RESOLUTION #19 - 12

Ford County Food Service and Sanitation Ordinance for the Ford County Public Health Department

WHEREAS, the Ford County Board of Health has met and approved the Ford County Food Service and Sanitation Ordinance (attached); and

WHEREAS, the Finance Committee has met and recommends to the Ford County Board the Ford County Food Service and Sanitation Ordinance; and

BE IT RESOLVED, that the Ford County Board approves the Ford County Food Service and Sanitation Ordinance and shall become effective January 1, 2019.

Date: December 10, 2018

Robert Lungfi

County Board Chairman

Amy Frederick
Ford County Clerk & Recorder

FORD COUNTY
FOOD SERVICE AND SANITATION ORDINANCE

An Ordinance regulating the sanitation of food handling and food service establishments by: adopting, by reference, the rules and regulations of the Illinois Department of Public Health which pertain to: the sanitation of food and beverage establishments, vending locations, and retail food stores; the issuance of permits; the fixing of penalties; the review of plans for proposed food establishments; the inspection of food establishments

WHEREAS, The Ford County Board, pursuant to Chapter 410 of the Illinois Compiled Statutes, may do all acts, and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease in Ford County, Illinois.

THEREFORE, BE IT ORDAINED by the County Board of Ford County, Illinois:

SECTION 1: ADOPTION BY REFERENCE

In addition to those provision set forth within, this ordinance herby adopts by reference the current and subsequent editions of, and shall be interpreted and enforced in accordance with the provisions set forth in the following:

- *Illinois Food Service Sanitation Code,* 77 IL Admn Code 750;
- *US FDA Food Code 2017, Chapter 8*
- *Illinois Food Handling Regulation Enforcement Act,* 410 ILCS;
- *Illinois Cottage Food Operation Act*, Public Act 097-0393;
- *Illinois Plumbing Code;*
- *Illinois Water Well Construction Code;*
- *Illinois Private Sewage Disposal Act and Code*;
- *Water, Well and Pump Installation Contractor's License Code;*
- *Smoke Free Illinois Act.*

Copies of said Codes and Acts shall be on file in the County Clerk's office and the office of the Health Authority.

SECTION 2: DEFINITION OF TERMS

A. **Administrator** shall mean the duly appointed executive of the Ford County Public Health Department and shall include the Acting Administrator or anyone to whom administrative responsibilities have been delegated.

B. **Adulterated food** shall have the meaning as provided by Illinois Compiled Statutes Chapter 410, Section 620/10.

C. **Board of Health** shall mean the Ford County Board of Health or its authorized representative(s)

D. **Food Service Establishment** shall be defined as specified in the Illinois Department of Public Health Food Service Sanitation Code (77 Ill. Adm. Code 750) as currently written or as may be amended.

E. **Health Authority** shall mean the Ford County Public Health Department, its officer and/or designated inspector(s) authorized by the Ford County Board of Health.

F. **Mobile Food Unit** shall mean a vehicle-mounted food service establishment designed to be readily movable that meet the requirements set forth in the IL Food Service Sanitation Code (77 IL Admn Code 750).

G. **Multi-Unit** shall mean a food service establishment that contains more than two areas that handle food products for consumer distribution within the said establishment; including but not limited to; bakery, meat/seafood, prepackaged food and produce, and delicatessen.

H. **Permit** shall mean the document given to the owner upon an approved application to post in the food establishment which expires December 31st of each given year.

I. **Potluck** shall have the meaning as specified by Illinois Compiled Statutes (410 ILCS 625/3.1).

J. **Seasonal Food Establishment** shall mean any food service establishment which operates in a fixed location for a time period of 14 – 180 days per calendar year.

K. **Temporary Food Establishment** shall mean any food service establishment which operates at a fixed location for a temporary period of time not to exceed two weeks in connection with single special event or celebration.

All other definition shall be as contained in the "Illinois Food Service Sanitation Code (77 IL Admn Code)" and the Illinois Retail Food Service Sanitation Code (77 IL Admn Code)" promulgated by the State of Illinois Department of Public Health. The term "regulatory authority" contained in said rules and regulations shall mean the "Ford County Public Health Department".

SECTION 3: PERMITS

It shall be unlawful for any person to operate a food service establishment (including temporary and seasonal), a retail food store, a Cottage Food Operation, or a vending machine dispensing time/temperature-controlled foods, within the County of Ford, State of Illinois, who does not possess a valid permit issued to said person by the Ford County Health Authority. Farmers' Markets are not required to obtain a permit; however, Farmers' Markets shall comply with the State of Illinois Sanitation Guidelines for Farmers' Markets and the Cottage Food Operation Act, Public Act 097-0393. Only a person who complies with the requirements of this Ordinance, including payment of fees, recheck fees and fines, and the rules and regulations herein adopted by reference shall be eligible to receive or renew a food permit. A separate permit must be obtained from each establishment and/or mobile unit. Permits

shall not be transferable from one person to another person or place. A valid food license shall be posted in a clear and noticeable place in the food establishment for public viewing.

Sub-Section 3.1: Issuance of Permits

A. Fees: Annual permit fees shall be assessed for each permitted establishment and collected by the Health Department

a. Permit fees shall be based on the risk classification of the establishment.

b. The fee schedule is set and approved by the Board of Health.

c. Permit fees will be non-refundable and shall expire on December 31st of each year.

B. Any person desiring to operate a food service establishment or renew a permit in Ford County shall make written application for a permit to operate said establishment on forms provided by the Health Department, including Cottage Food Operations. If ownership is shared by two or more individuals, the names of the partners, together with their addresses, shall be included. The location and type of the proposed food service establishment shall be given, and the signature of the applicant, applicants or designee shall be required. If the application is for a temporary food establishment, it shall, in addition to the aforesaid information, include the inclusive dates of the proposed operation. All applications for a permit to operate a vending machine dispensing time/temperature-controlled foods shall also include the address of the establishment(s) in which machines are placed as well as the general location of each machine placed in or around the establishment. Upon receipt of such an application and all applicable fees, the Health Authority shall make any necessary inspections of the establishment to determine compliance with the provisions of this Ordinance.

C. There will be no permit fee for such permits to any:

a. School

b. Tax-supported community organization or institution

c. Religious organization

d. Service club

e. Roadside stands operated primarily for the sale of fruits and vegetables

f. Farmers' Markets offering only produce and other non-time/temperature-controlled foods

g. However, the fee established for re-inspections shall be charged and subject to food borne illness and consumer complaint investigations.

D. Upon request by the Health Authority, the owner of the mobile food unit shall bring the unit to the Health Department for inspection. A mobile food unit shall meet the requirement of this Ordinance. The owner of the mobile food unit shall submit to the Health Department at least annually a list of locations where they will be vending.

E. A food service permit renewal application received after the December 31st expiration date shall be assess a late fee as based on the fee schedule and any fines imposed by the State's Attorney. In addition to late fees, when a food service permit renewal application and fee(s) is past due, the permit may be subject to suspension and notice sent to the State's Attorney's office for further administrative action.

Sub-Section 3.2: Renewal of Permits

Permits for annual food service establishments shall be valid for one calendar year. New food service establishment permits shall be valid for the remainder of the calendar year. All other permits issued shall be valid only for the time designated on such permit. Whenever the an inspection reveals serious or repeated priority violations, the permit shall not be issued, and the Health Authority shall notify the applicant immediately. Such notice shall state the reasons for not renewing the permit, that an opportunity for a hearing shall be provided at a time and place designated by the Health Authority, and the Health Authority shall remove the permit. The notice referred to in this paragraph shall be delivered to the permit holder in person or may be sent by certified mail, return receipt requested.

Sub-Section 3.3: Suspension of Permits

Permits may be suspended temporarily by the Health Authority for failure of the permit holder to continue to comply with the requirements of this Ordinance, for failure to comply with any notice issued under the provisions of this Ordinance, with notices or citations issued for violation of the Smoke-free Illinois Act, or if the operation of the food service establishment otherwise constitutes a substantial hazard to public health.

A. The permit holder shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Administrator by the permit holder. Upon suspension of the permit, the permit shall be removed by the Health Authority and the establishment shall cease operations.

B. Notwithstanding the other provisions of this Ordinance, whenever the Health Authority finds unsanitary or other conditions in the operation of a food service establishment or retail food store exist which in the judgment of the Health Authority constitute a substantial hazard to the public health, the Health Authority may, without warning, notice, or hearing, issue a written notice to the permit holder citing such conditions, specifying the corrective action to be taken, specifying the time period within which such action shall be taken, and, if deemed necessary, such order may state that the permit is immediately suspended and all operations as a food service establishment or retail food store are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therein, but upon written petition to the

Health Department there shall be a hearing as soon as possible. The appropriate law enforcement office shall be notified of each establishment that has had its permit to operate suspended and shall enforce that ruling.

Sub-Section 3.4: Reinstatement of Suspended Permits

Any person whose permit has been suspended may at any time make application for a re-inspection for reinstatement of the permit. Within 10 days following receipt of a written request which shall include a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the Health Authority shall make a re-inspection. If the applicant is in compliance with the requirements of this Ordinance, including payment of applicable fees and fines, the permit shall be reinstated.

Sub-Section 3.5 Revocation of Permits

For serious or repeated violations of any of the requirements of this Ordinance, or for interference with the Health Authority in the performance of his/her duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Administrator. Prior to such action, the Health Department shall notify the permit holder, in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five (5) calendar days following service of such notice, unless a request for a hearing is filed with Administrator by the permit holder within such five (5) day period. A permit may be suspended for a cause pending its revocation or a hearing relative thereto.

SECTION 4: PLAN REVIEW

A. When a food service establishment or retail food store within Ford County is hereafter constructed or remodeled, or when an existing structure is converted for use as a food service establishment or retail food store, properly prepared plans and specifications for such construction, remodeling, or alteration showing building layout, room arrangement, construction materials of food preparation and serving areas, and the location, type, and size of fixed equipment and facilities, shall be submitted to the Health Authority for approval before beginning such work. New equipment, which is approved for a certain use by the National Sanitation Foundation, shall be automatically approved by the Health Authority. Other applicable equipment or used equipment shall be evaluated or otherwise approved the Health Authority. The Health Authority will provide recommendations and consultation to the owner to prevent any misunderstanding by the owner as to what is required and will prevent errors. The Health Authority shall approve the plans and specifications if they meet the requirements of the Ordinance. No food service establishment shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the Health Authority.

B. Whenever plans and specification are required by Section 5(A) of this Ordinance to be submitted to the Health Authority, the Health Authority shall inspect the establishment prior to the start of operations to determine compliance with the requirements of this Ordinance.

C. The Health Authority may grant a variance modifying or waiving a requirement of this Ordinance or the Illinois Food Code if, in the opinion of the Health Authority, a health hazard or nuisance condition will not result from the variance.

D. The Health Authority may require establishments to submit HACCP plans in accordance with the Food Code.

SECTION 5: INSPECTIONS

The Health Authority shall inspect each food service establishment and retail food store located in Ford County, Illinois, as specified in the Illinois Administrative Code Chapter 1, Subchapter h, Section 615.310 and any subsequent revisions thereto. Additional inspections of any establishment shall be performed as often as deemed necessary by the Health Authority. Temporary and Seasonal Food Establishments may be inspected as deemed necessary by the Health Authority.

Sub-Section 5.1: Access

The Health Authority, after proper identification, shall be permitted to enter at any reasonable time any food service establishment or retail food store within the County of Ford for making inspections to determine compliance with this Ordinance. The Health Authority shall be permitted to examine the records of the establishment to obtain pertinent information relative to food and supplies purchased, received, or used, pest control services, and persons employed.

Sub-Section 5.2: Re-Inspections

Re-inspections shall be conducted when a food services establishment is found to have repeat priority item(s) observed during a routine inspection. Re-inspections shall also be conducted if during a routine inspection, a food service establishment is found to have priority item(s) and/or priority foundation item(s) observed that cannot be correct at the time of the routine inspection or first follow-up inspection. Re-inspections will not include:

A. Routine operations inspections

B. Inspections requested by facility management

C. Educational visits

D. Operational equipment checks

E. Equipment consultations

F. Construction surveys

G. Disaster surveys (i.e., fire, flood, power outage)

H. Foodborne illness investigations

I. Complaint-based investigations

Sub-Section 5.3: Inspection Records

Whenever an inspection is made, the Health Authority shall record the findings on Illinois Department of Public Health approved inspection form and shall furnish a copy of such inspection report form to the permit holder or the person in charge at the time of the inspection.

Sub-Section 5.4: Issuance of Notices

Whenever the Health Authority makes an inspection and discovers that any of the requirement of this Ordinance have been violated, the Health Authority shall notify the permit holder or person in charge by means of the inspection form and/or other written notice. In such notification, the Health Authority shall:

A. Set forth the specific violation found.

B. Establish a specific and reasonable period of time for the correction of the violations in accordance with the following provisions:

a. **Priority Items**—Violation(s) noted on the inspection report will require immediate to 72 hours correction. A follow-up inspection will be conducted within one business day after timeframe to ensure correction of the violation(s).

b. **Priority Foundation Items and HACCP Plan Deviations**—Violation(s) noted on the inspection report will require correction within 10 days. A follow-up inspection will be conducted within one business after timeframe to ensure correction of the violation(s).

c. **Core Items and Other Violations**—Violations noted on the inspection report will require correction y the timeframe noted by the Health Authority but no more than 90 days from the inspection date. Follow-up will be conducted at the next routine inspection.

Alternate Corrective Timeframe—The permit holder may request for an extension of the required corrective timeframe to correct the violation(s). The Health Authority shall review each request to ensure that public health is being protected and notify the requestor in writing or approval or denial. The request shall include:

i. Date of the proposed violation correction

ii. Explanation why the original timeframe cannot be met

iii. Explanation on how public health will be protected during the alternative correction timeline.

C. State that the failure to comply with any notice issued in accordance with the provisions of this Ordinance may result in immediate suspension of the permit.

D. State that an opportunity for appeal from any notice or inspection finding will be provided if a written request for a hearing is filed with the Administrator within a specified period of time.

Sub-Section 5.5: Service of Notices

Notices provided for under this section shall be deemed to have been properly served when the copy of the inspection report or other notice has been delivered personally or by mail to the permit holder or person in charge. If the notice is to be sent by mail, it shall be sent to the last known address of the permit holder, certified mail addressee only. A copy of such notice shall be filed with the Health Department.

SECTION 6: EXAMINATION AND CONDEMNATION OF FOOD/EQUIPMENT

A. Food may be examined or sampled by the Health Authority as often as may be necessary to determine freedom from adulteration or misbranding.

B. Hold Orders for Food—The Health Authority may, upon written notice to the owner or person in charge, place a hold order on any food which the Health Authority determines or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded. Under a hold order, food shall be permitted to be suitably stored but not served. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on food by the Health Authority. Neither shall such food or containers thereof be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the Health Authority, except on an order by a court of competent jurisdiction.

C. Hold Orders for Equipment—Where equipment used in the preparation of food products is found to be a public health hazard, unsafe, unsuitable for use, or unsanitary, such equipment shall be taken out of use and a hold order placed on said items by the Health Authority. Such equipment will not be altered, disposed of, put back in use, or destroyed without permission of the Health Authority, except on an order by a court of competent jurisdiction.

D. Post-Hearing Actions—After the owner or person in charge has had a hearing as provided for in this Ordinance, and on the basis of evidence produced at such hearing, or on the basis of its examination in the event a written request for a hearing is not received within ten (10) days, the Administrator may vacate the hold order or may by written notice direct the owner or person in charge of:

a. The food which was placed under the hold order to denature or destroy such food or to

bring it into compliance with the provisions of this Ordinance.

b. The equipment that was placed under the hold order to remove such equipment, destroy such equipment, or bring it into compliance with the provisions of the Ordinance.

Such order shall be stayed if the order is appealed to a court of competent jurisdiction within five days.

SECTION 7: FOOD SERVICE ESTABLISHMENTS OUTSIDE OF FORD COUNTY

Food from food service establishments outside the jurisdiction of the Ford County Health Authority may be sold within the County of Ford if such food service establishments conform to the provisions of this Ordinance or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Health Authority, prior to issuing a food permit, may accept reports from responsible authorities in other jurisdictions where such food service establishments are located.

SECTION 8: PERSONNEL HEALTH AND DISEASE CONTROL

No person while affected with any disease in a communicable form, a carrier of such disease, or afflicted with boils, infected wounds, sores, diarrhea, or any acute respiratory infection, shall work in any area of the food service establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other individuals. No person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the permit holder or person in charge of the establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he/she shall notify the Health Authority immediately.

SECTION 9: PROCEDURE WHEN INFECTION IS SUSPECTED

When the Health Department has reasonable cause to suspect the possibility of disease transmission from any employee in a food service establishment or retail food store, the Health Authority shall secure a morbidity history of the suspected person or make any other investigations as may be indicated and take appropriate action. The Health Authority may require any or all the following measures:

A. The immediate exclusion of the employee from all food establishments;

B. The immediate closure of the establishment until, in the opinion of the Health Authority, no further danger of the disease outbreak exists;

C. Restriction of the employee's services to some areas of the establishment where no danger of transmitting the disease exists;

D. Adequate medical and laboratory examination or collection and testing of specimens of the person or other employees.

SECTION 10: HEARINGS

A. Hearing Before the Administrator--Any person, affected by any order or notice issued by the Health Authority in connection with the enforcement of any provision of this Ordinance may file in the office of the Health Department a written request for a hearing. The Administrator shall hold a hearing at a time and place designated by him/her within thirty (30) days of the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. Proceedings of the hearing shall be recorded. Within ten (10) days after the date of the hearing, the Administrator shall make a final finding based upon the complete hearing record. The decision shall sustain, modify, or rescind any notice or order considered in the hearing. The Health Department shall furnish a written report of the hearing to the petitioner. Any person aggrieved by the decision of the Administrator may seek relief through a hearing before the Board of Health.

B. Hearing Before the Board of Health—Any person aggrieved by the decision of the Administrator rendered as the result of a hearing held in accordance Section 11, A., may file in the office of the Health Department a written request for a hearing before the Board of Health. The time and place of the hearing shall be designated by the Board of Health but shall be within thirty (30) days of the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing, but not less than five (5) days prior to the date on which the hearing is to be held. Proceedings from the hearing shall be recorded. Within ten (10) days after the date of the hearing, the Board of Health shall make a final finding upon the complete hearing record. The decision shall sustain, modify, or rescind any notice or order considered in the hearing. The Health Department shall furnish a written report of the hearing to the petitioner.

SECTION 11: PENALTIES

A. Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined, not more than, $500.00. In addition, thereto, such persons may be enjoined from continuing such violations. Each day upon which such violation occurs shall constitute a separate offense.

B. Every day's violation of the provision of this Ordinance shall constitute a separate offense. The State's Attorney of Ford County shall bring such actions in the name of the People of the State of Illinois or may bring action for an injunction to restrain such violation or to enjoin the operation of any such establishment causing such violation.

SECTION 12: UNCONSTITUTIONAL CLAUSE

Should any section, paragraph, sentence, clause, or phrase of this Ordinance be unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

SECTION 13: CONFLICT OF ORDINANCE

In any case where a provision of this Ordinance is found to be in conflict with any zoning, building, fire, safety, health ordinance, or code of Ford County existing on the effective of this Ordinance, the provision which, in the judgment of the Health Authority, establishes the higher standard for the promotion and protection of the health and safety of the people shall be deemed to prevail, and such ordinance or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

SECTION 14: EFFECTIVE DATE

This Ordinance shall be in full force and effective January 1, 2019 and adoption as provided by law. The FORD COUNTY FOOD SERVICE ORDINANCE, PASSED, APPROVED, AND ADOPTED on August 12, 1980, May 12, 2014, December 8, 2014, October 12, 2015 is hereby repealed.

Passed, Approved, and Adopted 12/10/, 2018.

Chairman, Ford County Board

President, Ford County Board of Health

Attested: _____
Ford County Clerk

Attested: _____
Public Health Administrator