

FRANKLIN COUNTY FOOD SANITATION ORDINANCE

WHEREAS, the Franklin-Williamson Bi-County Health Department was established in accordance with the Illinois State Statute, 55 ILCS 5/5 as amended; and

WHEREAS, said local health departments are subject to the provisions of 77 Illinois Administrative Code, Part 600, 610, 615, and 750; and

WHEREAS, said Illinois Administration Code requires local health departments to conduct a food sanitation program in accordance with a local ordinance that incorporates by reference or includes provisions at least as stringent as the Illinois Department of Public Health Food Sanitation and Retail Food Store Sanitation Codes; and

WHEREAS, the Franklin County Board desires to enact ordinances, in accordance with State Statutes, that regulate the activities of its local health department and promote the enforcement of minimum rules and regulations for retail food stores, food establishments, food pantries, and bed & breakfast facilities within Franklin County; and

WHEREAS, it is the desire of the Franklin County Board to protect the citizens of Franklin County from transmitting or contacting foodborne illness and disease;

NOW, THEREFORE, BE IT ORDAINED by the County Board of Franklin County, Illinois that the following Ordinance defining, licensing, and regulating food establishments, retail food stores, and temporary food establishments within the County, be adopted.

SECTION I- GENERAL PROVISIONS

1.01 ADOPTION BY REFERENCE

In addition to those provisions set forth herein, this Ordinance hereby adopts by reference the current edition and any subsequent or amended revisions of the following:

- a. Illinois Department of Public Health Food Service Sanitation Code, 77 Illinois Administrative Code, Part 750.
- b. Food Handling Regulation Enforcement Act, 410 Illinois Compiled Statutes, Chapter 625.
- c. Bed and Breakfast Act, 50 Illinois Compiled Statutes, Chapter 820.
- d. Illinois Food Drug and Cosmetic Act, 410 Illinois Compiled Statutes, Chapter 620.
- e. Any other Rules and Regulations promulgated by the Illinois Department of Public Health pertaining to food service establishments and retail food stores.

1.02 DEFINITIONS

- A. ADULTERATED shall mean the condition of any food:
 - a. If it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health.
 - b. If it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation or in excess of such tolerances if one has been established.
 - c. If it consists in whole or in part of any filthy, putrid, or decomposed substance or if it is otherwise unfit for human consumption.
 - d. If it has been processed, prepared, packed or held under insanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health.
 - e. If it is in whole or in part the product of a diseased animal or animal which has died otherwise than by slaughter.
 - f. If its containers are composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.
- B. AUTHORIZED REPRESENTATIVE shall mean the legally designated Administrator of the Franklin-Williamson Bi-County Health Department and shall include those persons designated by the Administrator to enforce the provisions of this Ordinance.
- C. BED AND BREAKFAST ESTABLISHMENT shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms for rent, in operation for more than ten (10) nights in a twelve-month period; breakfast may be provided to the guests only; this term shall not include motels, hotels, boarding houses or food service establishments.
- D. BUILDING shall mean a structure built, erected and framed of component structural parts designed for the housing, work, recreations, shelter, enclosure, or support of persons, animals, or property of any kind.
- E. CATEGORY I FACILITY means a food establishment that presents a high relative risk of causing food-borne illness, based on the large number of food handling operations typically implicated in food-borne outbreaks and/or the type of population served by the facility. Category I facilities include those where the following operations occur:
 - a. Potentially hazardous foods are cooled, as part of the food handling operation at the facility;
 - b. Potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;
 - c. Potentially hazardous cooked and cooled foods must be reheated;
 - d. Complex preparation of foods or extensive handling of raw ingredients with hand contact for ready-to-eat foods occurs as part of the food handling operations at the facility;

- e. Vacuum packaging, other forms of reduced oxygen packaging, or other special processes that require an HACCP plan; or
 - f. Immunocompromised individuals, such as the elderly, young children under age four and pregnant women are served, in a facility in which these individuals compose the majority of the consuming population.
- F. CATEGORY II FACILITY means a food establishment that presents a medium relative risk of causing food-borne illness, based upon few food handling operations typically implicated in food-borne illness outbreaks. Category II facilities include those where the following operations occur:
- a. Hot or cold foods are held at required temperatures for no more than 12 hours and are restricted to same-day services;
 - b. Foods are prepared from raw ingredients, using only minimal assemble; and
 - c. Foods that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food-processing plants, high-risk food service establishments or retail food stores.
- G. CATEGORY III FACILITY means a food establishment that presents a low relative risk of causing food-borne illness, based upon few or no food handling operations typically implicated in food-borne illness outbreaks. Category III facilities include those where the following operations occur:
- a. Only potentially hazardous foods commercially pre-packaged in an approved processing plant are available or served at the facility;
 - b. Only limited preparation of non-potentially hazardous foods and beverages, such a snack foods and carbonated beverages, occurs at the facility; or
 - c. Only beverages (alcoholic and non-alcoholic) are served at the facility.
- H. CERTIFIED FOOD SERVICE MANAGER OR SUPERVISOR means a person certified in compliance with Section 750.540 of the Illinois Administrative Code, Title 77.
- I. CODE means the Illinois Administrative Code.
- J. CORE ITEM
- a. Means a provision in the Code that is not designated as a priority item or a priority foundation item
 - b. Includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOP's), facilities or structures, equipment design, or general maintenance.
- K. COTTAGE FOOD OPERATION means an operation conducted by a person who produces or packages food or drink, other than foods and drinks listed as prohibited in the Food Handling Regulation Enforcement Act at 410 ILCS 625/4(b)(1.5), in a kitchen located in that person's primary domestic residence or another appropriately designed and equipped residential or commercial-style kitchen on that property for direct sale by the owner, a family member, or employee.

- L. ENTITY means a business, non-profit organization, institution or certified local health department.
- M. FARMERS MARKET means a common facility or area where farmers gather to sell a variety of fresh fruits and vegetables and other locally produced farm and food products directly to consumers.
- N. FOOD means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or sale in whole or in part for human consumption, or chewing gum.
- O. FOOD EMPLOYEE OR FOOD HANDLER means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces. "Food employee" or "food handler" does not include unpaid volunteers in a food establishment, whether permanent or temporary.
- P. FOOD ESTABLISHMENT means an operation that:
 - a. Stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides food for human consumption, such as a restaurant, satellite or catered feeding location, catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people, market, vending location, conveyance used to transport people, institution or food pantry; and
 - b. Relinquishes possession of food to a consumer directly, or indirectly, through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.
 - c. Food establishment includes:
 - i. An element of the operation, such as a transportation vehicle or a central preparation facility, that supplies a vending location or satellite feeding location, unless the vending or feeding location is permitted by the regulatory authority; and
 - ii. An operation that is conducted in a mobile, stationary, temporary or permanent facility or location. This inclusion applies regardless of whether consumption is on or off the premises and whether there is a charge for the food.
 - d. Food establishment does not include:
 - i. An establishment that offers only prepackaged foods that are not time/temperature controlled for safety;
 - ii. A produce stand that only offers whole, uncut fresh fruits and vegetables;
 - iii. A food processing plant, including those that are located on the premises of a food establishment;
 - iv. A kitchen in a private home, such as a small family daycare provider or a bed and breakfast operation as defined in the Bed and Breakfast Act that prepares and offers food to guests;

- v. A private home that receives catered or home delivered food; a closed family function where food is prepared or served for individual family consumption; or
 - vi. A cottage food operation.
- Q. FOOD PANTRY shall mean a nonprofit organization that distributes pre-packaged food at no cost from an approved source to low-income or unemployed households to relieve situations of emergency and distress.
- R. HACCP (HAZARD ANALYSIS CRITICAL CONTROL POINT) means a food safety management system to identify, evaluate, and control food safety hazards.
- S. HEALTH DEPARTMENT means the Franklin-Williamson Bi-County Health Department.
- T. HEALTH OFFICER means an official employee or designee of the Bi-County Health Department.
- U. HOME KITCHEN OPERATION means a person who produces or packages non-potentially hazardous baked goods in a kitchen in compliance with Section 4 of the Food Handling Regulation Enforcement Act.
- V. IMMIMENT HEALTH HAZARD means a significant threat or danger to health that is considered to exist wherein 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 based on:
- a. The number of potential injuries, and
 - b. The nature, severity, and duration of the anticipated injury.
 - c. Examples of imminent health hazards include, but are not limited to, fire, flood, extended interruption of electrical or water supply, sewage backup, contaminated water supply, misuse of poisonous or toxic chemicals, onset of apparent food-borne illness or outbreak, inadequate hot or cold food holding facilities, rodent or insect infestation, unsanitary conditions, other conditions deemed prejudicial to public health.
- W. LABEL shall mean a written, printed, or graphic matter upon the immediate container of an article.
- X. MISBRANDED shall mean the presence of any written, printed, or graphic matter upon or accompanying food or containers of food which is false or misleading.
- Y. PERMIT shall mean written authorization issued by the Health department or its authorized representative.
- Z. PERMIT HOLDER means the entity that is legally responsible for the operation of the food establishment such as the owner, the owner's agent, or other person; and possesses a valid permit to operate a food establishment.
- AA. POTENTIALLY HAZARDOUS FOOD means foods that are time/temperature controlled for food safety.

- BB. POTLUCK EVENT means an event where people are gathered to share food in compliance with Section 4 of the Food Handling Enforcement Act.
- CC. PRIORITY ITEM means a provision in the Illinois Food Sanitation Code whose application supports, facilitates or enables one or more priority items. Priority foundation item includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to food-borne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling.
- DD. RETAIL FOOD STORE means any establishment or section of an establishment where food products are offered to the consumer and intended for, though not limited to, off-premises consumption. The term does not include establishments which handle only prepackaged spirits; roadside markets that offer only fresh fruits and fresh vegetables for sale, food establishments, or food and beverage vending machines.
- EE. TEMPORARY FOOD ESTABLISHMENT shall mean any food establishment which prepares food or drink or otherwise handles food for public consumption in a fixed location in conjunction with a special event for a period of no longer than fourteen (14) days.
- FF. VENDING MACHINE means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

SECTION II- PERMITS

2.01 It shall be unlawful for any person or persons to operate a food-service establishment, retail food store or temporary food establishment, and bed and breakfast establishment within the County of Franklin, State of Illinois, who does not possess a valid permit issued by the Franklin-Williamson Bi-County Health Department. Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person to another person nor shall said permit be applicable to any location, building, or place other than that for which it was issued. A valid permit shall be posted in every food establishment so as to be clearly visible to all customers.

2.02 TYPE/TERM

- A. Annual Food Permit: Food service establishments that operate in Franklin County must hold a valid annual food permit. The annual permit shall be valid for one (1) year from the date of issuance.
- B. Mobile Food Service Establishments: Mobile food service establishments that operate at multiple locations and/or events throughout Franklin County must obtain an Annual Food Permit from the Health Department prior to beginning operation each year. The mobile

food permit shall be valid one (1) year from the date of issuance. Mobile food facilities must provide a list of locations where they will be operating to allow for inspection. Mobile food facilities will be inspected and charged based on their Risk Categorization.

- C. Seasonal Permit: Facilities that operate for a period of time less than 180 days in a calendar year at the same location must obtain a Seasonal Permit from the Health Department prior to beginning operation.
- D. Temporary Food Permit: Establishments that operate for a period of less than 14 days must apply for a permit prior to the start of each temporary event as follows:
 - a. Single Day: In the case of temporary food establishments, a permit is not required for single day food functions at private clubs or other nonprofit associations of a religious, philanthropic, civic improvement, social, political or educational nature. However, inspections may be performed by the Health Department at these single day events dependent on the type of food being prepared and served. Recurring events at the same location are not considered single day events.
 - b. Multiple Day Events: Establishments that operate at an event for a period of less than 14 days must apply for a permit prior to the start of each temporary event. This permit will be valid for the duration of the event.
- E. Vending Food Permit: Establishments that operate at vending machines serving time temperature control for safety foods in Franklin County must obtain a Vending Food Permit from the Health Department. The vending food permit shall be valid for one (1) year from the date of issuance.
- F. Other Food Service Operations:
 - a. Cottage Food Operations: Cottage Food Operations must operate in accordance with Section 4 of the Food Handling Enforcement Act and register annually with the Health Department. Annual registrations expire March 31st of each calendar year.
 - b. Home Kitchen Operations: Home kitchen operations must operate in accordance with Section 4 of the Food Handling Enforcement Act to be exempt from permitting requirements. This statement is not intended to authorize the operation of Home Kitchen Operations except as provided for in Franklin County Ordinances.
 - c. Potluck Events: Potluck events must operate in accordance with Section 4 of the Food Handling Enforcement Act to be exempt from permitting requirements.

2.03 FEES

- A. Annual Permit Fees shall be assessed for each permitted establishment and collected by the Bi-County Health Department. Permit fees shall be based on the risk classification of the establishment.
- B. The Fee schedule shall be set by the Franklin-Williamson Bi-County Board of Health and a copy of which can be obtained from the Bi-County Health Department Office.

- C. At the discretion of Bi-County Health Department, permit fees may not apply to units of local government and public or private schools.
- D. Permit fees are non-refundable.
- E. LATE PAYMENT PENALTY. All permit fees for the annual renewal of permits are due prior to the permit expiration date. Establishments failing to submit the appropriate fee and renewal application within 30 days past the due date shall be assessed a late fee. Failure to submit the total fee required by the date of permit expiration will result in an expired permit and a request for cessation of food establishment operations by the Health Department Officer due to the lack of a valid permit. A permit which has expired shall be removed from the establishment by the Health Officer. Facilities that change ownership or open prior to issuance of permits shall be subject to the same late fees.
- F. Establishments that require repeat re-inspections may be subject to the repeat inspection fee. Any re-inspection fees must be paid at the time of the re-inspection unless another arrangement has been made.
- G. Establishments undergoing a plan review are subject to a plan review fee.
- H. All outstanding fees shall be paid within 30 days. No annual permit, seasonal permit or temporary permit will be issued until all outstanding fees are paid.

2.04 ISSUANCE

- A. Any person desiring to operate a food service establishment, retail food store, or temporary food establishment shall make written application for a permit on forms provided by the Health Department. Such application shall include
 - a. Permit holder's full legal name and post office address
 - b. Permit holder's phone number
 - c. Whether said Permit holder is an individual, partnership, firm, or corporation
 - d. Location and type of establishment including address and phone number
 - e. Signature of permit holder
 - f. Any other information deemed necessary for proper review by the Health Department.
- B. Upon receipt of such application and permit fee, the Health Department shall make inspection of the establishment to determine compliance with the provisions of this ordinance. When inspection reveals that the applicable requirements of this ordinance have been met, a permit shall be issued to the applicant. Conditional Operating Permits may be issued for a time period not to exceed 60 days, in order for the food-service operation to come into compliance with this ordinance.
- C. The permit holder has an affirmative and continuing requirement to update the original and all renewal applications. As a result, the license holder must inform the Health Department of any changes in the information listed in this application within thirty (30) days.

- D. Failure to comply with these sections or to knowingly furnish false information on the original or renewal application shall be grounds for immediate suspension or revocation of any license issued pursuant to this ordinance.

2.06 CLASSIFICATION

- A. Franklin-Williamson Bi-County Health Department shall periodically conduct a category assessment for every food service establishment and retail food store in Franklin County.

SECTION III- SUSPENSION/REVOICATION & HEARING

3.01 SUSPENSION

- A. In the event that the Health Officer determines that a permit holder or operator is not in compliance with the provisions of this ordinance, he/she shall issue a notice under the provisions of this ordinance to the permit holder or operator. Said notice shall state the nature of the violation, and a reasonable time in which corrective action must be taken.
- B. In the event such violation constitutes an immediate hazard to the public health, the aforesaid notice may also require the immediate suspension of the entire operation of the establishment or portions thereof. Any person to whom such a notice is issued shall comply immediately therewith, but upon written request shall be afforded a hearing as soon as possible. The suspension shall become effective immediately and upon service on the permit holder.
- C. Upon suspension of the permit, the permit shall be removed from the establishment by the Health Officer and returned to the Health Department.
- D. Permits may be suspended temporarily by the Health Department for failure of the permit holder to comply with notices or citations issued for violation of the Smoke-Free Illinois Act. Whenever a permit holder or operator has received a Smoke Free Illinois citation and failed to request a hearing within 10 calendar days, or pay the fine within 28 calendar days, or failed to obey the findings and final order of an Illinois Department of Public Health Administrative Law Judge, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended.
- E. Reinstatement/Re-Inspection. Any person whose permit has been suspended may make application for a re-inspection for the purpose of reinstatement of the permit. Within ten (10) days following receipt of the written request, including a signed statement by the permit holder that in his/her opinion the conditions causing suspension of the permit have been corrected, the Health Officer shall make a re-inspection. If the permit holder is found to be in compliance with this ordinance and applicable laws, the permit shall be reinstated.

REVOCATION

- A. For serious or repeated violations of any of the requirements of this ordinance, or for interference with the Health Department or Health Officer in the performance of his/her duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Health Department. 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) days following service of such notice, unless a request for a hearing is filed with the Health Department by the permit holder within such five (5) day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

3.02 FAILURE TO COMPLY

- A. When a food service establishment fails to comply with any provision of Section II of this ordinance, the Health Department shall issue a citation notice to the permit holder. The citation notice shall state the date, time and place the permit holder is to appear in the Circuit Court. Upon conviction, the permit holder shall be subject to penalties, fines, and court costs.

3.03 HEARING

- A. The hearings provided for in this ordinance shall be conducted by the Health Department at a time and place designate 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 Health Department 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 permit holder.
- B. Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit as provided in this ordinance.

SECTION IV- INSPECTIONS

4.01 FREQUENCY OF INSPECTIONS

- A. The Health Department shall inspect and regulate each food service establishment within the County of Franklin, State of Illinois, as specified in the Illinois Administrative Code, Title 77, Part 615.310 and any subsequent revisions thereto and shall make as many additional inspections and re-inspections as are necessary for the enforcement of this ordinance.

- B. The Local Health Department shall inspect facilities at least as often as prescribed by the following schedule:
 - a. Category I facilities shall receive three inspections per year, or two inspections per year if one of the following conditions is met:
 - i. A certified food service manager is present at all times that the facility is in operation; or
 - ii. Employees involved in food operations receive a Hazard Analysis Critical Control Point (HACCP) training exercise or in-service training in another food service sanitation area or attend an educational conference on food safety or sanitation.
 - b. Category II facilities shall receive one inspection per year.
 - c. Category III facilities shall receive one inspection every two years.

4.02 RIGHT OF ENTRY.

- A. The Health Officer, after appropriate identification, shall be permitted to enter at any reasonable time, any food establishment, retail food store, bed and breakfast establishment, or temporary food establishment in the County of Franklin, State of Illinois for the purpose of making inspection to determine compliance with this ordinance. The Health Officer shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to the food and supplies purchased, received, or used and persons employed.
- B. Whenever an inspection of a food service establishment or retail food store is made, the finding shall be recorded on an inspection report. One copy of the inspection report form shall be furnished to the person in charge of the establishment. In the case that violations of this ordinance are found, this inspection report shall serve as official notice to the permit holder or operator that the establishment is in violation of the provisions of this ordinance. The report 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.

4.03 CORRECTION OF VIOLATIONS

- A. 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:
 - a. 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 Bi-County Health Department.

- b. Priority Items: All priority item violations noted on the inspection report will require immediate or twenty-four (24) hour correction and follow-up inspections will be conducted within one (1) working day.
- c. Priority Foundation Items: All priority foundation items violations noted on the inspection report will require correction within ten (10) days and follow-up inspections will be conducted with ten days.
- d. Certified Food Protection Manager: All certified food protection manager violations noted on the inspection report will require correction within the timeline required by the Code.
- e. Other Violations: All other violations noted on the inspection report will be corrected according to a compliance schedule as determined by the Health Officer and the permit holder.
- f. Alternative Timeline for Corrections: In the event that correction of the violation would require the installation of new equipment or structural changes, the owner can request an alternative timeline for correction. The request for the alternative timeline for correction shall be in writing and received prior to the expiration of the initial timeline for correction. The request shall include:
 - i. Date of proposed violation correction; and
 - ii. Explanation of why original timeline for correction cannot be met; and
 - iii. Documentation on how the public health will be protected during the alternative correction timeline.

The Health Department shall review each request for alternative timelines to ensure that the public health is being protected and notify the requestor in writing as to whether the alternative timeline for correction has been approved or denied.

- g. The inspection report shall state the failure to comply with any time limits for corrections may result in cessation of food service operations. An opportunity for a hearing on the inspection finding or the time limitations or both will be provided if a written request is filed with the Bi-County Health Department within ten (10) days following cessation of operations. If a request for a hearing is received, a hearing shall be held within twenty (20) days of receipt of the request.

4.04 EXEMPTIONS

- A. Food Service Establishments and Retail Food Stores constructed prior to the original effective date of this Ordinance and holding a valid food service permit shall be exempt from the provisions of this Ordinance regarding the construction of physical facilities provided such physical facilities function in a manner not prejudicial to the public health. This does remain in effect for those Food service Establishments and Retail Food Stores constructed prior to the effective date of this Ordinance that undergo a change of ownership. *If the Food Service Establishment fails to function in a manner that is not*

prejudicial to public health or substantially remodels or changes their food preparation practices, then additional equipment or structural changes may be required to comply with the Ordinance and Code.

4.05 ADDITIONAL REQUIREMENTS

- A. If necessary to protect against public health hazards or nuisances, the Bi-County Health Department may impose specific requirements in addition to the requirements contained in the Code that are authorized by law. The Bi-County Health Department shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the establishment and a copy shall be maintained in the file for the food establishment.

4.06 NOTICE

- A. Notices provide for in this Section shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of such notice shall also be filed with the records of the Bi-County Health Department.

SECTION V-EXAMINATION AND CONDEMNATION OF FOOD AND/OR EQUIPMENT

5.01 FOOD

- A. Food may be examined or sampled by the Health officer as often as necessary to determine freedom from adulteration or misbranding. The Health Officer may upon written notice to the owner or person in charge, place a hold order on any food which determined or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded. Under a hold order, food shall be permitted to be suitable stored. It shall be unlawful for any person to move or alter a hold order notice or tag placed on food by the Health Department. Neither such food nor the containers thereof shall be relabeled, repackaged, or reprocessed, altered, disposed of, or destroyed without permission of the Health Department, except on an order by a court of competent jurisdiction. After the owner or person in charge has had a hearing as provided in Section 3.05 of this Ordinance, and on the basis of evidence produced at such hearing, or on the basis of examination in the event of written request for a hearing is not received within ten (10) days, the Health Department may vacate the hold order or may, by written order, direct the owner or person in charge of food which was placed under the hold order to denature

or destroy such food or bring it into compliance with the provisions of this ordinance. Such order shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.

- B. Any potentially hazardous food found to be in the optimal temperature range for the growth of pathogenic foodborne bacteria by the Health Officer during an inspection of an establishment will be subject to immediate condemnation. The condemned food shall be held under embargo until it has been proved satisfactory for human consumption by a certified laboratory at the expense of the permit holder if the food product is not voluntarily destroyed immediately.
- C. **FOOD ESTABLISHMENTS OUTSIDE JURISDICTION OF HEALTH AUTHORITY**-Food from establishments outside the jurisdiction of the Health Department of the County of Franklin, State of Illinois, may be sold in the County of Franklin, State of Illinois, if such food establishments conform to the provisions of this ordinance or to substantially equivalent provisions. To determine extent of compliance with such provisions, the Health Department may accept reports from responsible authorities in other jurisdictions where such food establishments are located.
- D. **ADULTERATED FOOD**- No food service establishment, retail food store, bed and breakfast establishment, or temporary food establishment shall offer for sale or keep for the purpose of selling or offering for sale, any food of any kind intended for human consumption which is adulterated for any reason, or violate any rule or regulation as provided herein.

5.02 EQUIPMENT

- A. Where equipment used in the preparation of food products is found to be in a state of disrepair, unsafe, unsuitable for use, or insanitary in the preparation, display or service of food, such equipment shall be taken out of use and a hold order placed on said equipment by the Health Department. Such equipment may not be put back into service until written permission is obtained from the Health Department. It shall be unlawful for any person to move or alter a hold order notice or tag placed on equipment by the Health Department. Such equipment will not be altered, disposed of or destroyed without permission of the Health Department except on an order in a court of competent jurisdiction.
- B. After the owner or person in charge has had a hearing, and on the basis of the evidence produced at such hearing or on the basis of examination in the event of a written request for a hearing is not received within ten (10) days, the Health Department may vacate the hold order or may by written notice direct the owner or person in charge of the equipment which is placed under the hold order to remove such equipment or bring it into compliance with the provisions of this ordinance. Such order shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.

5.03 IMMINENT HEALTH HAZARDS AND FOOD PROTECTION

- A. In the event of a fire, flood (including sewage backup), power outage, misuse of poisonous or toxic materials, foodborne illness outbreak, or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the permit holder or person in charge shall cease operations and contact the Health Department. Upon receiving notice of this occurrence, the Health Department shall take whatever action it deems necessary to protect the public health. If operations are ceased, the establishment must get approval from the Health Department to reopen. A permit holder is not required to discontinue operations in an area of the establishment that is unaffected by the imminent health hazard.

5.04 PROCEDURE WHEN INFECTION IS SUSPECTED/EMPLOYEE HEALTH

- A. When the Health Department has reasonable cause to suspect possibility of disease transmission from any food service establishment employee, it shall secure a morbidity history of the suspected employee or make any other investigation as may be indicated and take appropriate action. The Health Department may require any of the following measures:
- a. The immediate exclusion of the employee from any food handling activities.
 - b. Immediate closure of the establishment concerned until in the opinion of the Health Department, no further danger of disease outbreak exists.
 - c. Restriction of the employee's service to some area of the establishment where there will be no danger of transmitting disease.
 - d. Adequate medical and laboratory examinations of the employee or other employees and of his or their body discharges.
 - e. No employee shall be allowed to return to work in the establishment until the Health Department certifies that the employee no longer presents a health hazard.
- B. Any person to whom such an order is issued shall comply immediately therewith, failure to comply with such order shall entitle the Health Department to seek a Court order for compliance with any or all of the above measures. Pursuant to the administrative search provisions of this ordinance, the Health Department shall be permitted to examine employee records to obtain pertinent information required to prevent the possibility of disease transmission.

SECTION VI-PLAN REVIEW/FUTURE CONSTRUCTION

6.01 PLAN REVIEW

- A. Whenever a food service establishment, bed and breakfast establishment, or retail food store is constructed or extensively remodeled or whenever an existing structure is

converted to use as a food service establishment, bed and breakfast establishment or retail food store, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the Health Department for review and approval before construction, remodeling or conversion may begin. The preparations and plans shall indicate the proposed menu, proposed layout, arrangement, mechanical plans, and construction materials of work areas; and the model of proposed fixed equipment and facilities. The Health Department shall approve the plans and specifications if they meet the requirements of this ordinance. No food service establishment, bed and breakfast establishment, or retail food store shall be constructed, remodeled, or converted except in accordance with plans and specifications approved by the Health Department.

- B. Minimum Requirements. At a minimum, a food service establishment that is constructed or remodeled shall have the following:
 - a. A ware washing sink with three compartments. Each compartment shall be sized to allow for the immersion of the largest piece of equipment washed. The ware washing sink shall include integral drain boards. A three-compartment sink is required as a back-up ware washing option for those facilities that have automatic ware washing machines.
 - b. A food preparation sinks for rinsing of produce, thawing of food products, etc.
 - c. A utility/mop sink
 - d. Handwashing stations in each food preparation and ware-washing area.
- C. Establishments that upgrade their operations to higher risk categories after opening may be required to install additional sinks/equipment.

6.02 PRE-OPENING INSPECTIONS

- A. Whenever plans and specifications are required by this ordinance to be submitted to the Health Department, the Health Department shall inspect the food service establishment, bed and breakfast establishment, or retail food store prior to the start of operations, to determine compliance with the approved plans and specifications and with the other requirements of this ordinance prior to the issuance of a permit to operate.

SECTION VII-VARIANCES & HACCP REQUIREMENTS

7.01 VARIANCES

- A. The health Department may grant a variance, modifying or waiving requirements of the Ordinance or Illinois Food Code if in the opinion of the Health Department a health hazard or nuisance condition will not result from the variance. If a variance is granted, the Health Department shall retain the information in its records for the food establishment. Variances are not transferable to new owners or locations.

7.02 DOCUMENTATION & JUSTIFICATION

- A. Before a variance from a requirement of the ordinance or Illinois Food Code is approved, the information that shall be provided by the person requesting the variance and retained in the Health Department's file on the food establishment includes:
 - a. A statement of the proposed variance of the Ordinance or Code requirement citing relevant Section numbers therein;
 - b. An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant Ordinance or Code sections will be alternatively addressed by the proposal; and
 - c. A HACCP plan, if required as specified in this Ordinance that includes the information specified as it is relevant to the variance requested.
- B. If the Health Department grants a variance as specified or a HACCP plan is otherwise required, the permit holder shall:
 - a. Comply with the HACCP plans and/or procedures that are submitted as specified and approved as a basis for the variance; and
 - b. Maintain and provide to the Health Department, upon request, records specified that demonstrate that the following are routinely employed:
 - i. Procedures for monitoring the critical control plans;
 - ii. Monitoring the critical control plans;
 - iii. Verification of the effectiveness of the operation or process; and
 - iv. Necessary corrective actions if there is failure at a critical control point.

7.03 HACCP REQUIREMENTS

- A. The Health Department may require establishments to submit HACCP plans in accordance with the Illinois Administrative Code.
- B. WHEN AN HACCP PLAN IS REQUIRED
 - a. Before engaging in an activity that requires an HACCP plan, the permit holder shall submit to the Health Department for approval a properly prepared HACCP plan as specified and the relevant provisions of the Code if:
 - i. Submission of a HACCP plan is required according to law;
 - ii. A variance is required by the Code;
 - iii. The Health Department determines that a food preparation or processing method requires a variance based on a plan submittal, an inspection finding, or a variance request.
 - b. Before engaging in reduced oxygen packaging without a variance as specified under the code, the permit holder shall submit a properly prepared HACCP plan to the Health Department.
- C. CONTENTS OF HACCP PLAN- For a food establishment that is required to have a HACCP plan, the plan and specifications shall indicate:

- a. A categorization of the types of time/temperature control for safety foods that are specified in the menu such as soups and sauces, salads, and bulk, solid foods such as meat roasts, or other foods that are specified by the Health Department;
- b. A flow diagram by specific food or category of food type identifying critical control points and providing information on the following:
 - i. Ingredients, materials, and equipment used in the preparation of that Food; and
 - ii. Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;
 - iii. Food employee and supervisory training plan that addresses the food safety issues of concern;
 - iv. A statement of standard operating procedures for the plan under consideration including clearly identifying:
 - 1. Each critical control point;
 - 2. The critical limits for each critical control point;
 - 3. The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge;
 - 4. The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points;
 - 5. Action to be taken by the person in charge if the critical limits for each critical control point are not met; and
 - 6. Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed.
- c. Additional scientific data or other information, as required by the Health Department, supporting the determination that food safety is not compromised by the proposal.

SECTION VIII- PENALTIES & EFFECTIVE DATE

8.01 PENALTIES

- A. Any person who violates any provision of this ordinance, or any rules and regulations adopted herein shall be guilty of a Class B misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$100.00, but not more than \$500.00 for each violation. In addition, thereto, such person may be enjoined from continuing such violations. Each day upon which such violation occurs shall constitute a separate offense.

8.01 EFFECTIVE DATE/SAVINGS

- A. This ordinance shall be in full force and effect from and after the date of adoption as provided by law; and this ordinance shall supersede all previous Food Sanitation Ordinances, and all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.
- B. Should any Section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected and remain in full force and effect.

Voted on and Approved by the Franklin County Board on this 17TH day of JULY, 2018.



Randall Crocker, Chairman

Attest: 

Greg Woodard, County Clerk & Recorder

8 ayes
0 nays
1 absent