



AGENDA ITEM # 8E/F/G

**AGENDA ITEM EXECUTIVE SUMMARY
Village Board Meeting
August 23, 2021**

Item Title: 2017 FDA Food Code

Staff Contact: Brian Joanis, Assistant Village Administrator

VILLAGE BOARD ACTION

- 1. Pass an Ordinance amending the Municipal Code of the Village of Roselle by the addition of a new Article IV, Food Regulations and Restrictions, in Chapter 8, Health and Sanitation.**
- 2. Pass an Ordinance repealing Section 9-147, of Article III, Division 1, of Chapter 9, of the Code of Ordinances of the Village of Roselle.**
- 3. Pass an Ordinance amending Chapter 24, Article III, of the Municipal Code of the Village of Roselle.**

Executive Summary:

At the August 9, 2021, Village Board meeting the Board received a staff presentation recommending the Village adopt the 2017 FDA Food Code as the official Food Code of the Village. The 2017 Food and Drug Administration's (FDA) Food Code provides a model, much like the Village building codes, for local jurisdictions to better address the safety and protection of food offered at local retail and in food service establishments.

The Board concurred with staff's recommendation. Attached to this memo are three ordinances pertaining to the adoption of the FDA Food Code. The first formally adopts the FDA Food Code as the official Food Code of the Village by the addition of a new Article IV, in Chapter 8, Health and Sanitation of the Roselle Municipal Code. The second ordinance repeals Section 9-147, of Article III, Division 1, of Chapter 9, of the Roselle Municipal Code to better match codified verbiage with the standards of the newly adopted 2017 FDA Food Code in relation to food dealer establishments. The third ordinance amends Chapter 24 of the Roselle Municipal Code to include the Food Code in ordinance violations subject to local adjudication for enforcement purposes.

Implications:

Is this item budgeted? N/A

Any other implications to be considered? N/A

Attachments:

Ordinances

ORDINANCE NO. 2021-

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE VILLAGE OF ROSELLE BY THE ADDITION OF A NEW ARTICLE IV, FOOD REGULATIONS AND RESTRICTIONS, IN CHAPTER 8 HEALTH AND SANITATION

WHEREAS, The Village has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety and welfare of its citizens; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Roselle, DuPage and Cook Counties, Illinois, that:

SECTION 1: Chapter 8, titled “Health and Sanitation” is hereby amended by the addition of a new Article IV, to be entitled “Roselle Food Code” which shall read as follows:

ARTICLE IV. Roselle Food Code. The following regulations, standards and requirements set forth in the *2017 U.S. Public Health Service FDA Food Code*, and as may be amended, from time to time, shall be the Food Code of the Village of Roselle as follows:

- Annex 1: Compliance and Enforcement
- Annex 2: References
- Annex 3: Public Health Reasons/Administrative Guidelines
- Annex 4: Management of Food Safety Practices – Achieving Active Managerial Control of Foodborne Illness Risk Factors
- Annex 5: Conducting Risk – Based Inspections
- Annex 6: Food Processing Criteria
- Annex 7: Model Forms, Guides and Other Aids

Section 2: PENALTIES: The Village of Roselle shall be deemed the REGULATORY AUTHORITY as that term is defined in the 2017 US Public Health Service FDA Food Code. The REMEDIES set forth in Section 8-9 of the 2017 US Public Health Service FDA Food Code are hereby incorporated herein by this reference as if fully set forth, as remedies that may be imposed by the Roselle Administrative Hearing Officer: except that Sections 8-909 through 8-913 inclusive of the Roselle Municipal Code shall be the fines may be imposed by the Roselle administrative hearing officer upon a finding of guilty. All references to the hearing officer referenced in Sections 8-906.20, 8-906.30 and 8-906.40 shall mean the administrative hearing officer appointed under Section 24-3 of the Roselle Municipal Code.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3: That should any clause, sentence, paragraph or part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION 4: That this Ordinance shall be in full force and effect commencing this 23rd day of August 2021 and upon publication in accordance with the law.

AYES:

NAYS:

ABSTAIN:

ABSENT:

PASSED AND APPROVED this 23rd day of August, 2021

PUBLISHED IN PAMPHLET FORM this ____ day of August, 2021

David Pileski, Mayor

ATTEST:

Patricia E Burns, Village Clerk

ORDINANCE NO. 2021-

AN ORDINANCE REPEALING SECTION 9-147, OF ARTICLE III, DIVISION 1 OF CHAPTER 9, OF THE CODE OF ORDINANCES OF THE VILLAGE OF ROSELLE, DUPAGE AND COOK COUNTIES, ILLINOIS AND REPLACING IT WITH A NEW SECTION 9-147

WHEREAS, the Corporate Authorities of the Village of Roselle have determined that is in the best interest of the public health, safety and welfare to amend the Code of Ordinances of the Village of Roselle to reflect changes in food dealer establishment standards and practices; and,

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Roselle, DuPage and Cook Counties, Illinois, that Section 9-147, of Division 1, Article III, Chapter 9 the Code of Ordinances of the Village of Roselle is hereby repealed and rescinded in its entirety and replaced with a new Section 9-147 of the same Division, article and chapter which shall provide:

SECTION 1: Minimum Requirements for Risk Category 1, 2, and 3 Food Establishments shall be as follows:

Item 1. Floors. The floors of all rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be smooth, non-porous, light-colored, easily cleanable, and durable.

Item 2. Walls and ceilings. Shall all be kept clean and in good repair, all walls and ceilings of rooms in which food or drink is stored or repaired shall be finished in light color. The walls of all rooms in which food is prepared of utensils are washed shall be smooth, non-porous, easily cleanable, and durable up to the level reached by splash or spray.

Item 3. Doors and windows. All exterior openable windows shall be tightly screened with minimum 16 mesh per inch screening, and exterior doors shall be tight-fitting and self-closing. Alternatively, in addition to the above, openable doors and windows may also be equipped with other approved/effective means (such as mechanical air curtains) to prevent the entrance of flying insects.

Item 4. Lighting. All rooms shall be equipped with a minimum of fifty (50) foot candles of light. Light fixtures located above areas in which food or drink is stored, prepared, or served, or which utensils are washed, shall be equipped with effective light shields.

Item 5. Ventilation. All rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be well ventilated.

Item 6. Toilet facilities. Every restaurant shall be provided with adequate and conveniently located toilet facilities for its employees conforming with the ordinances of the Village. In restaurants hereafter constructed toilet rooms shall not open directly into any room in which food, drink, or utensils are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well lighted and ventilated. Handwashing signs shall be posted in each toilet room used by employees. No food establishments may be served by a private onsite sewage disposal system.

Item 7. Water supply: Hot and cold running water shall be provided in all potable water fixtures.

Item 8. Lavatory facilities. Adequate and convenient handwashing station shall be provided including hot and cold running water under pressure, dispensed hand soap and paper towels. Mechanical hand dryers are prohibited for use at kitchen hand sinks or restrooms available for employee use.

Item 9. Construction of utensils and equipment. All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a restaurant shall be so constructed as to be easily cleaned and shall be kept in good repair. Utensils containing or plated with cadmium or lead shall not be used; provided, that solder containing lead may be used for jointing.

Item 10. Cleaning and sanitizing treatment of utensils and equipment. All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, and sinks, shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters, chefs, and other employees shall be clean. Single-service containers shall be used only once. All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved sanitizing process after each usage. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved sanitizing process immediately following the day's operation. Use of cloth towels is prohibited.

Item 11. Storage and handling of utensils and equipment. After sanitizing treatment utensils shall be stored in a clean, dry place protected from flies, dust, and other contamination, and shall be handled in such a manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

Item 12. Disposal of wastes. All wastes shall be properly disposed of, and all garbage and waste shall be kept in covered receptacles, in such manner as not to become a nuisance.

Item 13. Refrigeration. All readily perishable food or drink shall be kept at or below forty-one (41) degrees Fahrenheit except when being prepared or served. Waste water from refrigeration equipment shall be properly disposed of.

Item 14. Wholesomeness of food and drink. All food and drink shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption. All milk, fluid milk products, ice cream, and other frozen desserts served shall be from approved sources. Milk and fluid milk products shall be served in the individual original containers in which they were received from the distributor or from a bulk container equipped with an approved dispensing device; provided, that this requirement shall not apply to cream, which may be served from the original bottle or from a dispenser approved for such service. All oysters, clams, and mussels shall be from approved sources, and if shucked shall be kept until used in the containers in which they were placed at the shucking plant with shellfish tags affixed.

Item 15. Storage, display, serving of food and drink. All food and drink shall be so stored, displayed, and served as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals or fowl shall be kept or allowed in any room in which food or drink is prepared or stored. All lawful means necessary for the elimination of flies, roaches, and rodents shall be used.

Item 16. Cleanliness of employees. All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils, or equipment. Employees shall not expectorate or use tobacco in any form in a room in which food is prepared.

Item 17. Miscellaneous. The premises of all restaurants shall be kept clean and free from litter or rubbish. None of the operations connected with a restaurant shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose.

SECTION 2: Section 9-148 and Section 9-149 of Chapter 9, Article III, Division 1, are hereby repealed and rescinded in their entirety.

SECTION 3: Should any clause, sentence, paragraph or part of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance as a whole, or any part thereof, other than the part so declared invalid.

SECTION 4: All ordinances or parts of ordinances in conflict with these provisions are hereby repealed to the extent of such inconsistency. In situations where ordinances or

codes that are in effect conflict with these provisions, the most restrictive ordinance or code will be applied.

SECTION 5: That this Ordinance shall be in full force and effect commencing this 23rd day of August 2021 and upon publication in accordance with the law.

AYES:

NAYS:

ABSTAIN:

ABSENT:

PASSED AND APPROVED this 23rd day of August, 2021

PUBLISHED IN PAMPHLET FORM this ___ day of August, 2021

David Pileski, Mayor

ATTEST:

Patricia E Burns, Village Clerk

ORDINANCE NO. 2021-

AN ORDINANCE AMENDING CHAPTER 24, ARTICLE III, OF THE MUNICIPAL CODE OF THE VILLAGE OF ROSELLE BY THE ADDITION OF NEW SUBSECTION (5) TO SECTION 24-27

WHEREAS, the Corporate Authorities of the Village of Roselle have determined that is in the best interest of public health, safety and welfare to amend the Roselle Municipal Code to reflect changes to the building, housing, zoning violations subject to administrative adjudication; and,

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Roselle, DuPage and Cook Counties, Illinois, that Section 1, Article III of Chapter 24 of the Roselle Village Code is hereby repealed and rescinded in its entirety and replaced with an amendment to Article III, Chapter 24 which shall provide as follows:

SECTION: 1 That Chapter 24, titled “Building, Housing and Zoning Code Hearing Department” Article III Section 24-27, is hereby amended by the addition of a new subsection 5 which shall read as follows:

(5) Those set forth in article IV “Roselle Food Code”, of [Chapter 8](#) "Health and Sanitation"; and

SECTION 2. All subsections after the new subsection 5, of section 24-7, of Article III of Chapter 24, shall be renumbered in numerical sequence.

SECTION 3: Should any clause, sentence, paragraph or part of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of the Ordinance as a whole, or any part thereof, other than the part so declared invalid.

SECTION 4: All ordinances or parts of ordinances in conflict with these provisions are hereby repealed to the extent of such inconsistency. In situations where ordinances or codes that are in effect conflict with these provisions, the most restrictive ordinance or code will be applied.

SECTION 5: Where applicable, violations of the adopted codes shall be enforced as outlined in Chapter 24 of the Code of Ordinances titled “Code Hearing Department”.

SECTION 6: That this Ordinance shall be in full force and effect commencing this 23rd day of August 2021 and upon publication in accordance with the law.

AYES:

NAYS:

ABSTAIN:

ABSENT:

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PUBLISHED IN PAMPHLET FORM this ____ day of August, 2021

David Pileski, Mayor

ATTEST:

Patricia E Burns, Village Clerk