

Chapter 9

FOOD AND FOOD HANDLERS*

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ARTICLE I. IN GENERAL

Sec. 9-1. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Food shall include beverages.

Food dealer shall mean and include every person engaged in conducting or operating any of the following businesses:

- (1) Fruit stores, or establishments for the retail sale of fresh fruit and berries.
- (2) Grocery stores, or establishments for the retail sale of butter, cheese, vegetables or other provisions.
- (3) Retail candy stores.
- (4) Ice cream parlors.
- (5) Meat markets or establishments for the retail sale of fresh meat, poultry or fish.

* State law references--Authority of Village to inspect foodstuffs and to regulate the sale thereof and the places where food is sold or consumed, 65 ILCS 5/11-20-1 et seq.; state sanitary requirements for food handling establishments, 410 ILCS 650/1

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- (6) Bakeries, or any establishment for the mixing, compounding or baking for sale of any bread or bread-stuffs, or any food product of which flour or meal is the principal ingredient; provided that places where such foodstuffs are baked in restaurant kitchens for consumption in such restaurant only, or in dwellings where such foodstuffs are baked on ordinary stoves or ranges for consumption there shall not be considered as bakeries.
- (7) Any establishment for the sale of food, nonalcoholic beverages, or candy at retail for human consumption, other than a licensed restaurant.
- (8) The sale of any food or beverage by means of a coin-operated vending machine shall be construed as conducting the business of a food dealer. (Code 1958, Secs. 12.101, 12.111)

Sec. 9-2. Food dealer's license required.

It shall be unlawful for any food dealer to engage in or do business in the Village without having first secured a license therefor. (Code 1958, Sec. 12.102)

Cross reference-Licenses generally, Sec. 12-1 et seq.

Sec. 9-3. Application for food dealer's license; contents.

Applications for licenses required by this article shall state the kind of food intended to be sold or handled. (Code 1958, Sec. 12.102)

Sec. 9-4. Reserved.

Editor's note-Ord. No. 82-15, 3, adopted Sept. 15, 1982, repealed 9-4, specifying the license fee for a food dealer's license. Said section was derived from Code 1958, Sec. 12.102.

Sec. 9-5. Inspection prior to issuance of license.

All applications for a license to conduct a business connected with the storage, handling, sale or preparation of food or drink intended for human consumption shall be referred to the county health inspector, who shall make or cause to be made an investigation of the premises to be used, and report his findings thereon recommending or advising against the issuance of the license. (Code 1958, Sec. 12.107)

Sec. 9-6. Licensing of more than one business.

Any person licensed to sell any of the foods or beverages for the sale of which a license is required

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by the terms of this Chapter may conduct on the same premises and in connection with the licensed business any other business mentioned in this Chapter without paying any additional fee therefor; provided that the fee paid for the licensed business is at least as great an amount as the fee required for the other business so conducted; however, this Section shall not be so construed as to relieve any such applicant from the regulatory requirement to such business. (Code 1958, Sec. 12.108)

Sec. 9-7. Term of license.

The license year for a food dealer's license shall be the same as the fiscal year for the Village. (Code 1958, Sec. 12.102)

Sec. 9-8. Revocation of license.

Any food dealer's license may be revoked by the Village President for repeated violation of the provisions of this Chapter, or for any violations of any other Ordinance relating to the conduct of the premises, the article sold, or to the license required. Such license may also be revoked by the Village President upon recommendation of the county health inspector after an investigation by said inspector. (Code 1958, Sec. 12.103)

Sec. 9-9. Adulterated food prohibited.

It shall be unlawful to sell, offer for sale, or keep for such purpose, any food or drink intended for human consumption which has been adulterated by any material harmful in any way, or which does not comply with the State law governing the same. (Code 1958, Sec. 12.105)

Sec. 9-10. Unwholesome food prohibited; condemnation of food.

- (a) No person shall offer for sale, or keep for the purpose of selling or offering for sale, any food of any kind intended for human consumption which is spoiled or tainted or is unwholesome and unfit for human consumption for any reason.
- (b) All tainted or unwholesome food intended for human consumption may be condemned by the Village, and shall thereupon be seized and destroyed by the county health inspector or any policeman. (Code 1958, Secs. 12.104, 17.301)

Sec. 9-11. Examination of unwholesome or adulterated food or drink.

Samples of food, drink, and other substances may be taken and examined by the county health officer as often as may be necessary for the detection of unwholesomeness or adulteration. (Code 1958, Sec. 12.303)

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Sec. 9-12. Premises to be sanitary; unlawful accumulations of waste.

Premises used for the sale or storage of food intended for human consumption must be kept in a clean and sanitary condition. It shall be unlawful to permit any accumulation of refuse or waste of any kind to remain thereon for more than twenty-four (24) hours, and it shall be unlawful to permit any decaying animal or plant material to remain on such premises. (Code 1958, 12.106)

Sec. 9-13. Flies and vermin.

Premises used for the storage, preparation or sale of food intended for human consumption shall be kept free from flies and vermin and rodents. (Code 1958, 12.109)

Sec. 9-14. Use of common drinking cups.

It shall be unlawful to maintain any common drinking cup, or cups, dipper or other similar utensil, for the use of more than one (1) person in any public hall, theater, store or other place frequented by the public. (Code 1958, Sec. 17.309)

Sec. 9-15. Utensils to be cleaned and sterilized.

Utensils for personal use in all places serving food or drink to the public shall be thoroughly cleaned and sterilized after each such usage. (Code 1958, 17.310)

Sec. 9-16. Employees to be clean; free from disease.

All persons engaged in handling or coming in contact with food intended for sale for human consumption shall keep themselves clean, both as to person and clothing. It shall be unlawful for any person who is afflicted with, or a carrier of, any infectious or contagious disease to handle or be engaged in the care or preparation of any such food; and it shall be unlawful to permit any such person to be employed in or about any premises where food is stored, prepared or sold, or to deliver such food. (Code 1958, Sec. 12.110)

Secs. 9-17--9-26. Reserved.

ARTICLE II. RESTAURANTS

DIVISION 1. GENERALLY

Sec. 9-27. Definitions.

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For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Employee shall mean 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 officer shall mean the health officer of the county or his authorized representatives.

Itinerant restaurant shall mean a restaurant operating for a temporary period in connection with a fair, carnival, circus, public exhibition, church, club, or other similar gathering.

Restaurant shall mean and include any restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, sandwich-stand, soda fountain, school lunchroom and any other public eating or drinking establishments, as well as kitchens or other places in which food or drink is prepared for sale elsewhere.

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. (Code 1958, Sec. 12.301)

Sec. 9-28. License required.

It shall be unlawful for any person to operate a restaurant or itinerant restaurant in the Village who does not possess an unrevoked license from the Village Clerk. (Code 1958, Sec. 12.302)

Cross reference-Permits generally, Sec. 12-1 et seq.

Sec. 9-29. License to be posted.

A license issued pursuant to this Article shall be posted in a conspicuous place in that part of the restaurant to which the public has access. (Code 1958, Sec. 12.302)

Sec. 9-30. Suspension and revocation of license.

A license issued pursuant to this Article may be temporarily suspended by the health officer upon the violation by the holder of any of the terms of this Article, or revoked after an opportunity for a hearing by the county health officer upon serious or repeated violations. (Code 1958, Sec. 12.302)

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Sec. 9-31. Reserved.

Editor's note-Section 9-31, specifying the license fee for restaurants, derived from Code 1958, Sec. 12.304, was repealed by Ord. No. 82-15, Sec. 3, enacted Sept. 15,1982.

Sec. 9-32. Term of license; prorating fee.

Licenses issued pursuant to this division shall expire on the last day of the fiscal year for the Village. New establishments opening after the beginning of the fiscal year shall pay a fee on a monthly pro rata basis.

Sec. 9-33. Periodic inspections; remedy of violations; second inspection; revocation.

- (a) At least once every four (4) months the county health officer shall inspect every restaurant located within the Village. In case the county health officer discovers the violation of any item of sanitation, 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 requirements of this Article. Any violation of the same item of this Article on such second inspection shall call for immediate suspension of the license.
- (b) One (1) copy of the inspection report shall be posted by the county health officer upon an inside wall of the restaurant, and said inspection report shall not be defaced or removed by any person except the county health officer. Another copy of the inspection report shall be filed with the records of the Village.
- (c) The person operating the restaurant shall upon request of the county health officer allow access to all parts of the establishment and shall furnish a list of suppliers of food. (Code 1958, Sec. 12.305)

Sec. 9-34. Reinstatement of license.

Any restaurant, the license of which has been suspended may at any time make application for the reinstatement of the license. Within one (1) 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 these rules and regulations have been conformed with, the county health officer shall make a re-inspection, and thereafter as many additional re-inspections as may be necessary to show that the applicant is again complying with the requirements, and, in case the findings indicate compliance, he shall reinstate the license. (Code 1958, Sec. 12.308)

Sec. 9-35. Cleanliness of employees.

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All employees shall wear 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 or served. All female employees shall wear hairnets or a suitable headband while engaged in the preparation or serving of food or drink. (Code 1958, Sec. 12.306)

Sec. 9-36. Diseased employees prohibited; notice when employee is suspected of being diseased.

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 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 shall notify the health officer immediately. (Code 1958, 12.309)

Sec. 9-37. Action when employee is suspected of being diseased.

When suspicion arises as to the possibility of transmission of infection from any restaurant employee, the county health officer is authorized to 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 health officer.
- (3) An adequate medical examination of the employee and of his associates, with such laboratory examinations as may be indicated. (Code 1958, 12.311)

Sec. 9-38. Operation of itinerant restaurants.

Itinerant restaurants shall be constructed and operated in an approved manner. (Code 1958, 12.307)

Sec. 9-39. Enforcement and interpretation.

This Article shall be enforced by the health officer in accordance with the interpretations thereof contained in the latest edition of the U.S. Public Health Service Code regulating Eating and Drinking Establishments, a certified copy of which shall be on file at the Village Clerk's office. (Code 1958, Sec. 12.311)

Secs. 9-40--9-44. Reserved.

DIVISION 2. SANITATION REQUIREMENTS

Sec. 9-45. Floors.

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 smooth, and shall be kept clean and in good repair. (Code 1958, Sec. 12.306)

Sec. 9-46. Walls and ceilings.

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 a light color. The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray. (Code 1958, Sec. 12.306)

Sec. 9-47. 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. (Code 1958, Sec. 12.306)

Sec. 9-48. Lighting.

All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted. (Code 1958, Sec. 12.306)

Sec. 9-49. Ventilation.

All rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be well ventilated. (Code 1958, 12.306)

Sec. 9-50. Toilet facilities.

Every restaurant shall be provided with adequate and conveniently located toilet facilities for its employees. 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. A reasonable effort shall be made to keep toilet rooms in a clean condition, in good repair,

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and well lighted and ventilated. Hand-washing signs shall be posted in each toilet room used by employees. (Code 1958, 12.306)

Sec. 9-51. Water supply.

Hot and cold 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. (Code 1958, Sec. 12.306)

Sec. 9-52. Lavatory facilities; use by employees.

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 toilet room without first washing his hands. (Code 1958, Sec. 12.306)

Sec. 9-53. 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; however, solder containing lead may be used for jointing. (Code 1958, Sec. 12.306)

Sec. 9-54. Cleaning and bactericidal treatment of utensils and equipment.

- (a) 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.
- (b) 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.
- (c) No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for the cleaning or polishing of utensils. (Code 1958, Sec. 12.306)

Sec. 9-55. 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 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. (Code 1958, Sec. 12.306)

Sec. 9-56. Disposal of wastes.

All wastes shall be properly disposed of in such manner as not to become a nuisance. All garbage and trash shall be kept in tight, nonabsorbent and easily washable receptacles, which are covered with close fitting lids while pending removal. (Code 1958, Sec. 12.306)

Sec. 9-57. Refrigeration; disposal of refrigeration wastewater.

All readily perishable food and drink shall be kept at or below fifty (50) degrees Fahrenheit, except when being prepared or served. Wastewater from refrigeration equipment shall be properly disposed of. (Code 1958, Sec. 12.306)

Sec. 9-58. Requirements for milk products.

All milk, fluid milk products, ice cream, and other frozen desserts served shall be from approved sources. All milk and fluid milk products shall be served in the individual original container to the consumer unopened, but the server may remove the cap in the presence of the consumer. Milk products served with coffee, cereals, desserts, etc., or used for milk drinks mixed at the soda fountains, etc., may be transferred from the original bottle, or from a pitcher, urn, or other dispenser which complies with requirements of Section 9-53 and which is filled in a sanitary manner, kept clean, and subjected to bactericidal treatment complying with the requirements of Section 9-54. (Code 1958, Sec. 12.306)

Sec. 9-59. Requirements for oysters, clams and mussels.

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. (Code 1958, Sec. 12.306)

Sec. 9-60. Storage, display, and serving of food and drink.

All food and drink shall be so stored, displayed, and served as to be protected from dust, flies,

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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 means necessary for the elimination of flies, roaches, and rodents shall be used. (Code 1958, Sec. 12.306)

Sec. 9-61. Use of restaurant as living or sleeping quarters prohibited.

None of the operations connected with a restaurant shall be conducted in any room used as living or sleeping quarters. (Code 1958, Sec. 12.306)

Sec. 9-62. Employees' lockers and dressing rooms required; cleanliness.

Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. (Code 1958, Sec. 12.306)

Sec. 9-63. Storage of soiled linens.

Soiled linens, coats, and aprons shall be kept in containers provided for this purpose. (Code 1958, Sec. 12.306)

Sec. 9-64. Garbage containers to be maintained on parking lots of drive-in restaurants.

If a parking lot is maintained in connection with a licensed establishment serving food for consumption on the premises, and food or drinks are served to the occupants of cars, sufficient adequate containers must be maintained for all trash and refuse. (Code 1958, Sec. 14.504)

Secs. 9-65--9-74. Reserved.

ARTICLE III. MILK AND MILK PRODUCTS*

DIVISION 1. RESERVED

Secs. 9-75--9-84. Reserved.

DIVISION 2. MILK VENDING MACHINES

Secs. 9-85--9-87. Reserved.

* State law reference--Pasteurized milk and pasteurized milk products, 410 ILCS 635/1 et seq.

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Editor's note-Sections 9-85-9-87, relative to the licensing of milk vending machines derived from Ord. of June 9, 1958, Secs. 1, 2, were repealed by Ord. No. 81-25, Sec. 2, enacted Sept. 2, 1981.

Sec. 9-88. Cleanliness of premises.

Premises whereon any milk vending machine is located shall be kept in a clean and sanitary condition and free from refuse, flies, vermin and rodents. (Ord. of 6-9-58, Sec. 3)

Sec. 9-89. Temperature in stage compartment.

The temperature in the storage compartment of any milk vending machine shall be maintained at no less than thirty-three (33) degrees Fahrenheit nor more than fifty (50) degrees Fahrenheit. Whenever such temperature shall vary from such limits, all milk in such storage compartment shall be removed and it shall be unlawful to sell such milk for human consumption. (Ord. of 6-9-58, Sec. 4)

Sec. 9-90. Thermometer and lights required for each machine.

Each milk vending machine shall be equipped with a thermometer showing the inside temperature which can be read from the outside of the machine and each machine shall be lighted at night. (Ord. of 6-9-58, Sec. 6)

Sec. 9-91. Telephone number to be posted on each machine for maintenance purposes.

Each milk vending machine shall bear a legible notice of the telephone number and address of an agent of the licensee to contact if the machine is observed to be defective or does not deliver milk when coins are inserted in accordance with directions. (Ord. of 6-9-58, Sec. 5)

Sec. 9-92. Concrete platform required for each machine.

The space where each milk vending machine is installed shall be equipped with a concrete platform in front of the machine, with an area equal to the area of the base of the machine. (Ord. of 6-9-58, Sec. 6)

Sec. 9-93. Water connection for cleaning purposes required.

There shall be a water connection available for cleaning the premises of each milk vending machine, which connection need not necessarily be on the premises where the vending machine is installed. (Ord. of 6-9-58, Sec. 6)

Sec. 9-94. Location on premises.

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Each milk vending machine shall be located in compliance with the Ordinances of the Village relative to the location of buildings on the premises. (Ord. of 6-9-58, Sec. 6)

Sec. 9-95. Screening required during certain months.

Each milk vending machine shall be surrounded by an adequate screen to keep out flies and vermin between the first day of May and the last day of September of each year while in use or while available for use. (Ord. of 6-9-58, Sec. 7)

Secs. 9-96--9-100. Reserved.

DIVISION 3. MILK DEALERS

Sec. 9-101. License required.

It shall be unlawful to engage in the sale or distribution of milk or cream in the Village without having first secured a license therefor. (Code 1958, Sec. 12.201)

Cross reference-Licenses generally, 12-1 et seq.

Sec. 9-102. Application for license; contents.

Application for a license required by this division shall state, in addition to any other information required, the source of supply of the milk to be sold. (Code 1958, 12.202)

Sec. 9-103. Reserved.

Editor's note-Ord. No. 82-15, Sec. 3, adopted Sept. 16, 1982, repealed Sec. 9-103, specifying the license fee for milk dealers, derived from Code 1958, Sec. 12.203.

Sec. 9-104. Deliveries to quarantined premises; empty receptacles from premises.

- (a) Milk may be delivered to quarantined premises; provided there is no contact of any kind between the inmates and contents of the quarantined premises and the delivery agent.
- (b) No milk receptacle shall be taken from any quarantined premises during the period of quarantine; and before taken away for use, such receptacle shall be thoroughly scalded and sterilized. (Code 1958, Sec. 12.212)

Sec. 9-105. Marking and sanitation of vehicles used for milk deliveries.

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Every vehicle used for the delivery of milk or cream to consumers shall have marked plainly thereon the name of the vendor of such milk with his address. All such vehicles shall be kept in a clean and sanitary manner and condition. (Code 1958, Sec. 12.213)

Sec. 9-106. Periodic inspections; acceptance of inspections by other municipalities; cost to be borne by licensee.

The Superintendent of Building and Zoning shall conduct periodic inspection of all milk distribution plants, dairies, vehicles and equipment used in the sale or distribution of milk as well as of the milk itself. Such inspections shall be made every quarter or as often as the Superintendent of Building and Zoning deems necessary. The Superintendent of Building and Zoning may in his discretion, in lieu of an inspection, accept the certificate of inspection of any other city or Village having equal or more rigid requirements than provided by this Article. The licensee shall pay the cost of all bacteriological inspection and tests necessary. (Code 1958, Sec. 12.214)

Sec. 9-107. Compliance with State law.

It shall be unlawful for any person to sell, distribute, process or handle any dairy products in violation of State law.

ARTICLE IV. VENDING MACHINES

Sec. 9-108. Definitions.

Food vending machine means any machine which upon insertion of money or a slug, token disc or plate dispenses food and/or beverages.

Cigarette vending machine means any machine which upon insertion of money or a slug, token disc or plate dispenses tobacco products.

Person, as used herein, shall include the following: Any person, firm, corporation or association which owns or leases any food vending machine or cigarette vending machine; the person, firm, corporation or association in whose place of business any such vending machine is placed for use by the public; and the person, firm, corporation or association having control over such vending machine.

Operator, when used herein, shall mean any person, firm, corporation or association in immediate control of premises, including any owner or lessee thereof, within or upon which any food vending machine or cigarette vending machine is located, (Ord. No. 81-25, Sec. 1, 9-2-81)

Sec. 9-109. Vending machine license required; term.

Each operator shall obtain an annual food or cigarette vending machine license for each cigarette vending machine or food vending machine located on the premises which he controls. Each cigarette vending machine or food vending machine license issued pursuant to this Code shall terminate on the last day of September next following the date of issuance. (Ord. No. 81-25, Sec. 1, 9-2-81)

Sec. 9-110. Vending machine license fees.

- (a) The fee for each food vending machine license shall be thirty (\$30.00) dollars per food vending machine per year. Such fee for new licenses shall be lessened by an amount equal to one-twelfth (1/12) of the annual fee for each full calendar month which passes before such application is made, after the month of October. If a licensee fails to renew a license for a food vending machine prior to September 30th of any year and thereafter seeks to renew the license, the license fee shall be forty-five (\$45.00) dollars for the year for which renewal is sought.
- (b) The fee for each cigarette vending machine license shall be sixty (\$60.00) dollars per cigarette vending machine per year. Such fee for new licenses shall be lessened by an amount equal to one-twelfth (1/12) of the annual fee for each full calendar month which passes before such application is made, after the month of October. If a licensee fails to renew a license for a cigarette vending machine prior to September 30th of any year and thereafter seeks to renew the license, the license fee shall be ninety (\$90.00) dollars for the year for which renewal is sought. (Ord. No. 81-25, Sec. 1, 9-2-81; Ord. No. 01-09, Sec. 1, 3-15-2001; Ord. No. 02-20, Sec. 3, 8-15-2002)

Sec. 9-111. Display of license.

The Village shall cause to be issued cigarette and food vending machine licenses to each applicant who qualifies under the terms of this Code. Each such vending machine license shall be posted in a conspicuous place on each food or cigarette vending machine or other location designated by the Village. (Ord. No. 81-25, 1, 9-2-81)

Sec. 9-112. Application for license; contents; investigation.

Each application for a food or cigarette vending machine license shall contain the following information:

- (1) The name, address and phone number of the applicant and owner, if not applicant.

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- (2) Location and phone number of premises where food or cigarette vending machine is to be located.
- (3) Principal kind of business which will be conducted on the premises.
- (4) Statement of whether business at the premises will be conducted by a manager or agent, and the name, address and phone number of any such manager or agent.
- (5) A diagram showing the number of food and/or cigarette vending machines to be located on the premises, the location of each vending machine on the premises, and a description of each vending machine.
- (6) If a corporation, set forth the following:
 - (a) Corporate name and address
 - (b) Date and place of incorporation
 - (c) Names and addresses of corporate officers and directors;
 - (d) Names and addresses of all persons or legal entities owning five (5) percent or more of the corporation's stock.
- (7) If a partnership, set forth the following:
 - (a) Date and place when the partnership was formed;
 - (b) The names of all general partners;
 - (c) If a limited partnership, the names of all limited partners owning five (5) percent or more interest in the partnership.

Applications for license shall be made out in duplicate, one copy being referred to the Chief of Police and the other copy to be referred to the Village President. The application shall be investigated by the Chief of Police. The Village President shall direct the Village Clerk to issue the license to the applicant if the Chief of Police's investigation shows that the applicant is qualified to receive the license. (Ord. No. 81-25, Sec. 1, 9-2-81)

Sec. 9-113. Condition of premises.

The licensee shall cause the premises where a food or cigarette vending machine is located to remain in a clean and sanitary condition at all times and shall place such waste receptacles in and around tile premises so as to accomplish the above. (Ord. No. 81-25, Sec. 1, 9-2-81)

Sec. 9-114. Inspection.

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Each licensee shall permit inspection of any premises where a food or cigarette vending machine is located during regular business hours by Village officials to determine compliance with the provisions of this Code. (Ord. No. 81-25, Sec. 1, 9-2-81)

Sec. 9-115. Suspension and revocation of license.

Every license issued under this Article is subject to the right of the Village President, which is hereby expressly reserved, to suspend or revoke the same should the licensee, directly or indirectly, permit the operation of any food or cigarette vending machine contrary to the provisions of this Article, the Ordinances of the Village of Fox River Grove, or the law of the State of Illinois. If a license is revoked or suspended pursuant to this Section the licensee shall have seven (7) days from the date the revocation or suspension is made to file with the Village Clerk, a written request for a hearing on the revocation or suspension before the Village's Corporate Authorities. No suspension or revocation shall be effective until the period for filing a request for a hearing has elapsed. If a request for a hearing is made, the suspension or revocation shall not become effective unless after a hearing is held by the Village's corporate authorities, the corporate authorities determine that the license should be suspended or revoked. Any revocation of a license issued in pursuance of the provisions of this Code shall ipso facto bar reinstatement of the same, or the granting of a new license to any corporation, partnership, or individual shareholder, partner or owner which was a shareholder, partner, or owner or a licensee whose license has heretofore been revoked, for a term of not less than one (1) year immediately following such revocation. (Ord. No. 81-25, Sec. 1, 9-2-81)

Sec. 9-116. Transfer of license.

- (a) A food or cigarette vending machine license may be transferred from one such machine to another machine upon application to the Village President to such effect and the giving of a description and the serial number of the new machine.
- (b) If the licensee shall move his place of business to another location within the Village of Fox River Grove, the license may be transferred to such new location upon application to the Village President, giving the street and number of the new location.
- (c) Except as provided herein, a license shall not be transferable from person to person nor place to place and shall be usable only at the place and by the person designated in the license. (Ord. No. 81-25, Sec. 1, 9-2-81)

Sec. 9-117. Penalty.

In addition to any other penalty imposed by this Code, any person who shall be convicted of

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violating any provisions of this Article shall be fined not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars for each such offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. No. 81-25, Sec. 1, 9-2-81)