



Incorporated in 1869

Village of Rochester

SANGAMON COUNTY, ILLINOIS

ORDINANCE
NUMBER 16-04

**AN ORDINANCE AMENDING CHAPTER 7 TO ADD ARTICLE 4,
HOME KITCHEN OPERATIONS
(DIRECT SALE OF BAKED GOODS FROM HOME KITCHEN OPERATION)
OF THE VILLAGE OF ROCHESTER MUNICIPAL CODE**

DAVID L. ARMSTRONG, Village President
LYNN LANGDON, Village Clerk

MARIBETH EANDI
HAROLD HENDRICKSON
JOE HILL
WAYNE LIKEN
STACIA MUNROE
DOUG ZOBRIST
Village Trustees

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Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, Springfield, IL 62701

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WHEREAS, the Village of Rochester, Sangamon County, State of Illinois, is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code; and,

WHEREAS, the Village of Rochester (hereinafter, the “Village”), is an Illinois municipal corporation; and,

WHEREAS, the President and the Board of Trustees of the Village have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety and welfare of its citizens; and

WHEREAS, the Food Handling Regulation Act (410 ILCS 625/1) has been amended by establishing and defining a new type of food service operation known as the “Home Kitchen Operation” (410 ILCS 625/3.6); and

WHEREAS, that the Home Kitchen Operation law provides that it will take effect in those municipalities that have adopted an ordinance authorizing home kitchen operations as described in Section 3.6 of the Food Handling Regulation and Enforcement Act; and

WHEREAS, the President and Board of Trustees support the policy and objective of the Home Kitchen Operation law.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Rochester, County of Sangamon, the Village hereby adopts and incorporates the provisions of the Food Handling Enforcement Act (410 ILCS 625/1 et seq.) as amended.

Section 1. Chapter 7 of the Rochester Village Code is hereby amended as follows:

CHAPTER 7, ARTICLE 4 - HOME KITCHEN OPERATIONS

SECTION 4.1. DEFINITIONS:

HOME KITCHEN OPERATION:	A person who produces or packages non-potentially hazardous food in a kitchen of that person's primary domestic residence for direct sale by the owner or a family member, or for sale by a religious, charitable, or non-profit organization, stored in the residence where the food is made.
BAKED GOODS:	Food that includes, but is not limited to, breads, cookies, cakes, pastries and high-acid fruit pies including: apple, apricot, grape, peach, plum, quince, orange, nectarine, tangerine, blackberry, boysenberry, cherry, cranberry, strawberry, red currants or a combination of these fruits.
POTENTIALLY HAZARDOUS FOOD:	A food that is potentially hazardous according to the Department of Public Health administrative rules, generally meaning food that requires time and temperature control for safety to limit pathogenic microorganism growth or toxin formation. The following are potentially hazardous and prohibited from production and direct sale by a home kitchen operation: pumpkin pie, sweet potato pie, cheesecake, custard pie, crème pie, and pastries with potentially hazardous filling or toppings.

SECTION 4.2. DIRECT SALES CONDITIONS:

The direct sale of baked goods from home kitchen operations is allowed in the Village of Rochester pursuant to 410 ILCS 625/3.6 and subject to the following conditions:

1. Monthly gross sales do not exceed \$1,000.
2. The food is not a potentially hazardous food.
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 as provided to the purchaser that includes:
 - (a) The common or usual name of the food product.

(b) Allergic labeling as specified in the 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.

Home kitchen operations may be inspected by the Department of Public Health or the Sangamon County Health Department in the event of a complaint or disease outbreak.

Section 2. This Ordinance shall be in full force and effect upon its passage and approval.

SO ORDAINED this 14 day of March, 2016, at Rochester, Sangamon County, Illinois.

	YES	NO	ABSENT	PRESENT
MARIBETH EANDI	X			
HAROLD HENDRICKSON	X			
JOE HILL	X			
WAYNE LIKEN	X			
STACIA MUNROE	X			
DOUG ZOBRIST	X			
DAVID ARMSTRONG	X			
TOTAL	7	0	0	

APPROVED by the President of the Village of Rochester, Illinois this 14 day of March, 2016.


 DAVID L. ARMSTRONG, Village President

Attest:


 LYNN LANGDON, Village Clerk