

## CHAPTER 115: FOOD AND DRINK SALES

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#### Sec. 115.001 Short title.

This Chapter shall be known, and may be referred to and recited as "The Highland Park Food Ordinance." (Ord. 969, J. 4, p. 969, passed 6/10/57)

#### Sec. 115.005 Definitions.

For the purposes of this Chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(A) The term "restaurant" shall mean any restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain, school lunch, and all other establishments where foods or drinks are sold, as well as kitchens or other places in which foods or drinks are prepared for sale elsewhere; provided, however, that such establishments or kitchens operated solely by or for private clubs, fraternal organizations, eleemosynary organizations, educational institutions, or religious organizations, and kitchens used by caterers which are not located on premises operated as a concession, owned, or leased by the caterer as and for a restaurant or banquet facility, shall not be included within the term "restaurant. "

(B) The term "food store" shall mean grocery store, butcher store, delicatessen store, confectionery store, bakery store, milk store, butter and egg store, fruit and vegetable store, fish store, drug store, ice cream store, or any combination of the foregoing, or any place where food or drink is prepared, handled, stored, offered for sale, or sold at wholesale or retail.

(C) The term "employee" shall mean any person who shall handle food or drink during preparation, serving, or sale, or who comes in contact with eating or cooking utensils, or who is employed in a room in which food or drink is prepared, served, or sold.

(D) The term "utensils" shall include any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation or serving.

(E) The term "sanitarian" shall mean the person appointed by the City Manager to enforce this the regulations contained in this Chapter. (Ord. 36-86, J. 16, p. 645-663, passed 9/8/86)

(F) The word "person" shall mean any natural person or persons, partnership, firm, corporation, or association.

(G) The word "City" shall mean the City of Highland Park, Lake County, Illinois.

Sec. 115.010 Permits and licenses.

(A) Permits. It shall be unlawful for any person to operate a restaurant or food store in the City who does not possess an unrevoked permit from the sanitarian. Only persons who comply with the requirements of this Chapter and rules and regulations issued by the Board of Health of Lake County shall be entitled to receive and retain such a permit. Permits shall not be transferable. Such a permit may be temporarily suspended by the sanitarian upon the violation by the holder of any of the terms of this Chapter, or may be revoked by the sanitarian upon serious or repeated violations. Whenever a permit is revoked, the permittee shall be given the opportunity of a full hearing before the sanitarian. The sanitarian shall reinstate the permit if he finds that the permittee was in compliance with all of the applicable ordinances of the City at the time the permit was revoked.

(B) Licenses. Each person keeping, maintaining, or operating a restaurant or food store in the City shall annually, on or before the first day of January of each year, exhibit to the City Collector a permit, issued by the sanitarian as provided in this Section, and shall pay to the City Collector for each such establishment a license fee in the amount prescribed in the following schedule; whereupon, the City Collector shall issue a license of the City to such person, provided, however, that notwithstanding the provision of any other ordinance, any license or permit fee paid to the City for the privilege of conducting the business of a restaurant, food store, or for the regulation of the same, shall be credited against the license fees required herein and be the amount, if any, paid in excess of the fees required herein, shall be refunded to the applicant:

(1) For each establishment at which food or drink is sold or delivered for consumption on the dealer's premises having equipment to serve, at one time, not more than 20 persons, the rate set forth in the Annual Fee Resolution; not more than 100 persons, at the rate set forth in the Annual Fee Resolution; more than 100 persons, at the rate set forth in the Annual Fee Resolution. **(Ord. 35-03, J. 29, p. 134, passed 5/27/03)**

(2) For each establishment at which food or drink is sold or delivered for consumption in the City other than on the dealer's premises, at the rate set forth in the Annual Fee Resolution. **(Ord. 35-03, J. 29, p. 134, passed 5/27/03)**

(3) For each business which regularly delivers food or drink to consumers in the City, on request for such delivery, or for regular stops, at the rate set forth in the Annual Fee Resolution. (Ord. 36-86, J. 16, p. 645-663, passed 9/8/86, **Ord. 35-03, J. 29, p. 134, passed 5/27/03**)

Sec. 115.015 Public display of license and grade notice.

Every restaurant or food store shall display at all times, in a place designated by the sanitarian, an unrevoked license issued by the City Collector, as herein provided, and a notice approved by the sanitarian stating the grade of the establishment. (Ord. 969, J. 4, p. 969, passed 6/10/57) Penalty, see Sec. 115.999

Sec. 115.020 Unwholesome or adulterated food or drink.

(A) Samples of food, drink and other substances offered for human consumption in the City, may be taken and examined by the sanitarian as often as may be necessary for the detection of unwholesomeness or adulteration. The sanitarian shall forbid the sale of any food or drink or other substance found by him to be unwholesome, adulterated, misbranded, or unfit for human consumption, and shall cause the same to be forthwith removed from sale or destroyed.

(B) The sanitarian shall forbid the sale of milk and milk products in containers bearing dates beyond which sale is prohibited by ordinance, if offered for sale after such dates, and he shall forthwith remove same from sale. (Ord. 969, J. 4, p. 969, passed 6/10/57) Penalty, see Sec. 115.999

Sec. 115.025 Inspection of restaurants and food stores.

(A) At least once every six months, the sanitarian shall inspect every restaurant, food store, and other establishments in which food or drink is served or prepared, located within the City. One copy of the inspection report shall be posted by the sanitarian upon an inside wall of the restaurant, and said inspection report shall not be defaced or removed by any person except the sanitarian. Another copy of the inspection report shall be filed with the records of the sanitarian; and one copy of the inspection report shall be filed with the City Clerk.

(B) In case the sanitarian discovers the violation of any item of sanitation required for the grade then held he shall make a second inspection after the lapse of such time as he deems necessary for the defect to be remedied, and the second inspection shall be used in determining compliance with the grade requirements of this Chapter. Any violation of the same item of this Chapter on such second inspection shall be cause for the immediate

degrading or suspension of permit.

(C) The person operating the restaurant or food store shall, upon request of the sanitarian, permit access to all parts of the establishment and shall permit copying any or all records of food purchases. (Ord. 969, J. 4, p. 969, passed 6/10/57) Penalty, see Sec. 115.999

Sec. 115.030 Grading of restaurants.

The grading of all restaurants shall be based upon the following standards:

(A) Sanitation requirements for Grade A restaurants. All Grade A restaurants shall comply with all of the following items of sanitation:

(1) Floors: The floors of all rooms in which food or drink are stored or prepared, or in which utensils are washed, shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair.

(2) Walls and ceilings: Walls and ceilings in all rooms in which food or drink are stored or prepared, or utensils are washed, shall be finished in light color, with washable surface up to the level reached by splash or spray, and shall be kept clean and in good repair.

(3) Doors and windows: When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.

(4) Lighting: All rooms in which food or drink is stored or prepared, or in which utensils are washed, shall be well lighted.

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

(6) Toilet facilities: Adequate and conveniently located toilet facilities in conformance with the ordinances of the City shall be provided for employees of restaurants and food stores. In establishments 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. Hand-washing signs shall be posted in each toilet room used by employees.

(7) Water supply: Running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed, and the water shall be adequate in quantity and of a safe sanitary quality.

(8) Lavatory facilities: Adequate and convenient handwashing facilities shall be provided, including hot and cold running water, soap and individual cloth or paper towels. The use of a common towel is prohibited.

(9) Construction of utensils and equipment: All multi-use utensils and all

show and display cases, windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils, used in connection with the operation of an establishment shall be so constructed and located 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, however, that solder containing lead may be used for jointing.

(10) Cleaning and bactericidal treatment of utensils and equipment: All equipment, including display cases, windows, counters, shelves, tables, meat blocks, 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 multiple-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils and equipment used in the preparation or serving of food and drink, shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for a single purpose. No article, polish or other substance containing any cyanide preparation or other poisonous material shall be used for the cleaning or polishing of utensils.

(11) Storage and handling of utensils and equipment: After bactericidal 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 minimize the opportunity for contamination. 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.

(12) Disposal of wastes: All refuse shall be disposed of in accordance with "The Highland Park Refuse Ordinance of 1956" or as the same may be amended from time to time. (See Chapter 96)

(13) Refrigeration: All readily perishable food and drink shall be kept at or below 50° F. except when being prepared and served. Waste water from refrigeration equipment shall be properly disposed of.

(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 or sold, shall be pasteurized or certified products. 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 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. Milk and milk products shall not be sold after 11:59 p.m. of the date appearing on the container. All oysters, clams, and mussels shall be from federal approved sources and, if shucked, shall be kept until used in the containers in which they were placed at the shucking plant.

(15) Storage, display and serving of food and drink: All foods 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 are prepared or stored. All means necessary for the elimination of flies, roaches and rodents shall be used. All food and drink shall be protected to prevent contamination while being delivered.

(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 rooms in which food is prepared. All employees shall wash hands with soap and water after going to the toilet.

(17) Miscellaneous: All premises shall be kept clean and free of litter or rubbish. No operations connected with a food establishment shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees; clothing shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose.

(B) Grade B restaurants are those which fail to comply with items (1), (2), (4) (5) or (17), but which conform with all other items of sanitation required for Grade A restaurants.

(C) (Ord. 969, J.4, p.969, passed 6/10/57; deleted, Ord. 36-86, J. 16, p. 645-663, passed 9/8/86)

Sec. 115.035 Restaurants and food stores which may operate.

From and after three months from the date on which this Chapter takes effect, no restaurant or food store shall be operated in the City unless it conforms with the requirements of this Chapter; provided, that when any restaurant or food store fails to qualify, the sanitarian is authorized to suspend the permit of the restaurant or food store and permit its operation during a temporary period not exceeding 30 days. (Ord. 969, J. 4, p. 969, passed 6/10/57)

Sec. 115.040 Reinstatement of permit; supplementary regrading.

(A) Any restaurant the grade of which has been lowered and all grade displays have been changed accordingly, or restaurant, or food store, the permit of which has been suspended, may at any time make application for regrading or for reinstatement of the permit.

(B) Within one week after the receipt of a satisfactory application, accompanied by a statement signed by the applicant to the effect that the violated provision or provisions of this Chapter have been conformed to, the sanitarian shall make a reinspection, and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is complying with the requirements, and, in case the finding indicates compliance, shall award the higher grade or reinstate the permit. (Ord. 969, J. 4, p. 969, passed 6/10/57)

Sec. 115.045 Disease control.

No person who is affected with any disease in a communicable form or is a carrier of such disease shall work in any restaurant or food store and no restaurant or food store shall employ any such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease. If the operator of a restaurant or food store suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the sanitarian immediately. A placard containing this Section shall be posted in all toilet rooms. (Ord. 969, J. 4, p. 969, passed 6/10/57)

Sec. 115.050 Procedure when infection is suspected.

(A) When suspicion arises as to the possibility of transmission of infection from any restaurant or food store employee, the sanitarian is authorized to require any or all of the following measures:

- (1) The immediate exclusion of the employee from all restaurants or food stores;
- (2) The immediate closing of the restaurant or food store concerned until no further danger of disease outbreak exists, in the opinion of the sanitarian;
- (3) Adequate medical examination of the employee and of his associates, with such laboratory examinations as may be indicated. (Ord. 969, J. 4, p. 969, passed 6/10/57)

Sec. 115.055 Enforcement and interpretation.

The sanitarian is hereby designated as the enforcing officer of this Chapter. Interpretation of the provisions of this Chapter shall be based on rules and regulations adopted by the Board of Health of the City of Highland Park and of the current edition of the U. S. Public Health Service Publication No. 37, a copy of which shall be on file in the office of the City Clerk. (Ord. 969, J. 4, p. 969, passed 6/10/57)

Sec. 115.500 Beverage containers.

Sec. 115.501 Title.

This ordinance (Sections 115.501 through 115.535 and alternate Section 115.999) shall be known as the "Highland Park Beverage Container Ordinance". (Ord. 34-78, J. 13, p. 2119, passed 8/14/78)

Sec. 115.505 Definitions.

As used in this Chapter, unless the context requires otherwise:

- (1) "Carbonated beverage" means beer or other malt beverages and mineral waters, soda water and similar carbonated soft drinks in liquid form and intended for human consumption.
- (2) "Beverage container" means the individual, separate, sealed glass, metal or plastic bottle, can, jar or carton containing a carbonated beverage.

(3) "Consumer" means every person who purchases a beverage in a beverage container for use or consumption.

(4) "Dealer" means every person in this municipality who engages in the sale of carbonated beverages in beverage containers to a consumer.

(5) "Distributor" means every person who engages in the sale of carbonated beverages in beverage containers to a dealer in this municipality including any manufacturer who engages in such sales.

(6) "In this municipality" means within the corporate limits of the City of Highland Park.

(7) "Manufacturer" means every person bottling, canning or otherwise filling beverage containers for sale to distributors or dealers.

(8) "Place of business of a dealer" means the location at which a dealer sells or offers for sale carbonated beverages in beverage containers to consumers.

(9) "Use or consumption" includes the exercise of any right or power over a carbonated beverage incident to the ownership thereof, other than the sale or the keeping or retention of a carbonated beverage for the purposes of sale. (Ord. 34-78, J. 13, p. 2119, passed 8/14/78)

Sec. 115.510 Refund value.

Every carbonated beverage container sold or offered for sale in this municipality shall have a refund value of not less than five cents, which value shall be plainly marked thereon in accordance with the requirements of Section 115.525. (Ord. 34-78, J. 13, p. 2120, passed 8/14/78)

Sec. 115.515 Refusal to accept returns or pay refund.

Except as provided in Section 115.520 of this Chapter:

(1) No dealer shall refuse to accept from a consumer any empty beverage containers of the kind, size and brand sold by the dealer, or refuse to pay to the consumer the refund value of a beverage container as established by Section 115.510 and marked as required by Section 115.525 of this Chapter.

(2) No distributor shall refuse to accept from a dealer any empty beverage containers of the kind, size and brand sold by the distributor, or refuse to pay the dealer the refund value of a beverage container as established by Section 115.510 and marked as required by Section 115.525 of this Chapter. (Ord. 34-78, J. 13, p. 2120, passed 8/14/78)

Sec. 115.520 Exceptions.

A dealer may refuse to accept from a consumer, and a distributor may refuse to accept from a dealer, any empty beverage container which does not state thereon a refund



value as established by Section 115.510 of this Chapter. (Ord. 34-78, J. 13, p. 2120, passed 8/14/78)

Sec. 115.525 Method of marking.

(1) Every beverage container sold or offered for sale in this municipality by a dealer shall clearly indicate by embossing or by a stamp, or other method securely affixed to the beverage container, the refund value of the container.

(2) Subsection (1) of this Section shall not apply to glass beverage containers designed for beverages having a brand name permanently marked thereon which, on the operative date of this ordinance (Sections 115.501 through 115.535 and alternate Section 115.999) had a refund value of not less than five cents.

(3) No person shall sell or offer for sale at retail in this municipality any metal beverage container so designed and constructed that in opening the container, a part of the container is detachable without the aid of a can opener or other tool or device. (Ord. 34-78, J. 13, p. 2120, passed 8/14/78)

Sec 115.535 Effective date.

This ordinance (Sections 115.501 through 115.535 and alternate Section 115.999) shall not become effective until an ordinance containing substantially the same provisions as set forth in Sections 115.501 through 115.525 hereof shall have been adopted by eight of the following municipalities: Deerfield, Evanston, Glencoe, Glenview, Highland Park, Highwood, Kennilworth, Lake Forest, Northbrook, Northfield, Wilmette and Winnetka, at least three of which eight shall be communities immediately contiguous to the City of Highland Park. This ordinance shall apply to all beverage containers sold or offered for sale after this ordinance becomes effective as aforesaid. (Ord. 34-78, J. 13, p. 2121, passed 8/14/78)

Sec. 115.998 Repeal of conflicting ordinances.

All ordinances or parts of ordinances in conflict herewith, and specifically Chapter XLII of the Highland Park Code of 1919, as amended, are hereby repealed. (Ord. 969, J. 4, p. 969, passed 6/10/57; Ord. 1003, J. 4, p. 1003, passed 7/22/57)

Sec. 115.999 Penalty.

Whoever violates any of the provisions of this Chapter shall be fined not less than \$5 nor more than \$200 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 969, J. 4, p. 969, passed 6/10/57)

Alternate Sec. 115.999 Penalty.

(A) General. Whoever violates any of the provisions of Sections 115.001 through 115.055 shall be fined not less than \$5 nor more than \$200 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(B) Beverage containers. (1) Any person, firm or corporation, who violates Sections 115.510, 115.515 or 115.525 of this Chapter shall, upon conviction, be punished by a fine of not less than \$10 nor more than \$500 for each offense.

(2) In addition to the penalty prescribed by Subsection (1) above, the City Council may revoke or suspend the license of any person, firm or corporation required by any provision of "The Highland Park Code of 1968" as amended, to have a license who willfully violates Sections 115.510, 115.515 or 115.525. (Ord. 34-78, J. 13, p. 2121, passed 8/14/78)