

RE: Ordinance Amending the Vermilion County Food Sanitation Ordinance

WHEREAS, the Vermilion County Health Department is required to update its food sanitation ordinance to conform with State statute; and,

WHEREAS, such modifications are incorporated herein and attached hereto as Exhibit "A"; and

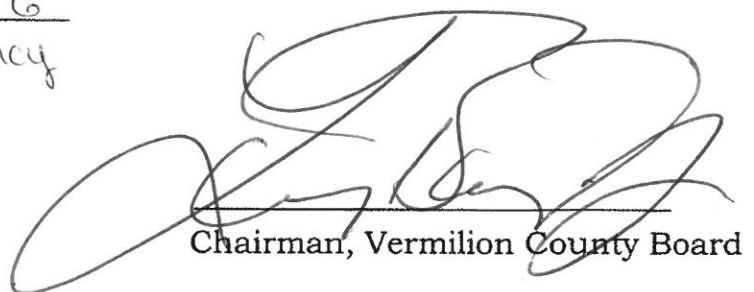
WHEREAS, the modifications involve a changing section numbers and placement of various provisions but no substantive changes to the provisions and are shown in detail in the attached Exhibit "A" and "B" with Exhibit "B" being the detailed index of renumbering and re-placement of provisions.

BE IT THEREFORE ORDAINED THAT the Vermilion County Health Department Food Services Sanitation Ordinance is approved and enacted effective upon passage of the same by the Vermilion County Board

PRESENTED, APPROVED AND ORDAINED by the County Board of Vermilion County, Illinois at the August 16, 2022 A.D. Session.

DATED this 16th day of August 2022 A.D.

AYE 20 NAY 0 ABSENT 6
1 vacancy


Chairman, Vermilion County Board

ATTEST:

Cathy Jenkins (10)
Clerk of the County Board

Ordinance # 22-0806

Below is an outline of the proposed changes to be made to the Vermilion County Ordinance Governing Food Service Sanitation.

SECTION 2 – RULES AND REGULATIONS

The name of the Illinois Food Code was changed to show the name of the new code adopted by Illinois and VCHD began enforcing in 2019. Through out the ordinance where “Illinois Food Sanitation Code” is referenced the word “Sanitation” has been removed to properly refer to the new “Illinois Food Code”.

SECTION 3 – DEFINITIONS

3.3 Chronic Violations definition has been revised to extend the definition to also cover 3.23 Recurring Repeat Violations definition which has been removed.

There were errors in the indexing sequence that were corrected that lead to all subsequent subsections to be reindexed.

3.10) index number was missing. The indexing was corrected starting with this number to the end of this section.

3.14) index number was used twice in this section, for Health Department & for Imminent health hazard. This was corrected causing the indexing to change from this point on to the end of this section.

3.15) Mobile Food Unit is a new definition.

3.21 Recurring Repeat Violations has been removed. The new definition for “Recheck Inspection” was inserted.

3.24) The phrase “(formerly “potentially hazardous food” (PHF))” has been removed. This phrase was inserted in last ordinance revision to clarify changes between the former IDPH food code and the newly adopted food code that eliminated this term.

SECTION 4 – ENFORCEMENT PROCEDURE

4.1 a. New Permits - the statement “The Health Department will not issue a new Food Establishment Permit when applicant has failed to remit outstanding fines, Recheck inspection fees 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”, has been added to this section. This same statement appears in section 4.1 b., Renewal of Permits, and was needed in this section.

4.1 a. The statement starting with “Upon receipt of a completed application and payment...” has been removed. The subject of a pre-opening inspection is address in section 4.1 a. 1. vi.

4.1 a. 1. v. The necessity of all food staff to have completed an approved food handler training and to have obtained a certificate has been added.

4.1 a. 1. vi. Added “pre-opening” to address the need for an inspection be conducted prior to issuing a permit.

4.1 a. 4. ii. The word “subsequent” was replaced with “additional” to be consistent with the term used in the temporary food permit application. The sentence starting with “The Department may not inspect the establishment unless...” has been edited to better explain that this department inspects a temporary food stand during its first event of a calendar year and may not inspect it again the rest of the year.

4.1 a. 4. iii. – “Customer appreciation events” was added to this section and the statement “for which the fund raising is being held” was replaced with “sponsoring the events”.

4.1 b - "fees" was added as an unpaid debt that could prevent the department from issuing a permit renewal until all outstanding debts are paid.

4.1 b. i. & ii. – have been changed to 1. & 2., respectively, to continue with the set number sequence used throughout this ordinance. The specific permit fees of \$25.00 & \$50.00 have been added.

4.1 i. 1. The subsections indexing has been altered. Subsection 4.1 i. 2. has been reindex as 4.1 ii. and all its subsection reindexed to remain consistent with the rest of the ordinance. 4.1 i. 3. has been reindexed as 4.1 iii. and all its subsection reindexed to remain consistent with the rest of the ordinance. The remaining subsection of 4.1 i. (4. - 7.) have been reindexed to be consistent with the rest of the ordinance.

4.1 i. 6. (now indexed as 4.) A phrase "but a permit is required" was removed where it was not necessary.

4.1 j. This section on "Fines" has been removed and is addressed in Section 4.5 With the removal of "Fines" the remaining number sequence of this subsection has changed.

4.1. k. has been reindexed and is now 4.1 j. to replace previous 4.1 j. Fines.

4.2 d. 1. A new statement has been added to clarify that all violations must be corrected before establishment can reopen.

4.2 d. 2. i. The word "immediately" has been replaced with "at the time of the inspection" to be consistent with the language used in other parts of the ordinance.

4.2 d. 2. iii. The words "scheduled and" has been removed. This department does not schedule recheck inspections. The word "department" has been replaced with "health" to be consistent with the language used in other parts of the ordinance. The phrase "of the priority or priority foundation items or noted HACCP deviation" has been removed since all items are not subject to a recheck inspection. The statement starting with "If new priority item or priority foundation item violations are present during a recheck inspection..." has been removed. the subject of "recheck inspection" is addressed in section 4.2 d. 4. of this ordinance.

4.2 d. 3 i. – iv. has been rewritten to follow the same procedure outlined in subsection 4.2 d. 2.

4.2 d. 3 i. The statement "The permit holder shall correct a violation of a core item 90 days from the date of the inspection" has been removed and moved to 4.2 d. e. ii. A. The statement "Whenever possible the permit holder shall correct a violation of a Core item at the time of the inspection." has been added.

4.2 d. 3 ii. The statement "All core item pest control violations will be subjected up to a 10 day recheck inspection.", has been removed here and has been moved to 4.2 d. 3. iii. The statement "When correction of a violation of a core item cannot be completed at the time of the inspection the inspector may agree to specify a longer time frame, not to exceed 90 days," has been added.

4.2 d. 3. iii the statement starting with "The regulatory authority regulatory authority may approve a compliance schedule that extends beyond 90 days..." has been removed and moved to the new subsection 4.2 d. 3. iv. The statement "All core item pest control violations will be subjected up to a 10 day recheck inspection.", has been added.

4.2 d. 3. iv. Is a new subsection that contains the statement removed from section 4.2 d. 3. iii.

4.2 d. 4. Appeal hearings was addressed in this subsection which has been moved to new subsection 4.5. This subsection now addresses the subject of Recheck inspections which is an entirely new subsection of the ordinance.

4.2 d. 5. This subsection discussing when "establishment is required to cease operations" was removed from this subsection and moved to new subsection 4.2 d. 7. This subsection is now used to address what steps a health

inspector must take following having conducted 4 consecutives recheck inspections on a specific violation(s) and the permit holder fails to correct the violation(s).

4.2 d. 6. The subject of the Smoke Fee Illinois Act has been removed and moved to the new subsection 4.2 d. 8. This subsection now addresses the subject of the right of the permit holder to request an Appeal Hearing which was previously addressed in subsection 4.2 d. 4. More information on Appeal hearings is in the new subsection 4.25, Hearings.

4.2.d. 7. This is a new subsection that addresses the subject of “cease operations” which was formerly located in subsection 4.2 d. 5.

4.2 d. 8. This is a new subsection that addresses the subject of “Smoke Free Illinois Act” which was formerly located in subsection 4.2 d. 6.

4.2 e. The reference to the “recurring repeat violation” has been removed.

4.2 e. 1. Referencing “Follow-up inspections...”, has been removed causing the remaining subsections to be reindexed.

4.2 e. 2. is now 4.2 e. 1. The phrase “the food program supervisor or director of” has been removed since all inspectors can write this letter. The word “licensee” was removed and replaced with “permit holder” to be consistent with the language use throughout the ordinance.

4.2 e. 3. is now 4.2 e. 2. This subsection still addresses “Informal hearing” detailing when it shall be scheduled. The original text in this subsection has been moved to the new subsection 4.25 Hearings.

4.2 e. 4. This subsection has been removed. The information on Formal hearings has been moved to the new subsection 4.25 Hearings.

4.2 f. i. & ii. have been reindexed as 4.2 f. 1. & 2. to stay consistent with the remaining ordinance.

4.2 f. ii (now 4.2 f. 2.) This subsection was reworded to be consistent with the language used in 4.2 f. i. (now 4.2 f. 1.).

4.2 g. i. – ix. This section has been reindexed as 4.2 g. 1. – 9. to stay consistent with the remaining ordinance.

4.2 g. v. (now 4.2 g. 5.) The reference to “d.3. of this Section” has been changed to “d. 2.” For accuracy.

4.25 Hearings This is a new section. References to the three types of Hearings were in multiple sections. For simplicity, all explanations of the three types of Hearings has been moved to this section.

SECTION 9 UNCONSTITUTIONALITY CLAUSE the previous section titled REPEAL AND DATE OF EFFECT was also numbered SECTION 9. This section has been renumbered to 10.

SECTION 10 EFFECTIVE DATE due to the numbering error above has been renumbered to 11.

The ordinance in its entirety has been reviewed to correct any references to other sections and subsection of the ordinance to assure those references are correct.

Where the reference to “department” appears in the ordinance the first letter has been capitalized.

VERMILION COUNTY HEALTH
DEPARTMENT



ORDINANCE GOVERNING
FOOD SERVICE SANITATION

Revise, Feb 1, 2019

VERMILION COUNTY ORDINANCE GOVERNING FOOD 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, food 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 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 Sanitation~~ Food Code, Food Handling Regulation Enforcement Act (410 ILCS 625), Bed and Breakfast Act, 50 ILCS 820/1 et seq, Smoke Free Illinois Act, 410 ILCS 82 and any subsequent amendments or revisions thereto, are hereby adopted by reference as the Vermilion County Ordinance Governing Food Sanitation.

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 establishments (50 ILCS 820/2.a.).

Chronic Violations are the same violations that are documented in three out of five chronologically conducted routine inspections or the same violations that are documented at 4 consecutive inspections (complaint, routine & recheck inspections).

3.4 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.

3.5 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.

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

- 3.7 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.
- 3.8 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.
- 3.9 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.
- 3.10 Food 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.
- 3.11 Hazard Analysis and Critical Control Point (HACCP) plan means a written document that delineates the formal procedures for following the HACCP principles developed by The National Advisory Committee on Microbiological Criteria for Foods.
- 3.12 Health Department shall mean the Vermilion County Health Department or its authorized employees.
- 3.13 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.

- 3.14 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.
- 3.15 Mobile Food Unit shall mean a self-contained food service operation that is self-propelled or otherwise readily movable. A mobile food unit moves as part of its routine operation to change the location for sales, obtain food and other supplies, fill portable water supply holding tanks, empty wastewater holding tanks, and for cleaning and sanitization.
- 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 Violation are violations that are documented at four (4) consecutive inspections but corrected after each inspection or follow-up recheck inspection. Recheck Inspection shall mean a compliance inspection conducted by a health inspector to confirm violation(s) noted and reported during a routine inspection, complaint or during a previous recheck inspection have been corrected.~~

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 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.

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 establishment within Vermillion 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 establishment. Permits for permanent establishments shall expire on December 31 of each year.

New Permits. Any person desiring to operate a food establishment in Vermillion County shall comply with all parts of this section and submit a completed application for a permit on forms provided by the Health Department. The Health Department will not issue a new Food Establishment Permit when the permit applicant has failed to remit outstanding fines, fees 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. ~~Upon receipt of a completed application and payment of the appropriate fees, the Health Department shall inspect 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. Assure that all remaining staff members have completed or will complete, within thirty days from the opening date or date of hire, an approved ANSI food handler training.
 - 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 inspect 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~~ additional 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 inspect the establishment unless~~ does not complete an additional inspection, 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 or customer appreciation events more frequently than one a month shall provide a letter from the individual or party ~~for which the fund raising is being held~~ sponsoring the events.
- 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 Establishment Permit when the permit holder has failed to remit outstanding fines, ~~fees~~ 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.
1. Permit renewal applications received after December 15 shall be assessed a late fee of \$25.00.
 2. Permit renewal applications received after December 31 shall be assessed a permit reinstatement fee of \$50.00.
- 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 their 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 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 certified mail. A copy of such notice shall be placed in the establishment's permanent file.
- i. Permit 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 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:

- A. Cooling and reheating of TCS foods.
- B. Preparing and holding hot or cold food more than 12 hours before serving.
- C. Extensive handling of raw ingredients and hand contact with ready-to-eat foods.
- D. Preparing food for off-site and catering services.
- E. Vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level.
- F. Serving to immunocompromised individuals.

Fee \$350.00

- ii. Class I, B Medium Risk Permanent Establishments are those establishments which often serve 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:

- A. Preparing foods for service from raw ingredients using minimal assembly.
- B. Hot or cold holding is restricted to same-day service.
- C. Foods requiring complex preparation are obtained (canned, frozen, fresh prepared) from approved processing establishments.

Fee \$275.00

- iii. Class I, C Low Risk Permanent Establishments are establishments which do not serve TCS foods except for commercially processed pre-packaged items. Low risk establishments meet one or more of the following criteria in their operation:

- A. Only prepackaged foods are available or served.
- B. TCS foods are commercially pre-packaged in an approved processing establishment.
- C. The establishments have limited preparation of non-TCS foods and beverages such as snack foods and carbonated beverages.
- D. Only beverages are served (alcoholic or non-alcoholic).

Fee \$200.00

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

Fee \$60.00

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

Fee \$35.00

- 4. Class I, F Food Pantries are those establishments that provide pre-packaged TCS food product. TCS foods are commercially pre-packaged 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 food product is exempt from the permit requirement, ~~but a permit is required.~~

Fee \$ 0.00

- 5. Class 1, G Vending Machine Operation. Operations will be permitted based on the number of machines 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 establishments and temporary food 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.~~
- j. 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 process or 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 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 inspecting to determine compliance with this ordinance. 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 Food Establishment Inspection Report. One copy of the report shall be furnished to the person in charge of the establishment at the conclusion of the inspection.
- d. Correction of Violations. The inspection report shall establish a specific and reasonable time frame for which all violations shall be corrected. 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. All violations, regardless of type, must be corrected prior to reopening, unless additional time for a particular violation is approved by the Department. Operations shall not resume until authorized by the Health Department.
 2. 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 at the time of the inspection.
 - 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 health 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. A violation of a Core item:
- i. ~~The permit holder shall correct a violation of a core item 90 days from the date of the inspection. Whenever possible the permit holder shall correct a violation of a Core item at the time of the inspection.~~
 - ii. ~~All core item pest control violations will be subjected up to a 10-day re-checks inspection. When correction of a violation of a core item cannot be completed at the time of the inspection, the inspector may agree to or specify a longer time frame, not to exceed 90 days.~~
 - iii. ~~The regulatory authority regulatory authority may approve a compliance schedule that extends beyond 90 days if a written schedule of compliance is submitted by the permit holder and no health hazard exists or will result from allowing an extended schedule of compliance. All core item pest control violations will be subjected up to a 10-day re-check inspection.~~
 - iv. ~~The health inspector may approve a recheck inspection that extends beyond 90 days if a written timeline of compliance is submitted by the permit holder and no health hazard exists or will result from allowing a recheck inspection extension.~~

4. ~~Appeal from the inspection findings shall be provided if a written request for a hearing (Section 4.25 a. of this section) 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. Recheck inspections shall be conducted as a follow-up on violations noted during a routine inspection, during a recheck inspection or during a complaint inspection.~~
 - i. ~~If new 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 recheck inspection to confirm compliance.~~
 - ii. ~~Pictures and/or documentations may be submitted by the permit holder in lieu of a recheck inspection to verify violation has been corrected.~~
5. ~~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. When a fourth recheck inspection has been conducted the following procedures shall be followed.~~
 - i. ~~Warning Letter to the permit holder citing the violation(s) and setting a compliance date for correction of the violations shall be presented and.~~
 - ii. ~~Informal Hearing (4.25 b. of this section) shall be scheduled should the permit holder fail to satisfactorily correct the violation as determined by the health inspector's compliance inspection or a submittal of appropriate documentations or pictures following the warning letter.~~
6. ~~During a routine inspection of a food establishment, the inspector shall cite 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.~~

6. Appeal from the inspection findings shall be provided if a written request for an Appeal hearing (Section 4.25 a. of this section) is filed with the Health Department.
 7. 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
 8. During a routine inspection of a food establishment, the inspector shall cite any violations of the Smoke Free Illinois Act (SFIA).
 - i. All violations of the SFIA noted shall be reported on the inspection report.
 - ii. Enforcement of this Act will be pursuant of Sec. 40 of this Act.
- e. Repeat Violations. If ~~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.~~
 1. Warning letter: Letter from the food program supervisor or director of environmental health to ~~licensee~~ the permit holder citing violation(s) and setting a compliance date for correction of violation(s);
 2. Informal hearing: ~~this shall be a meeting between the permit holder or 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 (4.25 b. of this section) shall be scheduled following the failure of the permit holder to satisfactorily correct the violation as determined by the health inspector's compliance inspection following the warning letter.~~

~~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.~~

Commented [DB1]:

Subpart B: Personnel (Section 750.200-230):

1. Employee Health (Section 750.200). The enforcement of a priority item (d. 2. of this Section) shall be used for this item.
2. Food Handlers Training (Section 750.230). Food handler training that is not completed within 30 days after employment ~~will be reported as~~ shall be enforced as a core violation subjected to a re-inspection not to exceed 30 days to ensure compliance item (d. 3. of this Section) shall be used for this item.

Subpart C: Temporary Food Service (Section 750.300 – 750.350):

1. Ice (Section 750.310). The enforcement of a priority item (d. 2. of this Section) shall be used for this item.
2. Equipment (Section 750.315 a-b). The enforcement of a priority foundation item (d. 2. of this Section) shall be used for this item.
3. Water (Section 750.320). The enforcement of a priority item (d. 2. of this Section) shall be used for this item.
4. Wet Storage (Section 750.325). The enforcement of a priority foundation item (d. 2. of this Section) shall be used for this item.
5. Waste Disposal (Section 750.330). The enforcement of a priority item (d. 2. of this Section) shall be used for this item.
6. Handwashing (Section 750.335). The enforcement of a priority foundation item (d. 2. of this Section) shall be used for this item.
7. Floors (Section 750.340). The enforcement of a core item (d. 3. of this Section) shall be used for this item.
8. Walls and Ceilings of Food Preparation Areas (Section 750.345 a-b).

- i. (Section 750-345 a). The enforcement of a core item (d. 3. of this Section) shall be used for this item.
 - ii. (Section 750.345 b) - Enforcement of a priority foundation item (d. 2. of this Section) shall be used for this item.
9. Single-Service Articles (Section 750.350). The enforcement of a Core item (d. 3. of this Section) shall be used for this item.
- i. Subpart E, Game Animals (Section 750.500 a-c), Section 750.500 a-b), The enforcement of a priority foundation item (d. 2. of this Section) shall be used for this item.
 - ii. (Section 750.500 c), the enforcement of a priority foundation item (d. 2. of this Section) shall be used for this item.

4.25 Hearings

- a An Appeal Hearing must be requested by the permit holder within 10 days from the date of the inspection. If requested, an Appeal Hearing shall be held within 72 hours of the receipt of the request. The hearing will be conducted by the Director of Environmental Health and/or by the Food Program Supervisor. The health inspector conducting the inspection in question shall be in attendance.
- b An Informal Hearing shall be scheduled when the permit holder fails to correct violations in the manner detailed in 4.2 d. & e of this section. The letter will be sent using the USPS Priority/Tracking or Certified/Receipt service to the permit holder. The letter shall contain:
 - 1. Date and time of the scheduled informal hearing.
 - 2. Statement that attendance is mandatory
 - 3. A timeline detailing each inspection conducted that relates to the violation(s) in question.
 - 4. Contact information shall be supplied for the convenience of the permit holder should they have questions or need to reschedule.

The hearing will be conducted by the Director of Environmental Health with the Food Program Supervisor present. The health inspector(s) that conducted the inspection(s) in question shall be in attendance. At the conclusion of the hearing, there shall be an agreement between the Department and the permit holder on a method, a date and time in which the violation(s) will be corrected. A health inspector from this Department shall conduct a compliance inspection on the agreed date or thereafter. Failure of the permit holder to comply with the informal hearing agreement will be cause for a formal hearing (4.25 c. of this section) to be scheduled.

- c. A Formal Hearing shall be scheduled upon the permit holder failing to, in a timely manner, correct the violation(s) in question following an informal hearing. The Director of Environmental Health shall send a letter using the USPS Priority/Tracking or Certified/Receipt service to the permit holder. The letter shall contain:
1. Date and time of the scheduled formal hearing.
 2. Statement that attendance is mandatory
 3. Timeline detailing date of each inspection conducted to date and details of the informal hearing that relates to the violation(s) in question.
 4. Contact information shall be supplied for the convenience of the permit holder should they have questions or need to reschedule.

The Public Health Administrator shall conduct the hearing with the Director of Environmental Health and Food Program supervisor present. The health inspector(s) that conducted the inspection(s) in question shall be in attendance. In conclusion of the hearing, an agreement will be made on whether to revoke or suspend the permit of the establishment in question until the violation(s) are corrected.

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 they determine or 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 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, 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 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 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 there 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 Fines

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 progressive fee for each additional reinspection required to accomplish correction of the original cited violations.

1st Recheck Inspection - \$25.00

2nd Recheck Inspection - \$50.00

3rd Recheck Inspection - \$75.00

Each subsequent inspection free will increase by \$25.00

Submission of required documentation or pictures of corrected actions may be accepted in lieu of a recheck inspection and no fee will be charged.

A recheck inspection of violations cited at more than one food service operation, permitted under one ownership and located at a single location will be levied a fee equal to a single recheck inspection when all rechecks at all locations previously cited can be completed on the same date and time.

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 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 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 establishment prior to the start of operations to determine compliance with the requirements of this ordinance.
- 6.3 All newly constructed food establishments or food establishments that extensively remodel, 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 Establishment permit. A Vermilion County Health Department Food Establishment permit shall not be issued until all critical plumbing violations have been noted and corrected on any food establishment that has been closed for an extended period (longer than 14 days) except for seasonal type of operations.
- 6.4 The fee to review of construction plans for a new food-service establishment will be \$350.00. Substantial remodeling of a food-service establishment or construction of a mobile unit will be \$100.00

SECTION 7 – 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 - 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 - 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 repeal

SECTION 10 - 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 11- EFFECTIVE DATE.

January 1, 2019