

141-O-17**AN ORDINANCE****Amending the Definition of "Food Establishment" in Section 8-6-2 of the Evanston City Code**

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: The definition of "Food Establishment," as defined in Section 8-6-2 of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

<i>FOOD ESTABLISHMENT.</i>	An operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption such as a restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and that relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.
	(A) A food establishment includes: <ol style="list-style-type: none"> 1. An element of the operation such as a transportation vehicle or a central preparation facility that supplies a satellite feeding location; and 2. An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food.
	(B) A food establishment does not include: <ol style="list-style-type: none"> 1. An establishment that offers only prepackaged foods that are not potentially hazardous. 2. A produce stand that offers only whole, uncut fresh fruits and vegetables.

	<ol style="list-style-type: none"> 3. A food processing plant. 4. A kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function such as a religious or charitable organization's bake sale if the consumer is informed by a clearly visible placard at the sale or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the public health director. 5. An area where food that is prepared in Subsection (B)4 of this definition is sold or offered for human consumption. 6. A kitchen in a private home, such as a small family daycare provider; or a bed and breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed six (6), breakfast is the only meal offered, the number of guests served does not exceed eighteen (18), and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area stating the food is prepared in a kitchen that is not regulated and inspected by the public health inspector; or 7. A private residential structure not open the public that receives catered or home delivered food or is leased to more than one person and contains a communal kitchen used by the lessees and guests of the lessees.
	<p>(C) Category I Facility: A food establishment that presents a high relative risk of causing food borne outbreaks and/or the type of population served by the facility. Category I facilities include those where the following operations occur:</p> <ol style="list-style-type: none"> 1. Cooling of potentially hazardous foods as part of the food handling operation at the facility; 2. Potentially hazardous foods that are prepared hot or cold and held hot or cold for more than twelve (12) hours before serving; 3. Potentially hazardous cooked and cooled food that must be reheated; 4. Potentially hazardous foods that are prepared for off premises service for which time-temperature requirements during transportation, holding and service are relevant; 5. Complex preparation of food or extensive handling of

	<p>raw ingredients with hand contact for ready to eat foods that occurs as part of the food handling operations at the facility;</p> <ol style="list-style-type: none"> 6. Vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level; or 7. Where immunocompromised individuals (the elderly, children under age 4, or pregnant women) comprise the majority of the consuming population.
	<p>(D) Category II Facility: A food establishment that presents a medium relative risk of causing food borne illness based upon a few food handling operations typically implicated in food borne illness outbreaks. Category II facilities include those where the following operations occur:</p> <ol style="list-style-type: none"> 1. Hot or cold foods are held at required temperatures for no more than twelve (12) hours and are restricted to same day service; 2. Food prepared from raw ingredients that requires only minimal assembly; or 3. Food that requires complex preparation (fresh, canned or frozen) is obtained from approved food processing plants, category I food establishments or retail food stores.
	<p>(E) Category III Facility: A food establishment that presents a low relative risk of causing food borne illness based upon few or no food handling operations typically implicated in food borne illness outbreaks. Category III facilities include those where the following operations occur:</p> <ol style="list-style-type: none"> 1. Only prepackaged foods are available or served in the facility and any potentially hazardous foods are commercially prepackaged in an approved processing plant; 2. Only limited preparation of nonpotentially hazardous foods and beverages (snack foods and carbonated beverages) occurs at the facility; or 3. Only beverages (alcoholic or nonalcoholic) are served at the facility.

SECTION 2: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and must be received in evidence as provided by the Illinois Compiled Statues and the courts of the State of Illinois.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.


SECTION 4: This ordinance must be in full force and effect after its passage, approval, and publication in the manner provided by law.

SECTION 5: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity must not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Introduced: Dec 11th, 2017

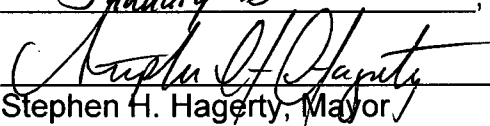
Adopted: January 8th, 2018 ^{or}

Attest:



Devon Reid, City Clerk

Approved:

January 16, 2018 ^{at}


Stephen H. Hagerty, Mayor

Approved as to form:



W. Grant Farrar, Corporation Counsel