

CHAPTER 620: RESTAURANT OPERATION

SECTION 620.010: DEFINITIONS

The following definitions shall apply to the interpretation and enforcement of this Chapter:

EMPLOYEE: Any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room in which food or drink is prepared or served.

HEALTH COMMISSIONER: The individual occupying that office or any other person duly appointed or authorized by the Board of Trustees to assist in the enforcement of the provisions of this Chapter.

PERSON: Any person, firm, corporation or association.

RESTAURANT: Restaurant, coffee shop, cafeteria, short order cafe, grill, luncheonette, sandwich shop, soda fountain, food vending cart, and all other eating establishments, as well as kitchens or other places in which food or drink is prepared for sale elsewhere.

UTENSILS: Any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.

SECTION 620.020: EXAMINATION--CONDEMNATION OF FOOD OR DRINK

Samples of food, drink, and other substances may be taken and examined by the Cole County Department of Health as often as may be necessary for the detection of unwholesomeness, spoilage or adulteration. The Cole County Department of Health may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink which is unwholesome, spoiled or adulterated.

SECTION 620.030: INSPECTION--REPORT

A. The Board of Trustees may cause an inspection to be made of every restaurant located within the Village as they deem appropriate. In case violations of any item of sanitation required is discovered, a second (2nd) inspection shall be made after the lapse of such time as deemed necessary by the Cole County Department of Health and/or the Board of Trustees for the defect to be remedied, and the second (2nd)

inspection shall be used in determining compliance with the requirements of this Chapter. Any violation of the same item of this Chapter on such second (2nd) inspection shall call for suspension of permit or such other penalty as in this Chapter is provided.

B. One (1) copy of the inspection report shall be posted by the Board of Trustees upon an inside wall of the restaurant, and said inspection shall not be defaced or removed except with the Board's permission.

C. The person operating the restaurant shall upon request of the Board of Trustees, permit access to all parts of the establishment and shall permit copying of any or all records of food purchased.

SECTION 620.040: WITHDRAWAL OR SUSPENSION OF BUSINESS LICENSE

The license to operate within the Village may be withdrawn or suspended following a repeat violation of the same item(s) of this Chapter on a second (2nd) inspection upon majority vote of the Board of Trustees at a regular or special meeting and no restaurant shall be allowed reinstatement of its license without presenting to the Board or its representative written statement certifying that all defect(s) have been corrected. Upon reinspection the suspended license may be reinstated by the Board of Trustees. In the event a license shall have been withdrawn due to violations of this Chapter, such license shall not be reinstated prior to the expiration of seven (7) days and the payment of any fines as listed in [Section 620.090](#).

SECTION 620.050: STANDARDS

All restaurants within the Village shall comply with all of the following items of sanitation:

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

2. Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is stored or prepared shall be finished in light color. The walls of all rooms in which food or drinks are prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.

3. 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. All rooms in which food or drink is stored or prepared, or in which utensils are washed, shall be well lighted.

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

6. Every restaurant shall be provided with adequate and conveniently located restroom facilities for its employees and customers. In restaurants hereafter constructed, restrooms shall not open directly into any room in which food, drink or utensils are handled or stored. The doors of all restrooms shall be self-closing. Restrooms shall be kept in a clean condition, in good repair, and well lighted and ventilated. Hand-washing signs shall be posted in each restroom used by employees.

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

8. Adequate and convenient hand-washing facilities shall be provided, including hot and cold running water, soap and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the restroom without first washing his/her hands.

9. 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 except that solder containing lead may be used for jointing.

10. 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.

11. All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal 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 bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purpose.

12. No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for the cleaning or polishing of utensils.

13. After bacterial 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.

14. All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable receptacles, in such manner as not to become a nuisance.

15. All readily perishable food and drink shall be kept at or below fifty degrees (50°F) Fahrenheit except when being prepared or served. Wastewater from refrigeration equipment shall be properly disposed of.

16. 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 directly from individual containers in which they were received from the distributor or from a bulk container equipped with an approved dispensing device; but 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.

17. 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 fowls shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies, roaches, and rodents shall be used.

18. 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.

19. The premises of all restaurants shall be kept clean and free of litter or rubbish. None of the operations connected with a restaurant shall be conducted in any room used as living or sleeping quarters. Adequate locker 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. Refuse containers shall be maintained within a reasonable distance from the kitchen facilities and shall be of adequate size and design to ensure that contents placed therein are covered at all times. Boxes, and other rigid containers shall be flattened prior to disposal. Liquid wastes shall be stored in a sealed container if not discharged through the interior waste system. (Ord. No. 82-9 §5, 6-23-82)

SECTION 620.060: 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, and no restaurant 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 restaurant manager suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease he/she shall notify the Board of Trustees immediately. A placard containing this Section shall be posted in all restrooms. All restaurant employees shall have an annual chest X-ray and all new employees shall have a pre-employment X-ray prior to beginning work, which has been made within the last twelve (12) months.

SECTION 620.070: PROCEDURE WHEN INFECTION SUSPECTED

When suspicion arises as to the possibility of transmission of infection from any restaurant employee the Board of Trustees may require any or all of the following measures:

1. The immediate exclusion of the employee from all restaurants.
2. The immediate closing of the restaurant concerned until no further danger of disease outbreak exists, in the opinion of the Board of Trustees or any competent governmental authority.

SECTION 620.080: ENFORCEMENT GUIDANCE

This Chapter shall be enforced by the Board of Trustees in accordance with the interpretations thereof contained in the United States Public Health Service Code Regulating Eating and Drinking Establishments.

SECTION 620.090: OTHER PENALTIES

- A. If a third (3rd) inspection of a restaurant shall be required to determine abatement of any condition previously noted and reinspected, the actual cost of said inspection shall be billed to the licensee and the payment of said bill shall be a condition precedent to the reinstatement of the business license if such shall have been suspended or withdrawn or shall otherwise become a charge against the annual licensing fee.
- B. Any person who violates any provision of this Chapter shall upon conviction be fined not less than five dollars (\$5.00) nor more than three hundred dollars (\$300.00), or be imprisoned in the County Jail not less than three (3) days nor more than ninety (90) days, or by both such fine and imprisonment. Each day of such violation shall constitute a separate offense.