10A

RESOLUTION

RE: Heath Department Food Code Amendment

WHEREAS, the Health Department has proposed an amendment to the County Food Code to comply with State law modifying and making provisions more uniform and consistent with the Federal food code; and,

WHEREAS, the Vermilion County Board of Heath has approved the same; and,

WHEREAS, such modifications are required by law.

NOW, THEREFORE BE IT RESOLVED by the County Board of Vermilion County, Illinois, that the Vermilion County Health Department Food Sanitation Ordinance is adopted as set forth in the attached Exhibit "A".

PRESENTED, APPROVED AND RESOLVED by the County Board of Vermilion County, Illinois at the November 14, 2017 A.D. Session.

DATED this 14th day of November 2017 A.D.

AYE 25 NAY _____ ABSTAIN _____

ABSENT 2

Michael T. Mannon
Chairman, Vermilion County Board

ATTEST:

Cathy Jerkens
Clerk of the County Board

RESOLUTION 17-1107

Approved by Heath and Education Committee:

Kevin Green (Y) N A

Chairman

Phearn Butler (Y) N A

Marla Mackiewicz (Y) N A

Chuck Mockbee (Y) N A

Chuck Nesbitt (Y) N A

Frank Hoskins (Y) N A

Cari West- Monson (Y) N A

Resolution
No. 17-1107

VERMILION COUNTY ORDINANCE GOVERNING FOOD ~~SERVICE~~ SANITATION

SECTION 1 - PURPOSE

The purpose of this ordinance is to protect, promote, and preserve the public health and general welfare of the citizens by providing the establishment and enforcement of minimum rules and regulations for retail food stores, ~~and~~ food ~~service~~ establishments, food pantries, bed & breakfast facilities and mechanical vending operations in Vermilion County, Illinois.

SECTION 1A - JURISDICTION

This ordinance shall be enforced throughout Vermilion County ~~except within any city, village or incorporated town or combination thereof of less than 500,000 inhabitants which city, village or incorporated town or combination thereof or public health district maintains a local health department and employs a full-time health officer and other professional personnel possessing such qualifications as may be prescribed by the State Department of Public Health, unless otherwise provided by statute or intergovernmental agreement~~ and in the city limits of all villages and cities located in Vermilion County.

SECTION 2 - RULES AND REGULATIONS

The current editions of the Illinois Department of Public Health Food ~~Service~~ Sanitation Code, ~~77 Ill. Adm. Code 750, Rules and Regulations for Food Service Sanitation~~ Food Handling Regulation Enforcement Act {410 ILCS 625}, Bed and Breakfast Act, 50 ILCS 820/l et seq, Smoke Free Illinois Act, 410 ILCS 82 ~~Rules and Regulations for Retail Food Stores~~ and any subsequent amendments or revisions thereto, are hereby adopted by reference as the Vermilion County ~~Food Service~~ Ordinance Governing Food Sanitation ~~Code.~~

Three current copies of each set shall be placed on file in the County Clerk's Office.

SECTION 3 - DEFINITIONS

In addition to the definitions contained in the above rules and regulations, the following definitions shall apply in the enforcement and interpretation of this ordinance.

3.1 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 regulations 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 unsanitary 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.

3.2) Bed & Breakfast 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; meals may be provided to the guests only as allowed by the Bed and Breakfast Act (50 ILCS 820); this term shall not include motels, hotels, boarding homes, or food ~~service~~ establishments (50 ILCS 820/2.a.).

3.3) Chronic Violations are the same priority or priority foundation violations that are

documented in three out of five routine inspections (chronologically conducted inspections)

3.4) Continuous Repeat violations are violations that are documented and uncorrected at three (3) consecutive inspections

3.5 Core item

a. Core item means a provision in this Code that is not designated as a priority item or a priority foundation item.

b Core item includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

3.6) Cottage Food Operation means an operation conducted by a person who produces or packages food or drink in a kitchen located in that person's primary domestic residence or another appropriately designed and equipped residential or commercial-style kitchen.

3.7) Denature is the process of chemically altering (pouring bleach, ammonia, Lysol or any approved chemical over the product) the properties of a food product that has been ordered for destruction by the department.

3.8) Extensively remodeled shall mean whenever an existing structure is converted for use as a food ~~service~~ establishment; or existing establishments receive any structural additions or alterations; or plumbing systems are changed, modified or extended, excluding routine maintenance.

3.9) 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.

3.10) Food means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

3.11) 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.

3.12) Food ~~service~~ establishment means any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen type operations that prepare foods intended for individual portion service. The term does not include lodging facilities serving only a continental breakfast, (a continental breakfast is one limited to only coffee, tea, and/or juice and commercially prepared sweet baked goods), private homes or a closed family function where food is prepared or served for individual family consumption, or the location of food vending machines.

3.13) HACCP plan means a written document that delineates the formal procedures for following the Hazard Analysis and Critical Control Point principles developed by The National Advisor Committee on Microbiological Criteria for Foods.

3.14) Health Department shall mean the Vermilion County Health Department or its authorized employees.

3.14) Imminent health hazard means 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 based on:

a. The number of potential injuries, and

b. The nature, severity and duration of the anticipated injury.

Imminent health hazard includes but is not limited to inadequate hot or cold food holding facilities, lack of potable water supply, sewage entering the establishment, rodent and/or insect infestation, fire or any other situation which would preclude the possibility of preparing food in a safe and wholesome manner.

3.15) Misbranding shall mean the presence of any written, printed, or graphic matter upon or accompanying food or containers of food which is false or misleading.

3.16) Operator shall mean person in charge of the operation of the food establishment.

3.17) Person In Charge (PIC) means the individual present at a food establishment who is responsible for the operation at the time of the inspection.

3.18) Priority Item means a provision in the Illinois Food Sanitation Code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard. Priority item includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, handwashing.

3.19) Priority Foundation 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 foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling.

3.20) Public Health Administrator shall mean the administrator of the Vermilion County

Health Department.

3.21) Recurring Repeat Violations are violations that are documented at four (4) consecutive inspections, but corrected after each inspection or follow-up re-check inspection.

3.22) 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.

3.23) Temporary food ~~service~~ establishment shall mean any food ~~service~~ 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.

3.24) Time Temperature Control (TCS) for Safety Food (formerly "potentially hazardous food" (PHF)) shall mean:

a. Time/temperature control for safety food means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

b. Time/temperature control for safety food includes:

1. An animal food that is raw or heat-treated; a plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; and

2. Except as specified in Subparagraph (3)(d) of this definition, a food that because of the interaction of its water activity and PH values is designated as Product Assessment Required (PA)

c. Time/temperature control for safety food *does not* include:

1. An air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable salmonellae;
2. A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;
3. A food that because of its PH or water activity value, or interaction of water activity and PH values, is designated as a non-TCS food;
4. A food that is designated as Product Assessment Required (PA) in Table A or B (2013 FDA Code) of this definition and has undergone a Product Assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food Is precluded due to:
   i. Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients,
   ii. Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use, or

iii. A combination of intrinsic and extrinsic factors; or

5. A food that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of the Subparagraphs (3) (a) - (3) (d) of this definition even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.

3.25) Variance means a written document issued by the regulatory authority that authorizes a modification or waiver of one or more requirements of the Illinois Food Sanitation Code or this ordinance if, in the opinion of the regulatory authority, a health hazard or nuisance will not result from the modification or waiver.

3.26) 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.

3.27) Vendor is also known as a supplier, an individual or company that sells goods or services to someone else.

SECTION 4 - ENFORCEMENT PROCEDURE

4.1 Permit: It shall be unlawful for any person to operate a food ~~service~~ establishment within Vermilion County, who does not possess a valid permit issued by the Health Department. Permits shall not be transferable. A valid permit shall be posted in a conspicuous place in every food ~~service~~ establishment. Permits for permanent establishments shall expire on December 31 of each year.

a. New Permits. Any person desiring to operate a food ~~service~~ establishment in Vermilion County shall comply with all parts of this section and ~~make written~~ submit a completed application for a permit on forms provided by the Health

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Department. Upon receipt of a completed application and payment of the appropriate fees ~~for a new food service establishment~~, the Health Department shall make an inspection of the establishment to determine general compliance with the provisions of this ordinance. If met, a permit shall be issued to the applicant.

1. Newly constructed establishments prior to receiving a permit must:
    i. Submit to the department a floor plan of the establishment plus appropriate fees to receive a Plan Review approval.
    ii. Obtain plumbing approval by a State or the local municipality plumbing inspector.
    iii. Abide by all local municipality regulations.
    iv. Submit a copy of the establishment's menu
    v. Assure that the appropriate number of staff members have completed the approved training and have obtained their certificates as certified food protection managers.
    vi. Complete and pass a pre-opening inspection conducted by an environmental health inspector from the department.

2 Upon change of ownership, a completed permit application and appropriate permit fee shall be submitted.
    i. An establishment that closes its doors for greater than 72 hours during the process of changing ownership must complete a plumbing inspection by a State or local municipality plumbing inspector. An extension beyond the original 72 hours, not to

exceed 5 business days, for cleaning purposes may be requested in writing to this department.

ii. The new permit will not be issued to the new establishment owner until the department has possession of the previous owner's permit.

3. Permits issued to a new establishment September 1 through October 31 will be charged half for the permit fee. Permits issued to a new establishment after November 1, will be issued through the following year.

4. Temporary Food establishments are issued a new permit for each event in which the establishment will be serving food. Any person planning to operate a temporary food establishment in Vermilion County shall comply with all parts of this section.

i. On the first temporary event of each year, a temporary food establishment shall submit a completed application for a permit. Upon receipt of a completed application and payment of the appropriate fees, the Health Department shall make an inspection of the establishment to determine general compliance with the provisions of the Illinois Food Sanitation Code and this ordinance. If met, a permit shall be issued to the applicant.

ii. On subsequent temporary events within a calendar year, the owner or its representative for the temporary food establishment shall no later than twenty – four hours prior to the start of an event update their temporary food application that is on file at

the department, with the event information and pay the appropriate fees. The department may not make an inspection of the establishment unless the food preparation has changed, remodeling has been completed or another food preparation facility will be used that has not been inspected by the department during that calendar year.

iii. Temporary food service vendors conducting a fund raiser more frequently than one a month shall provide a letter from the individual or party for which the fund raising is being held.

b. Renewal of Permits. Permit renewal applications and the appropriate fees shall be sent to the applicant by the Health Department thirty (30) days prior to the permit expiration date. The Health Department will not renew a Food ~~Service~~ Establishment Permit when the permit holder has failed to remit outstanding fines or corrected ordered violations as issued by or owed to the Health Department or a local government agency or court based upon a violation issued by the Health Department.

i. Permit renewal applications received after December 15 shall be assessed a late fee.

ii. Permit renewal applications received after December 31 shall be assessed a permit reinstatement fee.

c. Suspension of Permits. Permits may be suspended temporarily by the Health Department for failure of the permit holder to comply with the requirements of the Illinois Food Sanitation Code and this ordinance.

Whenever a permit holder or operator has failed to comply with any written

notice issued under the provisions of Section 4 of this ordinance, the permit holder or operator shall be notified in writing that the permit is immediately suspended and that an opportunity for a hearing will be provided if a written request is filed with the Health Department by the permit holder.

Upon suspension of the permit, the permit shall be removed from the establishment by the Health Department and all food operations shall cease immediately. Notwithstanding the other provisions of this ordinance, whenever the Health Department finds and documents unsanitary conditions in an establishment which constitute an imminent health hazard, a written notice shall be issued to the operator citing the conditions, specifying the corrective action needed to be taken, and the time period for achieving correction and, if necessary, that the permit is immediately suspended and that all food service operations cease immediately; however, upon receipt of a written request, the permit holder will be offered a hearing within 72 hours.

d. Reinstatement of Suspended Permits. Any person whose permit has been suspended may, at any time, make a request for re-inspection for the purpose of reinstatement of the permit. Within 72 hours following receipt of written request, the Health Department shall make a re-inspection of the establishment. If the applicant is complying with the requirements of this ordinance, the permit shall be reinstated.

e. Revocation of Permits. A permit may be revoked for serious or repeated violations of the requirements of this ordinance, or for interference with a duly authorized employee of the Health Department in the performance of his duties. A permit may be permanently revoked only after an opportunity for a

hearing has been provided by the Public Health Administrator.

Prior to such action, the Public Health Administrator shall notify the permit holder in writing stating the reasons for revocation and advising that the permit shall be permanently revoked at the end of five (5) days, unless a request for a hearing is filed with the Health Department. A permit may be suspended pending the hearing on permanent revocation. Any person who has had a permit revoked may apply for a new permit at any time.

f. Hearing. The hearings provided for in this Section shall be conducted by the Public Health Administrator at a time and place designated by ~~him~~ them. Hearings will be conducted in accordance with the rules of practice and procedures adopted by the Illinois Department of Public Health pursuant to Ill. Adm. Code 100 Section 4a.1 of the Illinois Administrative Procedure Act. Oral testimony given at a hearing shall be recorded verbatim and the presiding officer shall make sufficient copies of the transcript. The Public Health Administrator shall make a final decision 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 shall be furnished to the permit holder by the Health Department.

g. Appeal of Hearing. Appeal of hearing decisions may be filed in the Vermilion County Circuit Court.

h. Notices. The notices referred to in this ordinance shall be hand delivered by a duly authorized representative of the Health Department or by certified mail. A copy of such notice shall be placed in the establishment's permanent file.

i. Fees. Fees for permits shall be set by the Board of Health with the approval of

the Vermilion County Board.

1. Class I, Permanent Establishments are those establishments which operate more than six (6) months per year, including but not limited to, retail food stores, delicatessens, institutions, restaurants, taverns and some mobile food units.

   The permanent establishments are placed in the following sub-classification for fee purposes.

   i. Class I, A High Risk Permanent Establishments are those establishments which serve ~~potentially hazardous~~ TCS food that requires a great deal of processing on the premises. High risk establishments meet one or more of the following criteria in their operation:

   ii. Cooling and reheating of ~~potentially hazardous~~ TCS foods.

   iii. Preparing and holding hot or cold food more than 12 hours before serving.

   iv. Extensive handling of raw ingredients and hand contact with ready-to-eat foods.

   v. Preparing food for off-site and catering services.

   vi. Vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level.

   vii. Serving to immunocompromised individuals.

Fee $350.00

2. Class I, B Medium Risk Permanents Establishments are those establishments which often serve ~~potentially hazardous~~ TCS foods, however, there is a rapid turnover between preparation and service. Medium Risk Establishments meet one or more of the following criteria in their operation:

   i. Preparing foods for service from raw ingredients using minimal assembly.

   ii. Hot or cold holding is restricted to same-day service.

   iii. Foods requiring complex preparation are obtained (canned, frozen, fresh prepared) from approved processing establishments.

Fee $275.00

2. Class I, C Low Risk Permanent Establishments are establishments which do not serve ~~potentially hazardous~~ TCS foods with the possible exception of pre- packaged items. Low risk establishments meet one or more of the following criteria in their operation:

   i. Only prepackaged foods are available or served.

   ii. ~~Potentially hazardous~~ TCS foods are commercially pre-packed in an approved processing establishment.

   iii. The establishments have limited preparation of non-TCS ~~potentially hazardous~~ foods and beverages such as snack foods and carbonated beverages.

iv. Only beverages are served (alcoholic or non-alcoholic).

Fee $200.00

3. Class I, D Schools with food preparation and/or service.

Fee $60.00

4. Class I, E Schools with limited and/or without food preparation, but which do serve as a meal site.

Fee $35.00

5. Class I, F Food Pantries are those establishments that provide pre-packaged ~~potentially hazardous~~ TCS food product. ~~Potentially hazardous~~ TCS foods are commercially pre-packed in an approved processing establishment. Applicant must submit proof of non-profit status at the time an application is submitted. A food pantry that provides pre-packaged, non-TCS ~~potentially hazardous~~ food product is exempt from permit requirements but a permit is required.

Fee $ 0.00

6. Class 1, G Vending Machine Operation. Operations will be permitted based on the number of machine in-service at a single address.

Up to 5 vending machines at one address $50.00

6 - 15 vending machines at one address $75.00

16 - 20 vending machines at one address $100.00

Each additional vending machine at one address $2.00 ea.

j. Fines. Fines for food ~~service~~ establishments and temporary food ~~service~~ establishments, such as imminent health hazards that require re-inspections, failure to meet inspection standards that require re-inspections, and failure to be prepared for pre-arranged routine or pre-operational inspections that require re-inspections, are set at $25 per re-inspection.

k. Variances. The department may grant a variance by modifying or waiving the requirements of the Illinois Food Sanitation Code or this ordinance if in the opinion of the department a health hazard or nuisance will not result from the variance.

1. If a variance is granted, the department shall retain the following information in its records for the food establishment:

i. A statement of the proposed variance of the Illinois Food Sanitation Code or this ordinance requirement citing relevant code or ordinance section numbers;

ii. An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant code or ordinance sections will be alternatively addressed by the proposal; and

iii. A HACCP plan if required that includes information relevant to the variance

2. If a variance is granted, the operator shall:

i. Comply with any required HACCP plans and procedures that are submitted and approved as a basis for the modification or waiver;

ii. Maintain and provide to the department upon request, records that demonstrate that there are procedures in place to ensure the alternate processor operation is being monitored, that it is being verified that the alternate process or operation is effective and that there are necessary corrective actions in place if there is a failure.

4.2 Inspections.

a. Frequency of Inspection. All food ~~service~~ establishments shall be inspected according to Illinois Department of Public Health risk assessment guidelines as identified in Section 615.310 b) 4) of the 77 Illinois Administrative Code.

b. Right of Entry. The duly authorized employees of the Health Department, after proper identification, shall be permitted to enter, at any reasonable time, any establishment for the purpose of making an inspection to determine compliance with this ordinance. ~~He~~ They shall be permitted to examine the records of the establishment to obtain pertinent information as to foods and supplies purchased, received and used and persons employed by the establishment.

c. Reports of Inspection. Whenever an inspection of an establishment is made, the findings shall be made on an inspection report that is substantially equivalent to the Illinois Department of Public Health ~~Retail~~ Food Establishment ~~Sanitary~~ Inspection Report. One copy of the report shall be furnished to the person in charge of the establishment at the conclusion of the inspection. ~~(Ord. No. 90-241 & 4/2c, 6-19-90). A letter grade that corresponds with the score from the inspection report shall be recorded on a score form supplied by the Health Department staff and shall be posted by the food service establishment~~

~~in a conspicuous place near or in close proximity to the food service establishment permit. The food service sanitation grading system that corresponds with the standard numerically weighted scoring system utilized on the retail food sanitary inspection report shall be established, as follows:~~

~~SANITATION SCORE GRADE~~

~~90 - 100 A~~
~~80 - 89 B~~
~~70 - 79 C~~

~~The establishment score form shall not be removed, tampered with, or mutilated until it is replaced with a new score form by the Health Department staff at the time of the food service establishment's next inspection.~~

d. Correction of Violations. The inspection report shall establish a specific and reasonable time frame for which all violations shall be corrected ~~for the correction of violations~~. The corrections shall be made within the period specified in accordance with the following procedures:

1. If an imminent health hazard exists, the establishment shall immediately cease operations. Operations shall not resume until authorized by the Health Department.

2. ~~Violations of 4 or 5 point items shall be corrected as soon as possible within 10 days of the inspection when a follow up inspection will be made to confirm correction of violations.~~ A violation of a priority item or a priority foundation item

i. Whenever possible the permit holder shall correct a violation of a priority item or priority foundation item or a noted HACCP

deviation immediately.

ii. When correction of a violation of a priority, a priority foundation item or a noted HACCP deviation cannot be completed at the time of the inspection the inspector may agree to or specify a longer time frame, not to exceed;

A. 72 hours after the inspection for a priority item

B. 10 calendar days after the inspection for a priority foundation item or a HACCP deviation.

iii. A re-check inspection shall be scheduled and conducted by a department inspector of all violations of the priority or priority foundation items or noted HACCP deviation that are not corrected at the time of the initial routine inspection. If new priority item or priority foundation item violations are present during a re-check inspection, the inspector shall document the violations on the inspection report form and, if necessary, conduct another follow-up inspection to confirm compliance.

3. ~~Violations of 1 or 2 point items shall be corrected by the time of the next inspection.~~ A violation of a Core item:

i. The permit holder shall correct a violation of a core item prior to the next routine inspection.

ii. All core item pest control violations will be subjected up to a 10 day re-check inspection.

4. ~~When the rating score of an inspection is less than 70 points, the~~

~~establishment's food service permit shall be immediately suspended. The food service establishment permit may be reinstated pursuant to Section 4.1 of this ordinance.~~ Appeal from the inspection findings shall be provided if a written request for a hearing is filed with the Health Department within 10 days from the date of the inspection. If requested, a hearing shall be held within 72 hours of the receipt of the request.

5. ~~In the case of temporary food stands, all 4 or 5 point items shall be immediately corrected or the permit shall be suspended.~~ Whenever any establishment is required to cease operations, it shall not resume operations until such time that an inspection has been made that confirms that the conditions which required closure no longer exist.

6. ~~Appeal from the inspection findings shall be provided if a written request for a hearing is filed with the Health Department within 10 days from the date of the inspection. If requested, a hearing shall be held within 72 hours of the receipt of the request~~. During a routine inspection of a food establishment, the inspector shall site any violations of the Smoke Free Illinois Act (SFI Act)

    i. Any and all violations of the SFI Act noted shall be reported on the inspection report.

    ii. Enforcement of this Act will be pursuant of sec 40 of this Act. Whenever any establishment is required to cease operations, it shall not resume operations until such time that a re-inspection has been made that confirms that the conditions which required closure no longer exist.

e. Repeat violations. If continuous repeat violations, recurring repeat violations or chronic violations are observed during a routine inspection, the following procedures should be followed:

1. Follow-up inspection, with a mandated or agreed upon correction schedule. If new priority violations are present during a follow-up inspection, the inspector shall document the violations on the inspection report form and, if necessary, conduct another follow-up inspection to confirm compliance.
2. Warning letter: Letter from the food program supervisor or director of environmental health to licensee citing violation(s) and setting a compliance date for correction of violation(s);
3. Informal hearing: this shall be a meeting between the permit holder or an appointed representative and environmental health personnel. This is the first step to the issuance of a formal notice of the department's intent to suspend or revoke a food establishment's permit.
4. Formal hearing: a hearing to determine if a food establishment permit should be suspended or revoked, or to determine if the order to cease food operations should be rescinded.

f. Special Requirements for Game animals (Section 750.110 a-c, Food Sanitation Code). The enforcement of a priority item (d. 2. of this Section) shall be used for this item.

g. Employee Health (Section 750.500 a –f, Food Sanitation Code). The enforcement of a priority item (d. 2. of this Section) shall be used for this item.

h. Subpart I: Temporary Food Service (Section 750.1600 – 750.1700, Food Sanitation Code):

i. 750.1620, Handling of ice. The enforcement of a priority item (d. 2. of this Section) shall be used for this item.

ii. 750.1630 a-b Equipment cleanliness and protection from contamination. The enforcement of a priority foundation item (d. 2. of this Section) shall be used for this item.

iii. 750.1640 Potable Water. The enforcement of a priority item (d. 2. of this Section) shall be used for this item.

iv. 750.1650 Wet . The enforcement of a priority foundation item (d. 2. of this Section) shall be used for this item.

v. 750.1660 Waste Disposal. The enforcement of a core item (d. 3. of this Section) shall be used for this item.

vi. 750.1670 Handwashing. The enforcement of a priority foundation item (d. 2. of this Section) shall be used for this item.

vii. 750.1680 Floors. The enforcement of a core item (d. 3. of this Section) shall be used for this item.

viii. 750.1690 Walls, Ceiling and Doors.

1. 750.1690 a. The enforcement of a core item (d. 3. of this Section) shall be used for this item.

2. 750.1690 b - Enforcement of a priority foundation item (d. 2. of this Section) shall be used for this item.

ix. 750.1700 Single-Service Articles. The enforcement of a Core item (d. 3. of this Section) shall be used for this item.

i. Subpart M, Food Handler Training (Section 750.3400 a-b, Food Sanitation Code). Food handler training that is not completed within 30 days after

employment will be subjected to a re-inspection not to exceed 30 days to ensure compliance.

j. Subpart N, Farmer's Market (750.4300 a-f, Food Sanitation Code). The enforcement of a Core item (d. 3. of this Section) shall be used for this item.

4.3 Examination and Condemnation of Food and/or Equipment.

a. Food may be examined or sampled by the Health Department to determine freedom from adulteration or misbranding. The Health Department may, upon written notice to the owner or person in charge, place a hold order on food which ~~he~~ they determine or ~~has~~ have probable cause to believe is unwholesome or otherwise adulterated or misbranded. Food under a hold order shall be suitably stored. It shall be unlawful for any person to move or alter a hold notice or tag placed on such food. Neither shall such food nor the containers thereof be relabeled, repackaged or reprocessed, altered, disposed of or destroyed without permission of the Health Department, except on an order obtained by the Circuit Court. After the permit holder has had a hearing as provided in Section 4.1 f, and on the basis of evidence produced at such hearing; or on the basis of examination if no hearing is requested, the Public Health Administrator may vacate the hold order or may, by written order, direct that the food under the hold order be denatured, destroyed or brought into compliance. Such order shall be stayed, if appealed to the Circuit Court within 3 days.

b. Equipment. Equipment used in the preparation of food products found to be in a state of disrepair, unsafe, unsuitable for use, or unsanitary will be taken out of use and a hold order will be placed on said item. The equipment may not be put back into service until written permission is obtained from the Health Department.

c. Existing Equipment. Equipment which was installed in an establishment prior to

the effective date of this ordinance, and does not fully meet all of the design and construction requirements, shall be deemed acceptable in that establishment if it is in good repair and capable of being maintained in a sanitary condition and the food contact surfaces are non-toxic.

d. The use of held-over, ~~potentially hazardous~~ TCS food (leftovers) in a temporary food service establishment is prohibited.

4.4 Procedure When Infection is Suspected.

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 or all of the following measures:

a. 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 the disease outbreak exists.

c. Restriction of employee's work activities to some area of the establishment where here will be no danger of transmitting disease.

d. Appropriate medical and laboratory examinations of the employee or other employees and of his or their bodily discharges.

4.5 Food establishments, temporary food establishments and complaint investigations which have imminent health hazards that require re-inspections, or which fail to meet inspection standards that require re-inspections, or which fail to be prepared for pre-arranged routine or pre-operational inspections that require re-inspections, will be charged a $25.00 fee per re-inspection.

SECTION 5 - FOOD ESTABLISHMENTS OUTSIDE OF JURISDICTION

Food from establishments outside the jurisdiction of the Vermilion County Health Department may be sold within Vermilion County if such establishments conform to the provision of this ordinance or to substantially equivalent provisions. To determine extent of compliance, the Health Department may accept reports from responsible authorities in other jurisdictions.

SECTION 6 - PLAN REVIEW OF FUTURE CONSTRUCTION

6.1 When any food ~~service~~ establishment or retail food store is hereafter constructed or extensively remodeled, properly prepared plans and specifications for such construction, remodeling or alteration shall be submitted to the Health Department for approval before such work is begun. Said plans shall indicate layout, arrangement and construction materials or work areas, and the locations, size and type of fixed equipment and facilities.

a. The Health Department shall approve the plans and specifications if they meet the requirements of this ordinance and shall make written comments and recommendations to the owner within 14 days.

b. No food ~~service~~ establishment shall be constructed, extensively remodeled or converted except in accordance with plans and specifications approved by the Health Department.

6.2 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 prior to the start of operations to determine compliance with the requirements of this ordinance.

6.3 All newly constructed food ~~service~~ establishments or food ~~service~~ establishments that extensively remodeled, replace, or alter their plumbing must be inspected by Illinois

Department of Public Health's plumbing inspectors or the City of Danville plumbing inspector and have all critical plumbing violations corrected prior to the issuance of the Vermilion County Health Department's Food ~~Service~~ Establishment permit. A Vermilion County Health Department Food ~~Service~~ Establishment permit shall not be issued until all critical plumbing violations have been noted and corrected on any food ~~service~~ establishment that has been closed for an extended period of time (longer than 14 days) except for seasonal type of operations.

6.4 The fee for the review of plans for the future construction of a food-service establishment will be $250.00. Substantial remodeling of a food-service establishment or construction of a mobile unit will be $100.00.

SECTION 7 – ~~PENALTIES~~ OUTREACH

The Vermilion County Health Department's Environmental Health staff will make available to all permitted food establishments and their staff a state approved Food Handler training class. Classes will be scheduled as needed. All attendees must register and pay a fee of $10.00 to attend the class. Registration fees are nonrefundable unless the department is given a 48 hour notice prior to the class's scheduled date. Classes will be held at the Vermilion County Health & Education Building in the conference room or any remote location of the county where the demand is needed.

SECTION 8 - ~~REPEAL AND DATE OF EFFECT~~ PENALTIES.

Any person who violates any provision of this ordinance, or any rules and regulations adopted herein shall be guilty of a petty offense and upon conviction thereof, shall be punished by a fine of not more than $500.00. In addition, therefore, such person may be enjoined from continuing such violations. Each day upon which such violation occurs

shall constitute a separate offense.

SECTION 9 ~~- UNCONSTITUTIONALITY CLAUSE~~ REPEAL AND DATE OF EFFECT.

This ordinance shall be in full force and effect thirty (30) days after its adoption as provided by law; and, at that time, all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 9 - ~~EFFECTIVE DATE~~ UNCONSTITUTIONALITY CLAUSE.

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

SECTION 10 - EFFECTIVE DATE.

July 1, 2018