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KANE COUNTY HEALTH DEPARTMENT FARMERS MARKET REQUIREMENTS

PERMITS/LICENSES

Roadside markets that sell only fresh fruits and fresh vegetables without any processing, cutting, etc. are exempt from code requirements and do not require a health department permit.

Operators of stands who wish to sell products other than fresh produce must contact the Kane County Health Department to obtain information about necessary food permits.

FOOD ALLOWED AT A FARMERS MARKET WITH NO RESTRICTION

Fresh Fruits, Vegetable, Nuts, Seeds – uncut, not processed in any way

Melons – may be cut for display only

Popcorn, Other Seeds – not sprouted, ground, etc.

Organic Foods – not cut or processed

Fresh or Dried Herbs

FOODS PROHIBITED AT A FARMERS MARKET

1. Home Made Ice Cream – Ice cream made at home is prohibited.
2. Raw Milk, Cheese, Yogurt or Other Dairy Products – Prohibited by the Grade A Pasteurized Milk and Milk Products Act.
3. All Home Canned Foods – All low acid canned foods in hermetically sealed containers have a risk from surviving *Clostridium Botulinum*, therefore, home canned foods may not be sold to the public.
4. Home Vacuum Packaged Products (of any type) – Food products vacuum packaged at home are not allowed.
5. Home Butchered Meat, Poultry or Wild Game Animals
6. Home-Prepared Sandwiches – All potentially hazardous foods must be prepared on-site in an inspected facility or be prepared in another inspected facility. Sandwiches prepared at home may not be sold to the public.

7. Garlic-in-oil – Garlic-in-oil may only be sold if processed in an inspected, commercial processing plant.
8. Home Prepared Pickles, Relishes, and Salsa – These products must be produced in a commercial processing plant.

FOODS ALLOWED AT A FARMERS MARKET WITH CERTAIN RESTRICTIONS

Foods described below are prohibited at a farmers market or similar event without prior approval by the Kane County Health Department as to approved source, ingredients, holding or storage equipment or other pertinent factors. Evidence that food products are from an approved source includes invoices, bills of sale or other receipts.

Non-potentially hazardous foods such as cookies, cakes and fruit pies which have not frequently been associated with foodborne illness may be prepared in non-commercial kitchens and sold, provided the sale is limited in nature, i.e., meets the time limitations of a temporary food stand (as, for example, a fund raiser for a not-for-profit organization) and is not a routine business. It is strongly recommended that this preparation take place in a controlled environment such as a club or church kitchen.

When hot or cold potentially hazardous foods are being sold, the cold foods must be held at 41°F. or below and the hot foods must be maintained at 140°F. or above by means of mechanical refrigeration or heating/hot-holding equipment.

1. Shell Eggs – All eggs must be cleaned, candled, graded, packed in new cartons, date marked and refrigerated if sold any place except on the farm where they were produced. The egg carton must be marked with a Julian pack date (counted from the first day of the year) and an expiration or sell by date of not more than 30 days from day of pack for Grade A and 15 days for Grade AA. A Department of Agriculture license is required for anyone who sells eggs anywhere except on the farm where the eggs are produced. Eggs must be kept refrigerated.
2. Cut Melons – Since cut melons support the survival and multiplication of foodborne pathogens, they must be covered/wrapped and iced, then any leftovers must be discarded after 4 hours. Clean, sanitary utensils must be used for cutting and display. The samples may not be dispensed by hand or on the end of a knife. Only single service articles (plates, forks, toothpick, etc.) may be used for sampling.
3. Mushrooms – Commercially raised mushrooms including the common button mushroom, portabellas, shiitake, enoki, bavarian and others must have documentation showing their source. Wild mushrooms, such as the morel or sponge mushroom, may only be sold provided each mushroom has been individually examined and approved by an acknowledged mushroom expert. These credentials must be approved in advance by the local or state health department. Packaging materials for the common button and enoki mushrooms must have at least one or two ¼" holes to allow the entry of oxygen, unless the mushrooms have been grown on sterile media.
4. Honey – Honey must be from an inspected source (IDPH, FDA or another state). It is often heat treated to minimize mold spores. No other sweetener may be added to the honey; otherwise it cannot be called honey.

5. Apple Cider – Apple cider, packaged or in a container, must be pasteurized or show a warning statement on the label stating the cider is unpasteurized. Unpackaged apple cider and other fresh juices produced on-site are exempt from the warning statement.
6. Baked Goods – Potentially hazardous baked goods such as cream or custard filled items, egg-based or custard pies (pumpkin, custard, etc.) must be produced and packaged in an inspected facility and held under refrigeration of 41°F. or less. Non-potentially hazardous baked goods such as cookies, cakes or fruit pies may be prepared in non-commercial kitchens and sold, provided the “bake sale” is limited in nature. Labeling requirements must be met.
7. Herb Vinegars – Herb vinegars will be allowed, provided commercial vinegar, which has a controlled pH, is used and labeling requirements are followed.
8. Flavored Oils – Garlic-in-oil may be sold only if it is produced in a commercial processing plant under inspection. Other flavored oils besides garlic-in-oil have not been epidemiologically implicated in foodborne illness outbreaks. Therefore, they do not require acidification and are not considered potentially hazardous. Labeling requirements must be followed.
9. Candies, and Caramel Apples – Candies, caramel apples and other confectioneries frequently have an inhibitory high sugar content and growth of pathogens is unlikely.
10. Ice Cream – Ice cream may be sold if it is manufactured in a licensed dairy plant or in a retail food establishment from commercially pasteurized ice cream mix or from pasteurized milk and pasteurized eggs.
11. Other Foods – Products must be individually assessed.

VEHICLES

During transportation and delivery, foods must be protected from insects, flies, dirt, handling, chemicals and other contamination. Delivery vehicles or other equipment used for such transportation must be constructed so as to be easily cleanable. Food products must be kept clean during transportation and delivery and protected from dust and especially pesticides, lubricants and other chemicals.

PREMISES

The operator of each stand or sales area is responsible for maintaining it in a neat and clean sanitary condition. An adequate number of tightly covered waste containers must be provided for storage of garbage and refuse. These containers must be stored to eliminate potential for contamination of any food products. At the close of business, each stand operator shall clean the stand and surrounding area. No pets are allowed in the storage and display area. Food products must be enclosed and protected from pests overnight.

FOOD PROTECTION DURING STORAGE, DISPLAY AND SALES

Food on display in open-air markets must be adequately protected from incidental public handling, dirt and other contamination. Foods must be stored off the ground or off the floor of the stand. Any prepared, processed, baked or cut foods must be packaged or wrapped for protection (see labeling requirements). Any wrapping or container must be constructed of safe, new, food-grade materials.

All utensils, display cases, counters, shelves, tables and refrigeration equipment must be clean, sanitary, smooth, sealed and constructed of approved materials to prevent contamination of any food products.

If ice is used to cool food products, beverages or beverage containers, it must be from an approved commercial source. All ice used for display must be properly drained. All potentially hazardous food, as defined in the Food Service

Sanitation Code and Retail Food Store Sanitation Code, must be held at temperatures of 41°F. or less by means of mechanical refrigeration, or held hot at 140°F. or above by means of mechanical heating/hot-holding equipment.

Live poultry and pets may be sold only if they can be segregated from the general food sales area and there are no local ordinances that prohibit it.

HAND WASHING

Hand washing is required when produce or any food item is sliced, cut or prepared on or off-site. Therefore, if foods are to be handled, hand-washing facilities must be provided within the stand. Where water under pressure is not available, the minimum requirements for hand washing would be a thermos with a spigot filled with warm water and a catch pan, soap and individual paper towels. All persons handling food products must conform to proper hygienic practices and be free from disease conditions, which may contaminate food.

UTENSIL WASHING AND SANITIZING

If any on-site preparation, cutting, etc will take place in the stand, equipment must be provided for the cleaning and sanitizing of utensils and surfaces. Extra clean utensils may be sufficient for limited operations such as cutting melons. If more involved preparation takes place, three adequately sized containers, warm water, detergent, and a sanitizer such as bleach to wash, rinse, and sanitize equipment must be provided.

LABELING

All pre-packaged foods must comply with minimum labeling requirements. This information may be provided as a label on the package or container, on a sign or placard or as a recipe available to the consumer.

Required information includes:

1. common name of the product
2. name, address and zip code of the packer, processor, manufacturer, etc.
3. net contents
4. list of ingredients in descending order of predominance by weight
5. a list of any artificial color, artificial flavor or preservatives used