

ORDINANCE No. 2023-06-003

**LEE COUNTY HEALTH DEPARTMENT CODE REVISIONS
TO
TITLE 4 (PUBLIC HEALTH & SAFETY) AND TITLE 8 (WATER & SEWER)**

WHEREAS, pursuant to 55 ILCS 5/5-25013(3), the Lee County Board of Health shall recommend to the County Board the adoption of such ordinances, and of such rules and regulations as may be deemed necessary or desirable for the promotion and protection of health and control of disease; and

WHEREAS, pursuant to 55 ILCS 5/5-25013(6), the Lee County Board of Health shall make recommendations to the County Board concerning reasonable and necessary fees to provide services or perform regulatory activities for the promotion and protection of health and control of disease; and

WHEREAS, in the interest of the People of Lee County, the costs of providing the services and performing regulatory activities should be borne in part by the establishments, businesses, and individuals receiving the services; and

WHEREAS, the Lee County Board of Health has determined that it is in the best interest of the County to make revisions and additions to Title 4 (Public Health & Safety) and Title 8 (Water & Sewer) of the Lee County Code of Ordinances and has forwarded the recommendations identified in the attached EXHIBIT A to the County Board for consideration.

NOW, THEREFORE BE IT ORDAINED by the Lee County Board that all applicable provisions of Title 4 (Public Health & Safety) and Title 8 (Water & Sewer) codes be amended pursuant to EXHIBIT A attached; and

BE IT FURTHER ORDAINED that all provisions of the existing Lee County Title 4 (Public Health & Safety) and Title 8 (Water & Sewer) codes in conflict with the attached EXHIBIT A are hereby repealed to the extent of the conflict.



PASSED BY THE LEE COUNTY BOARD

THIS 22nd DAY OF October, 2023

BY: Robert J. Olson
Lee County Board Chairman

ATTEST:

BY: Nancy Petersen
Lee County Clerk

**Lee County Board
Dixon, Illinois**

EXHIBIT A

**COUNTY CODE OF LEE COUNTY, ILLINOIS
TITLE 4 – PUBLIC HEALTH AND SAFETY**

CHAPTER 7 - FOOD AND FOOD ESTABLISHMENTS

SECTION:

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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 enforcement of this Chapter:

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

Commissary: a central, fixed non-mobile food service establishment that meets the requirements of the Food Code and provides the necessary support for the mobile food unit to operate in a safe and sanitary manner. It includes, but is not limited to, storage and preparation of food, storage of single-use items, and cleaning supplies.

EMPLOYEE: Any person who handles food and drink during preparation or serving, comes in contact with any eating or cooking utensils, or 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 word " establishment" appears in this Chapter, it should also be understood to mean "food service establishment," "mobile food unit" or "food store".

Bed and breakfast means an operator-occupied residence providing accommodations for a charge to the public with no more than five guest rooms for rent in operation for more than ten nights in a 12-month period. Breakfast may be provided to guests only.

Cottage Food Operation: An operation conducted by a person who produces food or drink, other than foods and drinks listed as prohibited in the law, in a kitchen located in that person's primary domestic residence or another appropriately designed and equipped kitchen on a farm for direct sale by the owner, a family member, or employee.-

Farmers' Market Permit: a permit issued to Farmers who meet the definition of farmer and other requirements under the Illinois Food Handling Regulation and Enforcement Act wishing to retail sell packaged time and temperature-controlled frozen meat and poultry, eggs, dairy, and frozen foods.

Farmers' Market Permittee/Operator: farmers who meet the definition of farmer and other requirements under the Illinois Food Handling Regulation and Enforcement Act who obtain a permit

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to retail sell packaged time and temperature-controlled frozen meat and poultry, eggs, dairy, and frozen foods.

Multi-Event Temporary Food Service Establishment License: a temporary event license for those who qualify, in which the license is valid for an unlimited number of 1-7 consecutive day events or celebrations, per vendor, per calendar year. Only one application and fee must be submitted for an annual Multi-Event Temporary Food License.

FOOD STORE: Retail grocery, meat market, poultry market, fish 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.

Imminent Health Hazard: a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury.

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.

Mobile: A mobile food unit is a food and beverage service establishment that is a vehicle-mounted unit, either motorized or trailered and readily moveable without disassembling, for transport to another location. All units shall have a commissary location for all aspects of a functioning mobile unit including but not limited to food storage, dry storage, obtaining fresh water, sewage disposal, and garbage disposal.

Temporary: a food establishment/vendor that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event such as a fair, carnival, circus, public exhibition, market, or another similar gathering.

4-7-3: COMPLIANCE WITH STATE REGULATIONS:

Adoption by reference of state rules and regulations, this article adopts by reference the provisions set forth in the FDA Food Code, adopted by the State of Illinois, the Illinois Bed and Breakfast Act, and the Illinois Local Health Protection Grant Rules and any subsequent amendments or revisions thereto.

A. **Rules And Regulations:** The inspection of food service establishments shall be conducted utilizing the code prescribed in the Local Health Protection Grant Rules.

B. **Other Definitions:** Wherever the words "regulatory authority" or "enforcing agency" appears in this chapter, they shall be understood to mean the Lee County Health Department. All other definitions shall be as contained in the code prescribed in the Local Health Protection Grant Rules. (Ord. 05-19-004, 5-21-2019)

4-7-4: FOOD SERVICE ESTABLISHMENT REQUIREMENTS:

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A. No food service establishment shall be operated within the County or its police jurisdiction unless it conforms with the 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 utilize thermometers that are accurate to within plus or minus two degrees ($\pm 2^{\circ}\text{F}$). (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 temperature log which is accessible to the inspector at the time of the inspection or at the time of request 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 on the log. 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 containing potentially hazardous food for opening, midday, and closing. The readings shall be taken with a thermometer accurate to within plus or minus two degrees ($\pm 2^{\circ}$). This shall be an air and/or product temperature. In freezers, this shall be an air temperature. Verification of thermometer accuracy shall be done with a calibratable thermometer at least once per day (Ord. 08-08-004, 8-19-2008)

3. When cooling potentially hazardous food(s), once it reaches 135°F the product shall be labeled with the time it was put into the refrigeration unit to start the six-hour cooling process. The date made and seven-day discard date shall also appear on the label.

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 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)

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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).

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 permits 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: At least thirty (30) days before the 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 on 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)

4-7-6: APPLICATION FOR PERMIT:

Any person desiring to operate a restaurant (food service establishment) shall make a 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. The application shall be in the name of the business owner as it appears on their Illinois business license 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 FDA Food Code and Illinois Department of Public Health's "Local Health Protection Grant Rules And Regulations", a permit will be issued on or before January

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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 A1

	2025	2027	2029	2031	2033	2035
Low risk-	\$140	\$170	\$200	\$230	\$250	\$280
Medium risk-	\$250	\$300	\$350	\$400	\$430	\$450
High risk	\$550	\$630	\$700	\$770	\$850	\$920
Multi-department High	\$1100	\$1200	\$1300	\$1400	\$1500	\$1600

Every year after 2035, a flat rate increase of \$10.00 will be applied to account for inflation. This rate may be altered with an amendment to the Lee County Code.

New food service establishments opening after May 1 will pay a prorated permit fee of 67% of the current rate. New food service establishments opening after September 1 will pay a prorated permit fee of 33% of the current rate.

Late fee: \$10 a day less than 14 days to start of operation.

(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)

2. Temporary food establishments/vendors not exempted in subsection B of this section, shall pay a per-event license fee according to the fee schedule in this subsection A2.

A2 FEE SCHEDULE

Temporary Food Permit	2024	2026	2028	2030	2032	2034
Individual events	\$50.00	\$60	\$70	\$80	\$90	\$100
Late fee-less than 14 days prior to the event	\$20	\$20	\$20	\$20	\$20	\$20

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

Every year after 2034, a flat rate increase of \$10.00 will be applied to account for inflation. This rate may be altered with an amendment to the Lee County Code.

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Multi Event Temporary Food Service 2024	Medium risk (low risk)	High risk Requires Commissary
	\$250	\$350

Late fee: \$20.00 if the application is submitted less than 14 days prior to the start of the first event.

Every year after 2025, a flat rate increase of \$10.00 will be applied to account for inflation. This rate may be altered with an amendment to the Lee County Code.

3. Mobile food service establishments or a food service establishment that meets the definition as outlined in this chapter will pay a permit fee according to the fee schedule in this subsection per-6-month period-(Ord. 07-04-010, 7-20-2004)

Mobile-

Mobile Units:	2025	2027	2029	2031	2033	2035
May 1-October 31 November 1-April 30						
Low/Medium risk 50% of full-time medium permit	\$125	\$150	\$175	\$200	\$215	\$225
Category 1: High risk 50% of full-time permit	\$275	\$315	\$350	\$385	\$425	\$460

Late fee: \$10 a day less than 14 days to start of the season

Every year after 2035, a flat rate increase of \$10.00 will be applied to account for inflation. This rate may be altered with an amendment to the Lee County Code.

4. Cottage Food Operators shall pay the maximum registration fee allowed under the statute governing Cottage Food Operations, Public Act 102-0633, SB2007, annually prior to starting their operations each year. Once the Cottage Food Registration Application review commences, the fee is nonrefundable

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5. Farmers' Market Permit fees will be determined in accordance with the Illinois Food Handling Regulation and Enforcement Act 098-0660, SB3838.

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 twenty dollars (\$20.00) per day shall be paid to the county health department for late filing of full-time and mobile applications less than 14 days prior to opening. Not-for-profit organizations will be required to pay twenty (\$20.00) dollars per day for late filing of full-time and mobile applications.

An additional fee of twenty dollars (\$20.00) shall be paid to the county health department for late filing less than 14 days prior to the event for all temporary applications. Not-for-profit organizations will be required to pay twenty (\$20.00) dollars for late filing of applications.

(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 the temporary suspension of the permit and/or nonrenewal of the 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 unless the Illinois business license lists both parties as owners 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.

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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 fee schedule below. 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.

Plan review process	2024-forward
New owner of a new build New owner change of use (real estate building to bar)	H/M \$400 New L \$200 Extra trip fees
Plan review new owner existing building with the same use	High/Med \$250 Low risk \$ 150 Extra trip fees
Plan review Remodel/renovation Same owner-changing food preparation area moving up risk category	H/M \$150 Low \$50 Extra trip fees

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 the fee schedule in Section 4-7-10(5) 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, refrigeration, and freezer 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 the time of service.

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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 the time of inspection.

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

C. Hand Sinks: Hand sinks at all new or remodeled facilities shall be placed in a convenient location that allows for proper hand washing. The use of hands-free faucets is encouraged. In instances where hand washing cannot be done properly, a hand sink 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 the enforcement of this chapter. The regulatory authority may, upon written notice to the owner or person in charge, specify with particularity the reasons therefore, 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 code prescribed in the Local Health Protection Grant Rules and Regulations FDA code. 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, mobile food unit, or temporary event, is made, the findings shall be recorded on the inspection report form. The

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inspection report form shall summarize the requirements of this chapter. Inspectional remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment.

B. **Posting Inspection Report:** 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) The health department representative may in their judgment place the inspection report where they deem necessary. 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 of any or all records of food purchased. (Ord. 07-04-010, 7-20-2004)

4-7-13: Temporary Establishment/Vendor:

A. **Construction And Operation Requirements:** Temporary Establishments shall be constructed and operated as follows:

1. **Location And Construction:** 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, 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 the 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 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 their hands.

10. **Hazardous Food:** Foods listed as potentially hazardous by the Illinois Department of Public Health's "Local Health Protection Grant Rules and Regulations" may be restricted. (Res., 10-21-1986)

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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:

3. **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 establishment, and no establishment shall employ any such person or any person suspected of being a carrier of such disease. If the Person in Charge (PIC) 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 until, in the opinion of the regulatory authority, no further danger of disease outbreak exists.
3. Restriction of the employee's services to evaluate 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 their bodily 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 Department of Public Health's "Local Health Protection Grant Rules and Regulations"

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 their judgment constitutes a substantial hazard to public health, they 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 particular permitted premises immediately threatens the welfare of the community, they 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)

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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 a 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. Priority and Priority Foundation items shall be corrected on-site. Priority items shall be corrected within 72 hours and Priority Foundation items within 10 calendar days and implement corrective actions for a HACCP PLAN provision that is not in compliance with its CRITICAL LIMIT or HACCP plan deviations (8-405.11 Sec B 1. A follow-up inspection shall be conducted to confirm the correction of Priority and Priority Foundation items. Reference the FDA Food Code for the definition of Priority and Priority Foundation. (Ord. 07-04-010, 7-20-2004)

3. All core items shall be corrected as soon as possible or if required, by the date and time agreed to or specified by the regulatory authority but no later than 90 calendar days after the inspection. (8-406.11 Sec A). Reference the FDA Food Code for the definition of Core Item. (Res., 10-21-1986)

4. In the case of temporary food service establishments, all Priority or Priority Foundation violations shall be corrected immediately. If a request for a hearing is received, a hearing shall be held within ten (10) days of receipt of the request. (Ord. 07-04-010, 7-20-2004)

(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 the 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:

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,

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license, or certificate is suspended, the holder of the permit, license, or certificate shall be afforded an opportunity for a hearing within twenty (20) days of receipt of a request for a hearing.

A. **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 a 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 a hearing is filed within ten (10) days, the suspension is sustained. The regulatory authority may end the suspension at any time if reasons for the suspension no longer exist.

B. **Hearing Opportunity:** The regulatory authority may, after providing an opportunity for a 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, certificate, 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 a 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 reinspection's 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 on 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

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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)