ordinances,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF COOK COUNTY, ILLINOIS:

That the Food Service Establishment and the Retail Food Store Ordinances that were originally adopted by the Board of Commissioners of Cook County on September 8, 1981, are herewith and now comprehensively amended to read as follows:

That this comprehensive amendment is adopted pursuant to Cook County's Home Rule Powers as they are set forth in Article VII, Section 6, of the 1970 Illinois Constitution, and in no way derives its authority from the Illinois Revised Statutes <1985> Chapter 34, §439 and 440.

That this comprehensive amendment shall take effect upon passage and due publication. This comprehensive amendment was adopted by the Board of Commissioners of Cook County, on September 8, 1987 (docket number 145175).

ARTICLE I - Purpose and Jurisdiction

1 - 1 Purpose

This Ordinance shall be liberally construed and applied to promote its underlying purpose of protecting and improving the public health.

1 - 2 Jurisdiction

This Ordinance applies to retail food establishments that are located in the unincorporated area of Cook County and such other areas as may be designated by the Cook County Board of Commissioners in accordance with State Statutes.

1 - 2b. Inspection of Own Property

This Ordinance shall also apply to all retail food establishments that are on Cook County property including but not limited to forest preserves, hospitals, correctional facilities, and civic centers located within the corporate limits of municipalities as well as the unincorporated area of Cook County.

ARTICLE II - General Provisions

2 - 1 Severability

If any section, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or the application thereof is held invalid, the validity of the remainder of this Ordinance and the application of such provisions to other persons and circumstances shall not be effected thereby.

2 - 2 Effective Date of the Ordinance

This Ordinance, except for Article V, shall take effect and be in force from and after its passage and publication. At that time, all Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed, except for Article 3 - 3 of both the 1981 Food Service Establishment and the 1981 Retail Food Store Ordinances, concerning annual license fees, that shall be in effect until December 31, 1987. Article V of this Ordinance, "License Fees", shall take effect on January 1, 1988, at that time Article 3 - 3 of the 1981 Ordinances shall be repealed.

2 - 3 Enforcement

This Ordinance shall be enforced by the Cook County Department of Public Health, which is hereby authorized to make all inspections, and to interpret rules and regulations, definitions, and orders, deemed necessary to assure compliance with the provisions thereof.

The Cook County Department of Public Health is authorized to call upon the State's Attorney of Cook County for such legal actions as may be deemed necessary to enforce this Ordinance, including the seeking of penalties and/or the filing of action for injunctive relief for violation of any provision of this Ordinance or any violation of the rules, regulations and/or guidelines, or any violation of the administrative provisions made for the interpretation and enforcement of this Ordinance.

The Cook County Department of Public Health is also authorized to request assistance from the Cook County Sheriff's Police if and when necessary.

2 - 4 Definition of Retail Food Establishment

The term retail food establishment as used in this Ordinance shall mean either a food service establishment, including but not limited to restaurants, cafes, cafeterias, fast-food outlets, luncheonettes, soda fountains, taverns, bars, motel restaurants, drive-ins, mobile food and drink units, food caterers, hospitals and related medical care facilities, schools and educational institutions at various levels (Illinois Revised Statutes [1985] Chapter 34, §419 et seq. and Chapter 111, §20c. et seq.), adult and/or child day care centers, employee cafeterias, dining rooms in office buildings, governmental buildings and industrial plants, park district and forest preserve concession stands, commissaries, private clubs, fraternal orders or societies of various types, churches and religiously affiliated organizations, and temporary, occasional, seasonal food service establishments; or a retail food store, including but not limited to: gasoline service station "quick markets", grocery stores, markets of various types, bakeries, confectionary stores, bulk food stores, and certain: drug stores, packaged liquor stores, roadside markets, farmers markets, and sundry stores.

2 - 5 Inspection Report Form

The inspectional findings shall be recorded on an inspection report form that is acceptable to the regulatory authority and is in substantial agreement with those forms that are used by the United States Food and Drug Administration and/or the Illinois Department of Public Health.

2 - 6 Section Numbers

Any or all references in the, "Compliance Procedures", to section numbers that appear in any other chapter of the 1976 and all subsequent editions or amendments of the United States Food and Drug Administration's publication currently titled, "Food Service Sanitation Manual"; shall be deemed to mean the corresponding substantive section that appears in the 1987 and all subsequent editions or amendments to the Illinois Department of Public Health's publication currently titled, "Food Service Sanitation Rules and Regulations", and the 1987 and all subsequent editions or amendments to the Illinois Department of Public Health's publication currently titled, "Retail Food Store Sanitation Rules and Regulations".

2 - 7 Retail Food Establishments in other Jurisdictions

Food from retail food establishments outside the jurisdiction of the Cook County Department of Public Health may be sold within the jurisdiction of Cook County Department of Public Health if such retail food establishments conform to the provisions of this Ordinance.

To determine the extent of compliance with such provisions, the Cook County Department of Public Health may either accept copies of inspectional findings from a regulatory authority, in other jurisdictions where such retail food establishments are located or such establishments may voluntarily submit to inspection by the Cook County Department of Public Health to determine compliance with the provisions of this Ordinance.

2 - 8 Condemnation of Equipment or Utensils

The Cook County Department of Public Health may, upon written notice to the owner or the person in charge, specifying with particularity the reasons therefor, place a hold order on any equipment or utensil that it believes is in a state of disrepair, unsafe, unsuitable for use or insanitary.

The hold order shall state that a request for hearing may be filed within 10 days and that if no hearing is requested the equipment or utensil shall, after this 10 day period, either be immediately destroyed, immediately removed from the premises, or brought back into compliance with the provisions of this Ordinance by a certain specified date that is written on the inspectional report form.

If a request for hearing is received, the hearing shall be held within 20 days after receipt of the request. On the basis of the evidence produced at the hearing, the hold order may be modified or sustained or vacated. A written report of the hearing decision shall be furnished to the holder of the license, by the Cook County Department of Public Health.

It shall be unlawful for any person to put such equipment or utensil, that has been placed under a hold order, back into service without written permission of the Cook County Department of Public Health.

2 - 9 Report of Inspections

An inspectional report form shall be utilized that indicates violations of the Rules promulgated under the Illinois Food, Drug and Cosmetic Act and/or The Sanitary Inspections Law by representative item numbers 1 through 45 on such form. Such item numbers violated and a statement describing the violation should be indicated in the remarks section of said inspection report form. The section numbers from the Illinois Department of Public Health's publications currently titled, "Food Service Sanitation Rules and Regulations" and "Retail Food Store Sanitation Rules and Regulations", need not be referenced on such inspectional report form.

2 - 10 Office Conferences

Informal office conferences may be held between the Cook County Department of Public Health and the retail food establishment to discuss sanitation problems. A verbatim record of these informal conferences need not be made.

2 - 11 Public Display of License

The license provided for by this Ordinance shall at all times be publicly displayed in a conspicuous place in the retail food establishment for which the license has been issued. The form of display shall be such that affords convenient examination by the public.

ARTICLE III - License Requirements

3 - 1 License Required

After the effective date of this Ordinance, it shall be unlawful for any person or corporate entity to establish, maintain, conduct, or operate a retail food establishment within the jurisdiction of the Cook County Department of Public Health without first obtaining a valid license that has been issued by such regulatory authority to do so, except as otherwise noted in sections 3 - 1d. and 3 - 1e. A license shall be valid only in the hands of the person(s) to whom it has been issued and shall not be the subject of sale, assignment or other transfer, voluntarily or involuntarily, nor shall the license be valid for any premises other than those for which originally issued. Only a retail food establishment that complies with the requirements of this Ordinance shall be entitled to receive or retain such a license.

3 - 1a. License Year

The license year shall begin on the first day of January and end on the last day of December of each calendar year. Each license shall expire on the last day of the license year for which the license is issued.

3 - 1b. Renewal

The license required by this Ordinance shall be renewed annually in accordance with Article III.

3 - 1c. Application

The application to obtain a license shall be made on a form provided by the Cook County Department of Public Health for this purpose. Each application shall include: the establishment's name and address, telephone number, real estate index number, and any other requested information including but not limited to number of seats or square footage; the name, address and emergency telephone number of the applicant; the names, addresses and emergency telephone numbers of the partners if the applicant is a partnership; the names, addresses and emergency telephone numbers of the officers if the applicant is a corporation; or the names, addresses and emergency telephone numbers of all persons having a financial interest therein if the applicant is a group of individuals, association or trust. The form shall be properly, completely and accurately executed by the applicant and shall include the applicant's signature.

3 - 1d. Fees

All license fees shall be paid, by check, in the amount specified in Article V. Checks shall be made payable to the County Treasurer of Cook County and shall be collected by the Cook County Department of Public Health. The Cook County Department of Public Health may require that the fee be paid in the form of a Money Order, Certified Check, or a Cashier's Check. License fees are not refundable. An applicant that held a valid license, during the immediate past license year, issued by the Cook County Department of Public Health must submit their establishment's fee and properly executed application to such regulatory authority no later than thirty (30) days after the expiration date given in section 3 - 1a. Failure to do so will be sufficient grounds for immediate closure of the establishment without warning, notice, or hearing. Establishments that are so closed shall be allowed, upon payment of the proper fee and submission of their properly executed application, to renew their license in accordance with the provisions of this Ordinance. Applicants that have not held a valid license, during the immediate past license year, issued to them by such regulatory authority or whose establishment has been closed for over six (6) consecutive months must first submit their fee and application and also be approved for licensure prior to operating their establishment. Failure to do so will be sufficient grounds for immediate closure of their establishment without warning, notice, or hearing. There will be no fees collected for such licenses issued to eleemosynary, not for profit, religious, or tax exempt community groups and/or institutions. Such community groups and/or institutions must, however, comply with all other provisions of this Ordinance.

3 - 1e. Issuance of License

The properly executed application and proper fee shall be submitted to the Cook County Department of Public Health. An establishment operated by an applicant that held a valid license, during the immediate past license year, issued by the Cook County Department of Public Health shall be inspected by such regulatory authority within sixty (60) days after the receipt of such application and fee. An applicant previously holding such a license may continue to operate their establishment pending action on their license by the regulatory authority. When the inspection reveals that the applicable provisions of this Ordinance have been substantially complied with, a license shall be issued. This licensure inspection provision may be waived by the regulatory authority, and the license issued, if an inspection that was performed within the previous ninety (90) days showed substantial compliance with the provisions of this Ordinance. New establishments or establishments closed for over six (6) consecutive months or those establishments not operated by an applicant that held a valid license, during the immediate past license year, issued by the Cook County Department of Public Health shall be inspected by the regulatory authority within fourteen (14) days after the receipt of such application and fee. A license will be issued only after an inspection shows substantial compliance with the provisions of this Ordinance.

1f. Denial of License

In cases where the regulatory authority disapproves a license, a conditional license may be issued to allow the applicant time to comply with the Ordinance requirements. Failure to make the required corrections before the expiration date of the conditional license may be cause for immediate closure of the establishment.

3 - 2 Conditional License

A conditional license may be issued or an existing license may be withdrawn and a conditional license issued:

When structural defects, plumbing defects, electrical defects, ventilation defects, or other health code defects are found to exist in a retail food establishment but are not considered to be imminent health hazards, a Conditional License may be granted at the discretion of the regulatory authority to allow the business owner or operator a reasonable period of time to make the corrections that are required by law.

Under no circumstances shall a Conditional License be issued for more than two (2) consecutive twelve (12) month periods. However, the conditional license may be issued for any shorter period(s) of time at the discretion of the regulatory authority.

The purpose of a Conditional License is to allow a reasonable period of time for correction of existing violations in a retail food establishment.

3 - 3 Other Licenses Required

Seasonal, occasional, and temporary retail food establishments shall comply with all provisions of this Article except that the application and the required fee shall be due at least fourteen (14) days prior to the anticipated start of all operations.

3 - 3a. Seasonal Retail Food Establishment - Defined

Seasonal retail food establishments shall be deemed to mean those establishments that operate at a fixed location on essentially a continuous basis but that operate only for a portion of the year. This definition, seasonal retail food establishment, shall be utilized for the purpose of determining the license fee only. All applicable provisions and definitions that are included in the rules and regulations shall be utilized for inspectional purposes.

3 - 3b. Occasional Retail Food Establishment - Defined

Occasional retail food establishments shall be deemed to mean those establishments that operate at a fixed location during any or all portion(s) of the year and that are characterized by noncontinuous operations in conjunction with commercial enterprise. An example is an establishment that chooses to operate only on the weekend but not during the week. Certain such activities (eg. grocery store demonstrations) may be exempt from this license fee only if such activities occur within an establishment already licensed under this Ordinance and if such host establishment has paid a license fee in accordance with Article 5 - 1a or 5 - 1b. This definition, occasional retail food establishment, shall be utilized for the purpose of determining the license fee only. All applicable provisions and definitions that are included in the rules and regulations shall be utilized for inspectional purposes.

3 - 3c. Temporary Retail Food Establishments - Defined

Temporary retail food establishment shall be deemed to mean those establishments that operate at a fixed location for a period of time of not more than 14 consecutive days within a one year period in conjunction with a single event or celebration only. Examples may include carnivals, ethnic festivals, fairs, taste fests, or other similar events or outings. This definition, temporary retail food establishment, shall be utilized for the purpose of determining the license fee only. All applicable provisions and definitions that are included in the rules and regulations shall be utilized for inspectional purposes.

ARTICLE IV - Rules and Regulations

4 - 1 Rules and Regulations

The issuance, suspension, and revocation of licenses to operate retail food establishments, the prohibiting of sale of unsound or mislabeled food or drink, the enforcement of this Ordinance, shall be regulated in accordance with Chapter Ten, "Compliance Procedures", of the 1976 and all subsequent editions or amendments to the United States Food and Drug Administration's publication currently titled, "Food Service Sanitation Manual", except sections 10 - 601 and 10 - 602, in the "Compliance Procedures", concerning legal remedies such as penalties and injunctions. The inspection of food service establishments shall be regulated in accordance with the 1987 and all subsequent editions or amendments to the Illinois Department of Public Health's publication currently titled, "Food Service Sanitation Rules and Regulations", on file with the Secretary of State. The inspection of retail food stores shall be regulated in accordance with the 1987 and all subsequent editions or amendments to the Illinois Department of Public Health's publication currently titled, "Retail Food Store Sanitation Rules and Regulations", on file with the Secretary of State.

Three certified copies of the United States Food and Drug Administration's publication currently titled, "Food Service Sanitation Manual"; and three certified copies of each of the Illinois Department of Public Health's publications currently titled, "Food Service Sanitation Rules and Regulations", and "Retail Food Store Sanitation Rules and Regulations", shall be on file at the office of the Cook County Clerk.

4 - 2 Rules and Regulations Authorization

The Cook County Department of Public Health is hereby authorized to promulgate rules, regulations and/or guidelines for the interpretation and enforcement of this Ordinance. Said rules, regulations and/or guidelines when promulgated shall have the same force and effect as the provisions of this Ordinance. A copy of the applicable rules, regulations and/or guidelines shall be furnished to each applicant making an initial application for a retail food establishment license.

4-3 Codes

The operation of temporary food service establishments shall be regulated in accordance with the temporary food service establishment regulations that have been promulgated by the Cook County Department of Public Health. These regulations and all subsequent editions of these regulations are hereby made part of this Ordinance.

The operation of bulk food stores shall be regulated in accordance with the 1986 and all subsequent editions of the Illinois Department of Public Health's code that is currently titled, "Guidelines for Bulk Food Merchandising". This code is hereby adopted by reference.

4-4 Remedies - Penalties

Any licensee, person or officer who violates any provision of this Ordinance or any of the rules, regulations, and/or guidelines or any of the administrative provisions made for the interpretation and enforcement of this Ordinance, shall be subject to a fine of not less than \$100.00 per day nor more than \$5000.00 per day for each violation. Each non-compliance day shall constitute a distinct and separate violation.

ARTICLE V - License Fees

2-17-06  
Dupage

5 - 1. The annual license fee shall be as follows:

<u>5 - 1a. Where seating is provided (maximum seating capacity basis):</u>		
1 - 25	seats	\$100.00
26 - 100	seats	\$200.00
101 - 200	seats	\$300.00
201 seats and over		\$400.00

5 - 1b. Where seating is not provided (gross area basis):

Gross area up to 300 sq. ft.	\$50.00
301 - 600 sq. ft.	\$75.00
601 - 1000 sq. ft.	\$100.00
1001 - 1500 sq. ft.	\$150.00
1501 - 3000 sq. ft.	\$200.00
3001 - 6000 sq. ft.	\$250.00
6001 - 10000 sq. ft.	\$300.00
10001 - 20000 sq. ft.	\$350.00
Over 20000 sq. ft.	\$400.00

5 - 1c. Mobile Food Units \$75.00 -175.00

5 - 1d. Taverns (Where only beverages are served) \$100.00

5 - 1e. Packaged Liquor Stores \$75.00

5 - 1f. Day Care Centers \$50.00

5 - 1g. Occasional Retail Food Establishments (Conditional) \$75.00 175.00

5 - 2 Daily License Fee

Temporary Retail Food Establishments \$10.00 per day per each establishment

Remodel \$475

New Construction \$750

Basic Base Model - Dupage



5 - 3 Provisions for Prorating Annual License Fees

Whenever any licensee increases the number of seats or the gross area of the establishment, the licensee shall notify the Cook County Department of Public Health, so that the change in fee can be determined. Prorated fees shall be computed on the basis of the number of whole quarters remaining in that license year.

When an application is made during the license year for a new license to operate for the remaining portion of the year, the fee shall be prorated on the basis of the number of whole quarters remaining in that license year.

Seasonal retail food establishments shall have their annual fee prorated on the basis of the number of whole and partial quarters that the facility is in operation. Only those retail food establishments licensed under Article 5 - 1a or 5 - 1b shall be eligible for a seasonally prorated license.

**NOTES**