

ORDINANCE AUTHORIZING HOME KITCHEN OPERATIONS

WHEREAS, the County of Sangamon has the authority and power to do all acts necessary or expedient for the promotion of health or the suppression of disease; and

WHEREAS, the preparation and sale of food for public consumption is an activity that greatly affects the public health and welfare; and

WHEREAS, home kitchen operations that prepare and package non-potentially hazardous baked goods on a small scale have been determined by the Illinois State Legislature to need less regulation than larger-scale operations; and

WHEREAS, the Illinois State Legislature has enacted Section 3.6 of the Illinois Food Handling Regulation Enforcement Act (410 ILCS 625/0.01 *et seq.*) to govern home kitchen operations but has provided that such Section 3.6 is applicable only in a municipality, township, or county where the local governing body has adopted an ordinance authorizing direct sales of baked goods by home kitchen operations; and

WHEREAS, this governing body has determined that authorizing such home kitchen operations is in the best interests of the citizens of the community; and

WHEREAS, this governing body has determined that the Sangamon County Department of Public Health shall be delegated the responsibility and authority to enforce the provisions of this ordinance;

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1. This ordinance shall be called the Home Kitchen Operations Authorization Ordinance. The recitals set forth above are hereby incorporated into and made a part of this ordinance as though set forth in this Section.

SECTION 2. Chapter 5.20 of the Sangamon County Code is hereby amended to add the following:

[Under Section 5.20.010 – Definitions]

“Home kitchen operation” means a person who produces or packages non-potentially hazardous baked goods in a kitchen of that person’s primary domestic residence for direct sale by the owner or a family member.

“Non-potentially hazardous baked goods” include breads, cookies, cakes, pies, and pastries that are not potentially hazardous food. Fruit pies and pastries may contain only high-acid fruit as described in Section 4(b)(1)(C) of the Illinois Food Handling Regulation Enforcement Act. Pumpkin pie, sweet potato pie, cheesecake, custard pies, crème pies, and pastries with potentially hazardous fillings or toppings are prohibited.

“Potentially hazardous food” means food that is potentially hazardous according to the Illinois Department of Public Health’s administrative rules issued under the Illinois Food Handling Regulations Enforcement Act. Potentially hazardous food in general means a food that requires time and temperature control for safety to limit pathogenic microorganism growth or toxin formation.

FILED

APR 22 2016

Don H. King
County Clerk

Section 5.20.155 – Home Kitchen Operations

Andy C. ...
SANGAMON COUNTY AUDITOR

(A). Conditions for qualifying as a home kitchen operation.

In order to qualify as a home kitchen operation, the following conditions must be met:

- 1) Monthly gross sales may not exceed \$1,000.
- 2) Only non-potentially hazardous baked goods may be sold.
- 3) A notice is provided to the purchaser that the product was produced in a home kitchen.
- 4) The food package is affixed with a label or other written notice is provided to the purchaser that includes:
 - a. the common or usual name of the food product; and
 - b. allergen labeling as specified in federal labeling requirements by the United States Food and Drug Administration.
- 5) The food is sold directly to the consumer.
- 6) The food is stored in the residence where it is produced or packaged.

(B). Inspections.

Upon receipt of a complaint involving products produced by a home kitchen operation or upon the outbreak of a disease that may be connected to a home kitchen operation, the board of health shall have the authority to inspect the home kitchen involved. The board of health shall request consent to inspect a home kitchen during daylight hours. In the absence of consent, the board of health shall obtain an administrative search warrant to inspect a home kitchen.

(C). Cessation of Operations.

In the event of a disease outbreak reasonably connected to a home kitchen operation, the board of health shall request the home kitchen operation to cease food sales to the public until the board of health has determined that operations may continue. In the absence of voluntary compliance, the board of health may seek a court order for cessation of a home kitchen operation.

SECTION 3. All other parts of the Sangamon County Code as amended, except as modified herein, are hereby reaffirmed and ratified and are in full force and effect.

SECTION 4. This ordinance shall become effective upon its passage and publication as required by law.

Respectfully Submitted,

	
	
	
	
	