

Chapter 7

FOOD AND FOOD ESTABLISHMENTS

4-7-1: PURPOSE:

The purpose of this Chapter is to protect, promote and preserve the public health and general welfare by providing for the establishment and enforcement of uniform standards for cleanliness and safe sanitation practices for all retail food establishments and to provide for inspection and licensing of all such facilities. (Res., 10-21-1986)

4-7-2: DEFINITIONS:

The following definitions shall apply in the interpretation and the enforcement of this Chapter:

BOARD OF HEALTH: The Board of Health of the County Health Department or its authorized representative.

EMPLOYEE: Any person who handles food and drink during preparation or serving, or 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.

FOOD SERVICE ESTABLISHMENT: Any restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, food store, tavern, bar, cocktail lounge, nightclub, industrial feeding establishment, private, public or nonprofit organization or institution routinely serving food; a catering kitchen, a commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for human consumption with or without charge.

Where the words "food service establishment" appear in this Chapter, it should also be understood to mean "food store". See definition of Food Store.

FOOD STORE: Retail grocery, meat market, poultry market, fish market, fresh fruit and vegetable market, confectionery, nut store, retail bakery, or any other establishment, whether fixed or movable, where food, intended for human consumption off the premises, is prepared, handled, transported, sold or offered for sale at retail. A delicatessen, where foods are cooked or prepared, located within a food store, may have to comply with such other food sanitation regulations that apply to such food preparation operations.

HEALTH DIRECTOR OR HEALTH OFFICER: The director or officer of the Lee County health department or his duly authorized representative.

ITINERANT RESTAURANT: A restaurant operating for a temporary period in connection with a fair, carnival, circus, public exhibition or other similar gathering.

MULTIDEPARTMENT HIGH RISK FACILITY: Facilities having four (4) or more departments for inspection including, but not limited to: main grocery, bakery, deli, seafood, and meat.

SEASONAL: Any "food service establishment" or retail "food store" which prepares or serves food more than fourteen (14) days but less than ninety (90) days in any one calendar year, or that serves at three (3) or more temporary/itinerant events in any one calendar year.

UTENSILS: Any kitchenware, tableware, glassware, cutlery, utensils, containers or other equipment with which food or drink comes in contact during storage, preparation or serving. (Res., 10-21-1986; amd. Ord. 02-99-10, 2-16-1999; Ord. 07-04-010, 7-20-2004)

4-7-3: COMPLIANCE WITH STATE REGULATIONS:

- A. Rules And Regulations: The inspection of food service establishments shall be regulated in accordance with the state of Illinois department of public health, "Rules And Regulations For Food Service Sanitation" circular no. 19.010 and "Rules And Regulations For Retail Food Store Sanitation" circular no. 19.000.
- B. Other Definitions: Wherever the words "regulatory authority" or "enforcing agency" appear in this chapter, they shall be understood to mean the Lee County health department. All other definitions shall be as contained in the Illinois department of public health "Rules And Regulations For Food Service Sanitation". (Res., 10-21-1986)

4-7-4: FOOD SERVICE ESTABLISHMENT REQUIREMENTS:

- A. No food service establishment shall be operated within the county or its police jurisdiction unless it conforms with requirements of this chapter; provided, that, when any such establishment fails to qualify, the board of health is authorized to suspend the establishment's permit. (Res., 10-21-1986)
- B. All refrigeration and freezer units used for maintaining cold temperatures on potentially hazardous foods shall be monitored utilizing metal stemmed thermometers that are calibratable to within plus or minus two degrees (.2°). (Ord. 08-08-002, 8-19-2008)
- C. All refrigeration, freezer, and hot holding units used to maintain cold or hot temperatures on potentially hazardous foods shall maintain a written temperature log for each unit. The record log shall reflect the temperatures for a minimum of the last thirty (30) days. (Ord. 08-08-003, 8-19-2008)
 - 1. Monitoring of hot holding units shall be conducted in the following manner: All batches of food that are to be held in a hot holding unit shall be monitored with a properly calibrated calibratable metal stemmed thermometer and documented after being cooked or reheated to a proper temperature prior to holding. After being placed in a hot holding unit, a temperature shall be taken and recorded for each unit between one-half (1/2) and one hour. If the food item has been completely used within

this time period, this shall be designated in the log book. If the food still remains, a temperature shall be documented every hour until such food is gone. (Ord. 05-05-005, 5-17-2005)

2. Monitoring of cold holding units shall be conducted in the following manner: The log must contain at least one entry per unit for opening, midday, and closing. The readings shall be taken with a calibratable metal stemmed thermometer in a potentially hazardous food item for refrigeration units and an air temperature for freezers. (Ord. 08-08-004, 8-19-2008)

D. Employees shall wash their hands after becoming contaminated and prior to handling food or cleaning equipment. Such times include, but are not limited to: prior to starting work, after touching of the face, handling raw potentially hazardous foods, using the restroom, handling dirty dishes, consuming food, and handling garbage or garbage cans. Employees shall wash their hands in the restroom after using the restroom facility. Upon returning to the food preparation area, employees shall wash their hands again. Hands shall be washed as directed by signage provided by this department. This signage must be present at all hand sinks in the facility. Hands shall be washed for a minimum of twenty (20) seconds (lathering with soap), not including wetting hands and preparing paper towels. Hands shall be washed in such a manner as to eliminate the opportunity for recontamination (i.e., touching faucet handles and paper towel handles). The use of hands free faucets is encouraged.

E. All restroom facilities shall have a working paper towel dispenser, located conveniently near the hand sink, with paper towels in it at all times. An adequately sized garbage can must be placed within two feet (2') of the exiting door of the restroom. (Ord. 05-05-005, 5-17-2005)

F. Facilities not connected to municipal water systems, are subject to the safe drinking water act and are required to adhere to the sampling schedule mandated by the Illinois department of public health (title 77 section 900). Upon receipt of a late sample notice for a facility, the facility will be given an additional time period in which to complete sampling requirements. If, after this time period, sampling has not been conducted and verified, this department will conduct the sampling at the expense of the facility in the amount of seventy five dollars (\$75.00), plus lab and postage fees. Facilities will have fourteen (14) days to pay for this service. (Ord. 11-10-013, 11-16-2010)

4-7-5: PERMIT REQUIRED; RENEWAL; POSTING:

A. Permit: It shall be unlawful for any person to operate a food service establishment in the county who does not possess an unrevoked permit from the board of health. Such permit shall be posted in a conspicuous place. Only persons who comply with the requirements of this chapter shall be entitled to receive and retain such a permit. (Res., 10-21-1986)

1. Permits shall be in the name of the business owner as it appears on their Illinois business license. (Ord. 05-05-005, 5-17-2005)

B. Permit Renewal; Fee: Sixty (60) days before expiration of a retail food establishment permit, application for renewal of the permit shall be made in writing by the holder of the permit, on forms furnished by the

health department and shall be accompanied by the permit application fee. All permits shall expire on December 31 of each year. The health department shall issue the renewal permit if, based upon the most recent inspection, it is satisfied that the retail food establishment is in substantial compliance with the provisions of this chapter. (Ord. 07-04-010, 7-20-2004)

C. Posting: A valid permit shall be conspicuously posted in every retail food service establishment. (Res., 10-21-1986)

4-7-6: APPLICATION FOR PERMIT:

Any person desiring to operate a restaurant (food service establishment) shall make written application for a permit at least four (4) weeks prior to the proposed date of opening, on forms provided by the county board of health. Such application shall include, but not be limited to, the applicant's full name and post office address and whether such applicant is an individual, firm or corporation, and if a partnership, the name of the partners together with their addresses shall include: the location and type of the proposed food service establishment and the proposed date of opening; and the signature of the applicant or applicants. A plan of proposed business and equipment must be submitted along with the application. (Ord. 07-04-010, 7-20-2004)

4-7-7: INVESTIGATION OF PREMISES; ISSUANCE OR DENIAL:

Upon receipt of an application for a permit required by this chapter, the county health department shall inspect the establishment named in the application prior to the date of opening, and shall determine if the establishment is in compliance with the provisions of this chapter. When inspection reveals that the applicable requirements of this chapter have been met, a permit shall be issued. Should a permit not be issued, the applicant shall be notified. (Res., 10-21-1986)

4-7-8: FEES:

A. Fee Imposed:

1. After filing an application and submitting payment of the annual permit fee according to the fee schedule in this subsection A1 for low risk, medium risk, high risk and multidepartment high risk establishments, as defined in the Illinois department of public health's "Local Health Protection Grant Rules And Regulations", a permit will be issued on or before January 1 to all food service establishments that are in compliance with the applicable Lee County codes. (Ord. 09-11-018, 9-20-2011)

FEE SCHEDULE

	2011	2012	2014	2016	2018	2020
Low risk	\$ 75 .00	\$ 75 .00	\$ 75 .00	\$ 75 .00	\$ 80 .00	\$ 85 .00
Medium risk	100 .00	115 .00	130 .00	145 .00	160 .00	175 .00
High risk	200 .00	250 .00	300 .00	350 .00	400 .00	450 .00
Multidepartment high risk	300 .00	750 .00	800 .00	850 .00	900 .00	1,000 .00

(Ord. 09-11-015, 9-20-2011; amd. Ord. 09-11-016, 9-20-2011; Ord. 09-11-017, 9-20-2011; Ord. 09-11-018, 9-20-2011)

- Temporary or itinerant restaurants or food service establishments as defined in the state department of public health "Rules And Regulations For Food Service Establishments", and not exempted in subsection B of this section, shall pay a per event license fee according to the fee schedule in this subsection A2. In the case of mobile itinerant restaurants built into vehicles or trailers, each such unit shall be licensed separately on an annual basis.

FEE SCHEDULE

	2011	2012	2014	2016	2018	2020
Temporary/ itinerant establishments	\$30 .00	\$30 .00	\$30 .00	\$30 .00	\$35 .00	\$40 .00

(Ord. 09-11-019, 9-20-2011)

- Seasonal food service establishments or a food service establishment that meets the definition as outlined in this chapter will pay a permit fee of one hundred dollars (\$100.00) per calendar year.
(Ord. 07-04-010, 7-20-2004)

B. Exceptions: Nothing in this chapter shall be construed to exclude any food establishment except that the provisions in this section for fees for license applications shall not apply to the state, to departments thereof, to units of local government, to public and private schools or to food establishments that serve only beverages and packaged food items from an approved source; roadside stands for the sale of fruits and vegetables offered for sale by the producer, vending machines, churches, church societies, private clubs or other nonprofit associations of a religious, philanthropic, civic improvement, social, political or educational nature, which prepare or serve food on less than five (5) consecutive days but not to exceed sixty (60) days in any one calendar year. Only one permanent address per nonprofit organization may be exempt from the fee schedule. (Res., 10-21-1986)

C. Late Filing Fee: An additional fee of ten dollars (\$10.00) per day shall be paid to the county health department for late filing of any application. Not for profit organizations will be required to pay ten dollars (\$10.00) for late filing of any application. (Ord. 07-04-010, 7-20-2004)

D. Failure To Pay: All fees, fines, and late fees shall be paid by indicated due date. Failure to pay outstanding monies due may result in temporary suspension of permit and/or nonrenewal of permit until such time that fees are paid. (Ord. 11-10-012, 11-16-2010)

4-7-9: PERMITS NONTRANSFERABLE:

Permits issued under this chapter shall not be transferable from one person to another person or from one place to another place. (Res., 10-21-1986)

4-7-10: SUBMISSION OF PLANS FOR CONSTRUCTION OR REMODELING:

A. Plan Reviews (New Facility): Prior to opening a food service facility, the owner of the future facility shall complete the following. These steps shall be taken whether the physical structure is existing or the structure is to be built.

1. Provide in writing a diagram of the facility, denoting important features including hand sinks, food sinks, dishwashing facilities, refrigeration units, hot holding units, and any other devices or areas critical to food preparation and serving. Such plans shall be to scale. These plans do not need to be engineered drawings, however, they should be provided on respectable paper stock (i.e., no napkins).
2. The owner shall meet with a health inspector at the Lee County health department when providing the written diagram. A written list of menu items shall be provided as well. This is the time to ask any questions concerning equipment, the inspectional process and operational food safety.
3. The owner shall also meet with the food inspector at the site to be operated from. A preliminary inspection shall take place to identify areas to be corrected and to answer any questions the owner may have.
4. The owner shall meet with the food inspector on the day that the facility intends to open. This is called an opening inspection. The facility should be set up in the manner in which they will be conducting food service operations. Upon approval from the inspector, the facility may open for business.
5. The initial consultation, preopening inspection, opening inspection, and review of plans are provided at a cost of one hundred fifty dollars (\$150.00). This fee does not include the appropriate food service permit for that facility. Each additional office consultation, preopening inspection or opening inspection will be billed at the rate of twenty five dollars (\$25.00) per visit. All fees will be collected prior to opening.
6. A potential restaurant owner may ask to consult with a health inspector concerning a particular location. Each visit will be charged fifty dollars (\$50.00), which can be put toward the plan review fee of one hundred fifty dollars (\$150.00) if the owner decides to go through with opening the facility. If the business proposed is changed to another location, the plan review charges start over. These fees will be collected at the time the service is rendered.

B. Plan Review (Remodel Or Renovation): A food service facility owner that is considering a renovation or remodel on an existing building, shall abide by the following instructions:

1. Turn in a to-scale diagram of the current facility and a to-scale diagram of any changes or additions that are proposed to the food preparation, cooler units, waitress stations, hot holding units or dishwashing areas. Diagrams shall be completed on a reasonable paper stock (i.e., no napkins). Diagrams do not have to be engineered drawings. The facility owner shall meet with the health inspector after plans have been approved and prior to operating with the renovations or remodeling.
2. A plan review fee of fifty dollars (\$50.00) will be collected at time of service.

One inspection upon completion of the remodeling is included in this fee. Any additional inspections concerning the remodeling will be charged twenty five dollars (\$25.00) at time of inspection.

3. The plan review fee will be charged and collected prior to the facility reopening upon conclusion of remodeling. (Ord. 07-04-010, 7-20-2004)

C. Hand Sinks: All new or remodeled facilities are required to install knee or foot operated hand sinks in food preparation areas to minimize recontamination during hand washing. Hand sinks at all facilities shall be placed in a convenient location that allows for proper hand washing. In instances where hand washing cannot be done properly, a hand sink with foot or knee controls shall be installed in a location that is conducive to proper hand washing. Such locations will be determined on a case by case basis at the discretion of the Lee County health department. (Ord. 05-05-005, 5-17-2005)

4-7-11: EXAMINATION AND CONDEMNATION OF FOOD AND DRINK:

A. Examination; Hold Order:

1. Placement Of Hold Order: Food may be destroyed or discarded by the regulatory authority as often as necessary for enforcement of this chapter. The regulatory authority may, upon written notice to the owner or person in charge, specifying with particularity the reasons therefor, discard any food which it believes creates a potential health hazard. The regulatory authority shall identify any food subject to being destroyed. No food subject to being thrown out shall be used, served or moved from the establishment.

B. Expiration Dates: All potentially hazardous foods with expired expiration dates shall be considered unwholesome and must be removed from sale or distribution and destroyed or returned to the distributor. (Ord. 07-04-010, 7-20-2004)

C. Sulfates Prohibited: Sulfates shall not be utilized by any food establishment for the preservation of any food products within Lee County. Any foods containing sulfates shall be considered unwholesome and shall be ordered destroyed by the board of health representative. (Res., 10-21-1986)

4-7-12: INSPECTION OF FOOD SERVICE ESTABLISHMENTS:

A. Periodic Inspections:

1. Intervals For Inspection: An inspection of a food service establishment shall be performed in accordance with the "Illinois food sanitation code" and the "Local Health Protection Grant Rules And Regulations". Additional inspections of a food service establishment shall be performed as necessary for the enforcement of the codes outlined in this chapter.
2. Reinspection: In case the board of health or its representative discovers the violation of any item of sanitation, an additional inspection may be conducted following the lapse of time deemed necessary for the violation to be remedied. This reinspection shall be used in determining compliance with this chapter. A repeated violation of any requirement of this chapter may call for the immediate suspension of the food service establishment's permit and may require an administrative hearing as outlined in section [4-7-18](#) of this chapter. (Ord. 02-99-10, 2-16-1999)
3. Record Of Findings: Whenever an inspection of a food service establishment or commissary is made, the findings shall be recorded on the inspection report form. The inspection report form shall summarize the requirements of this chapter and shall set forth a weighted point value for each requirement. Inspectional remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from one hundred (100). A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed inspection report is a public document that shall be made available for public disclosure to any person who requests it according to law. (Res., 10-21-1986)

- B. Posting Inspection Report: One copy of the inspection report shall be posted upon an inside wall of the restaurant, in public view, and such inspection report shall not be defaced or removed. The health department representative may in their judgment place the inspection report where they deem necessary. Another copy of the inspection report shall be filed with the records of the county health department. The person operating the restaurant shall, upon request of the board of health, permit access to all parts of the establishment and shall permit copying any or all records of food purchased. (Ord. 07-04-010, 7-20-2004)

4-7-13: ITINERANT RESTAURANTS:

- A. Construction And Operation Requirements: Itinerant restaurants shall be constructed and operated as follows:

1. Location And Construction: Itinerant restaurants shall be located in clean surroundings and kept in a clean and sanitary condition. It shall be so constructed and arranged that food, drink, utensils and equipment will not be exposed to insects, to dust or other contamination.
2. Clean Food And Drink: Only food and drink which is clean, wholesome and free from adulteration shall be sold or served. (Res., 10-21-1986)

3. Safe Water: An adequate supply of potable water shall be easily available and used for drinking and for cleaning utensils and equipment.
 4. Multiuse Utensils: If multiuse utensils are used in the serving of food or drink, they shall be thoroughly washed rinsed, and sanitized after each use and so handled and kept as to be protected from contamination. (Ord. 07-04-010, 7-20-2004)
 5. Refrigeration: Adequate provision shall be made for refrigeration of perishable food and drink. (Res., 10-21-1986)
 6. Source Of Ice: Ice used in or with food or drink shall be from an approved source and so handled as to avoid contamination. (Ord. 07-04-010, 7-20-2004)
 7. Garbage And Refuse Disposal: Garbage and refuse shall be kept in tightly covered watertight containers until removed and shall be disposed of in a place and manner approved by the board of health. Dishwater and other liquid wastes shall be so disposed of as not to create a nuisance.
 8. Health Of Employees: No person suffering from any disease transmittable by contact or through food or drink or who is a carrier of the organisms of such disease shall be employed in any capacity.
 9. Toilet And Hand Washing Facilities: Adequate and satisfactory toilet and hand washing facilities shall be readily accessible to employees. No person engaged in the handling or serving of food or drink shall return to his work, after using the toilet, without first washing his hands.
 10. Hazardous Food: Foods listed as potentially hazardous by the Illinois department of public health may be restricted. (Res., 10-21-1986)
- B. Failure To Comply: Upon failure of any person maintaining or operating an itinerant restaurant, after warning, to comply with any of these requirements, the health department representative may forbid the further sale or serving of food and drink therein. Any person continuing to sell or serve food or drink in such a restaurant after being so forbidden, shall be subject to the penalties provided in section [4-7-22](#) of this chapter. (Ord. 07-04-010, 7-20-2004)

4-7-14: DISEASE CONTROL:

- A. Employee Restrictions: 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 or any person suspected 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 board of health immediately. (Ord. 07-04-010, 7-20-2004)
- B. Procedure When Infection Suspected: When the regulatory authority has reasonable cause to suspect possible disease transmission by an employee of a food service establishment, it may secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take appropriate action. The regulatory authority may require any or all of the following measures:
1. The immediate exclusion of the employee from employment in food service establishments.

2. The immediate closing of the food service establishment concerned until, in the opinion of the regulatory authority, no further danger of disease outbreak exists.
3. Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease.
4. Adequate medical and laboratory examination of the employee and of other employees and of his and their body discharges. (Res., 10-21-1986)

4-7-15: ENFORCEMENT INTERPRETATION:

- A. Authority; Compliance With Rules And Regulations: This chapter shall be enforced by the board of health in accordance with requirements set forth in the Illinois food service sanitation code.
- B. Procedure Upon Finding Hazardous Conditions: Notwithstanding the other provisions of this chapter, whenever the health authority finds unsanitary or other conditions in the operation of a food service establishment or food store or restaurant which in his judgment constitutes a substantial hazard to public health, he may, without warning issue a warning notice to the permit holder or operator citing such conditions and specifying the corrective action to be taken and specifying the time period within which such action shall be taken, and if deemed necessary, such order shall state that the permit is immediately suspended and all operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith. If the health officer or authorized representative has reason to believe that any continued operation of a particular permitted premises immediately threatens the welfare of the community, he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the permitted premises closed for not more than seven (7) days, giving the permit holder an opportunity to be heard during that period. (Ord. 07-04-010, 7-20-2004)

4-7-16: CORRECTION OF VIOLATIONS:

- A. Time Period For Correction: The completed inspection report form shall specify a reasonable period of time for the correction of the violations found, and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:
 1. If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the regulatory authority. (Res., 10-21-1986)
 2. All violations of four (4) or five (5) point weighted items shall be corrected immediately, but in any event, within ten (10) days following inspection. A follow up inspection shall be conducted to confirm correction. (Ord. 07-04-010, 7-20-2004)

3. All one or two (2) point weighted items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection. (Res., 10-21-1986)
4. (Rep. by Ord. 07-04-010, 7-20-2004)
5. In the case of temporary food service establishments, all major violations shall be corrected immediately. If a request for hearing is received, a hearing shall be held within ten (10) days of receipt of the request. (Ord. 07-04-010, 7-20-2004)

B. Reinspection For Compliance: Whenever a food service establishment is required under the provisions to cease operations, it shall not resume operations until it is shown on reinspection that conditions responsible for the order to cease operations no longer exist. (Res., 10-21-1986)

4-7-17: RIGHT OF ACCESS:

Representatives of the regulatory authority, after proper identification, shall be permitted to enter any food service establishment at any reasonable time for the purpose of making inspections to determine compliance with this chapter. The representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received or used. (Res., 10-21-1986)

4-7-18: SUSPENSION OR REVOCATION:

- A. Authority: The regulatory authority may, without warning, notice or hearing suspend any permit, license or certificate to operate a food service establishment if the holder of the permit, license or certificate does not comply with the requirements of this chapter or if the operation of the food service establishment otherwise constitutes a substantial hazard to public health. Suspension is effective upon service of the notice required by subsection B of this section. When a permit, license or certificate is suspended, food service operations shall immediately cease. Whenever a permit, license or certificate is suspended, the holder of the permit, license or certificate shall be afforded an opportunity for hearing within twenty (20) days of receipt of a request for hearing.
- B. Notice Required: Whenever a permit, license or certificate is suspended, the holder of the permit, license or certificate or the person in charge shall be notified in writing that the permit, license or certificate is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if a written request for hearing is filed with the regulatory authority by the holder of the permit, license or certificate within ten (10) days. If no written request for hearing is filed within ten (10) days, the suspension is sustained. The regulatory authority may end the suspension at any time if reasons for suspension no longer exist.

- C. **Hearing Opportunity:** The regulatory authority may, after providing opportunity for hearing, revoke a permit, license or certificate for serious or repeated violations of any of the requirements of this chapter or for interference with the regulatory authority in the performance of duty.
- D. **Time Limit To Request Hearing:** Prior to revocation, the regulatory authority shall notify, in writing, the holder of the permit, license or the person in charge, of the specific reason(s) for which the permit, license or certificate is to be revoked and that the permit, license or certificate shall be revoked at the end of the ten (10) days following service of such notice unless a written request for hearing is filed with the regulatory authority by the holder of the permit, license or certificate within such ten (10) day period. If no request for hearing is filed within the ten (10) day period, the revocation of the permit, license or certificate becomes final. (Res., 10-21-1986)

4-7-19: REINSTATEMENT:

- A. **Application:** Upon revocation, reapplication from the permit holder will not be approved within a minimum of fifteen (15) days of such revocation. (Ord. 05-05-005, 5-17-2005)
- B. **Reinspection:** Within one week after the receipt of a satisfactory application, accompanied by a statement signed by the applicant to the effect that the violated provisions of this chapter have been conformed with, the board of health shall make a reinspection and thereafter as many additional reinspections as deemed necessary, to assure that the applicant is again complying with the requirements and, in case the findings indicate compliance, shall reinstate the permit. (Res., 10-21-1986)

4-7-20: HEARINGS:

The hearings provided for in this chapter shall be conducted by the regulatory authority at a time and place designated by it. Any oral testimony given at a hearing shall be reported verbatim and the presiding officer shall make provision for sufficient copies of the transcript. The regulatory authority shall make a final finding based upon the complete hearing record and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit, license or certificate by the regulatory authority at the establishment's request. (Ord. 07-04-010, 7-20-2004)

4-7-21: SERVICE OF NOTICES:

A notice provided for in this chapter is properly served when it is delivered to the holder of the permit, license or certificate or the person in charge, or where it is sent by registered or certified mail, return

receipt requested, to the last known address of the holder of the permit, license or certificate. A copy of the notice shall be filed in the records of the regulatory authority. (Res., 10-21-1986)

4-7-22: PENALTY:

- A. Penalty Imposed: Any person (or responsible officer of that person) who violates a provision of this chapter and any person (or responsible officer of that person) who is the holder of a permit, license or certificate or who otherwise operates a food service establishment that does not comply with the requirements of this chapter, shall be guilty of a class A misdemeanor and imprisoned for not more than three hundred sixty four (364) days or fined not more than one thousand dollars (\$1,000.00) or both. Each day's violation shall constitute a separate offense.

- B. Enjoin Violations: The regulatory authority may seek to enjoin violations of this chapter. (Res., 10-21-1986)