

RESOLUTION NO. 13-1

RESOLUTION AMENDING CHAPTERS 6.04, 5.28, 5.24, 5.20 AND 15.05
OF THE SANGAMON COUNTY CODE

WHEREAS, pursuant to 55 ILCS 5/5-25001 et seq. of the Illinois Revised Statutes Sangamon County is authorized by State Law to set Public Health fees that are reasonable and just; and

WHEREAS, Fiscal Choice Consulting, LLC, was hired by Sangamon County in 2016 to conduct an updated cost study for SCDPH; and

WHEREAS, the Fiscal Choice Consulting cost study for SCDPH identified numerous services that were operating at deficits as a result of costs exceeding revenue generated by fees; and

WHEREAS, establishing fees in accordance with actual cost is a priority for the County because of property tax caps; and

WHEREAS, the Sangamon County Board of Health recommends the Sangamon County Board has previously amended its fee schedule for Animal Control, Food, Private Sewage, Water Wells, and Building Code Enforcement services; and

WHEREAS, the Finance, and the Public Health and Zoning committees of the Sangamon County Board held public meetings to consider the Board of Health recommendations;

WHEREAS, upon further review the Sangamon County Health, Safety and Zoning Committee has determined that further amendment of the Food Service Code is necessary to clarify license classifications and structure;

NOW, THEREFORE, BE IT RESOLVED, by the members of the County Board of

FILED

OCT 26 2017

Don H. King
Sangamon County Clerk

RECEIVED
2660

OCT 19 2017

Andy Goleman
SANGAMON COUNTY AUDITOR

Sangamon County, Illinois, in session this 14th day of November, 2017:

- I. All amendments to Public Health fees and ordinances made in July of 2017 shall be effective December 1, 2017.
- II. That Chapter 5.20 of the Sangamon County Code of Ordinances FOOD SERVICE ESTABLISHMENTS is amended and adopted, effective December 1, 2017, as further described in Exhibit "A", a copy of which is attached hereto and made a part hereof.

Respectfully submitted,

Public Health, Solid Waste & Zoning Committee

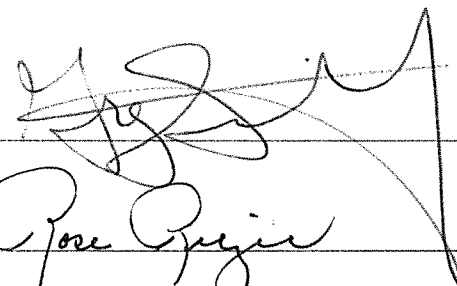
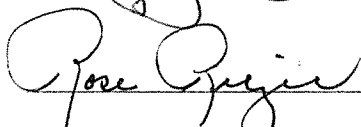

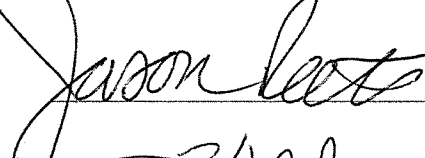

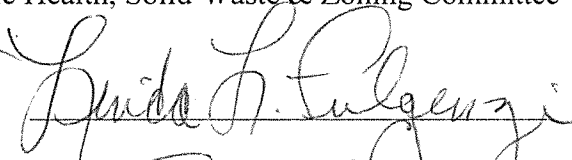
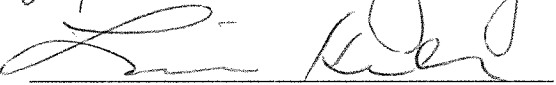
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EXHIBIT A

Chapter 5.20 - FOOD SERVICE ESTABLISHMENTS

Sections:

5.20.010 - Definitions.

For the purpose of this chapter, the following words and phrases shall have the meaning ascribed to them:

"Adulterated" means the condition of a food if it (a) bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health; (b) consists in whole or in part of any filthy, putrid or decomposed substance, or if it is otherwise unfit for human consumption; (c) has been processed, prepared, packed or held under unsanitary conditions, whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; or (d) is in whole or in part of the product of a diseased animal, or an animal which has died otherwise than by slaughter.

"Approved" means acceptable to the board of health based on its determination as to conformance with sound public health practices and standards.

"Board of health" means the board of health of the Sangamon County health department, Illinois, or its authorized representatives.

"High Risk Category" means a food establishment that presents a high relative risk of causing food-borne illness, based on the large number of food handling operations typically implicated in food-borne outbreaks and/or the type of population served by the facility. A High Risk category food service facility includes those where the following operations occur: Potentially hazardous foods are cooled, as part of the food handling operation at the facility; potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving; potentially hazardous cooked and cooled foods must be reheated; complex preparation of foods or extensive handling of raw ingredients with hand contact for ready-to-eat foods; vacuum packaging, other forms of reduced oxygen packaging or other special processes that require a HACCP plan; immunocompromised individuals, such as the elderly, young children under age four and pregnant woman are served, in a facility in which these individuals compose the majority of the consuming population.

"Home kitchen operation" means a person who produces or packages non-potentially hazardous baked goods in a kitchen of that person's primary domestic residence for direct sale by the owner or a family member.

"Low Risk Category" means a food establishment that presents a low relative risk of causing food-borne illness, based on few or no food handling operations typically implicated in food-borne illness outbreaks. Low risk facilities include those where the following operations occur: Only potentially hazardous foods that are pre-packaged in an approved processing plant are available or served at the facility; only limited preparation of non-potentially hazardous foods and beverages occurs at the facility; or only beverages (alcoholic and non-alcoholic) are served at the facility; only foods that are packaged or require minimal or no handling are offered or served.

"Medium Risk Category" means a food establishment that presents a medium relative risk of causing food-borne illness, based upon a few food handling operations typically implicated in food-borne illness outbreaks. Medium Risk category facilities include those where the following operations occur: Hot or cold foods are held at required temperatures for no more than 12 hours and are restricted to same day service; foods are prepared from raw ingredients using only minimal assembly; and foods that require complex preparation (whether canned, frozen or fresh) are obtained from approved food-processing plants, high risk food service establishments or retail food stores.

"Mobile food unit" means a vehicle-mounted food service establishment designed to be readily moveable. This unit shall have at a minimum: potable water, water heater, plumbed three-compartment sink, handwash sink, and an appropriately sized waste water holding tank.

"Non-potentially hazardous baked goods" include breads, cookies, cakes, pies, and pastries that are not potentially hazardous food. Fruit pies and pastries may contain only high-acid fruit as described in Section 4(b)(1)(C) of the Illinois Food Handling Regulation Enforcement Act. Pumpkin pie, sweet potato pie, cheesecake, custard pies, crème pies, and pastries with potentially hazardous fillings or toppings are prohibited.

"Not-for-Profit" means any qualified organization that is tax exempt under 26 U.S.C. § 501(c)(3) or under 26 U.S.C. § 501(c)(6).

"Potentially hazardous food" means food that is potentially hazardous according to the Illinois Department of Public Health's administrative rules issued under the Illinois Food Handling Regulations Enforcement Act. Potentially hazardous food in general means a food that requires time and temperature control for safety to limit pathogenic microorganism growth or toxin formation.

"Retail Food Store A" means a retail food store that has an interior square footage of more than 15,000 square feet.

"Retail Food Store B" means a retail food store that has an interior square footage of 5,001 - 15,000 square feet.

"Retail Food Store C" means a retail food store that has an interior square footage less than 5,001 square feet.

"Seasonal establishment" means a permanent structure which is connected to a sanitary sewer/approved septic system and a municipal water supply. This type of establishment is not open for more than one hundred eighty-three consecutive days.

"Temporary food service establishment" means a food service establishment that operates at a fixed location for a period of time of not more than fourteen consecutive days in conjunction with a single event or celebration.

"Wholesome" means a condition clean and free from adulteration, and otherwise suitable for use as human food.

(Res. 11(part), December 14, 1999; Res. 9(part), August 8, 1989).

(Res. No. 8, § 2, 5-10-2016)

5.20.020 - State of Illinois Rules—Adopted by reference.

In addition to the provisions set forth in this chapter, there is adopted by reference and incorporated herein, the rules and regulations of the Food Service Sanitation Code, 77 Illinois Administrative Code 750 (1989), and the Retail Food Store Sanitation Code, Illinois Administrative Code 760 (1989) and any amendments thereto.

(Res. 9 (part), August 8, 1989).

5.20.030 - Permit required.

No food service establishment or retail food store shall operate or do business without first having obtained a permit or license from the board of health. Said permit or license shall be displayed in a conspicuous place in the food service establishment or retail food store. ~~Annual permits~~ Each permit or license shall be valid for twelve months from the original date of issue or until expiration of applicable term

~~as defined in the facility's temporary or seasonal permit. Six-month permits shall be valid for six months from the date of issue.~~

~~Twelve-month permit holders who are 30 days late paying their annual fee and the applicable late fee penalty shall be considered to be operating without a permit and shall be subject to immediate closure. Six-month permit holders who are 15 days late paying their six-month fee and the applicable late fee penalty shall be considered to be operating without a permit and shall be subject to immediate closure.~~

Annual permit and license fees may be paid half at the annual period and half at the semi-annual period. Permit holders who are late paying their annual fee(s) shall be subject to a \$100.00 late fee. Unpaid food establishment or retail store permit or license with fees and/or late fees 30 days past applicable payment due dates may be subject to suspension by the Board of Health under 5.20.080.

(Res. 9 (part), August 8, 1989).

5.20.040 - Inspection of establishments.

The board of health shall inspect each food service establishment and retail food store located in the county of Sangamon at least as often as required by the Illinois Department of Public Health, and shall make as many additional inspections and re-inspections as are necessary for the enforcement of this section.

(Res. 14 (part), August 12, 2008; Res. 11 (part), December 14, 1999; Res. 1, November 30, 1994; Res. 9 (part), August 8, 1989).

5.20.050 - Access to establishments.

The board of health, after proper identification, shall be permitted to enter, at any reasonable time, any food service establishment or retail food store, within the county of Sangamon, for the purpose of making an inspection to determine compliance with this chapter. It shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received, or used and persons employed.

(Res. 9(part), August 8, 1989).

5.20.060 - Inspection records.

Whenever the board of health makes an inspection of a food service establishment or retail food store, it shall record its findings on an inspection report in substantially the same form as the Illinois Department of Public Health Retail Food Establishment Inspection Report, and shall furnish a copy of such report to the permit holder.

(Res. 9(part), August 8, 1989).

5.20.070 - Notices of violations.

Whenever the board of health makes an inspection of a food service establishment and discovers that any of the provisions of this chapter have been violated, it shall notify the permit holder or operator of such violations by means of an inspection report form or other written notice. Said notice shall set forth the specific violations found and shall set a specific time for correction of the violations. In the case of temporary or itinerate food service establishments, violations must be corrected within twenty-four hours.

(Res. 9(part), August 8, 1989).

5.20.080 - Suspension of permits.

- A. Permits may be suspended temporarily by the board of health for failure of the holder to comply with the requirements of this chapter. Unpaid food service establishments or retail food stores with permits or licenses with fees and/or late fees 30 days past applicable payment due date(s) may be subject to suspension by the Board of Health.
- B. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this chapter, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, suspended and that an opportunity for a hearing will be provided, if within seventy-two hours a written request for a hearing is filed with the board of health by the permit holder.
- C. Notwithstanding the other provisions of this chapter, whenever the board of health finds insanitary or other conditions in the operations of a food service establishment which constitute a substantial immediate hazard to the public health, it may without notice or hearing issue a written notice to the permit holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and, if deemed necessary, such order shall state that the permit is suspended at the time of inspection, and all food service operations are to be immediately discontinued. Any person to whom such an order is issued shall comply therewith, but, upon written petition filed not more than seventy-two hours after the discontinuance order, may request a hearing for abatement of the order. The board of health shall provide a hearing not later than five working days from the filing of said petition.

(Res. 9 (part), August 8, 1989).

5.20.090 - Reinstatement of permits.

Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within five days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the board of health shall make a reinspection. If the applicant is in compliance with the requirements of the chapter, the permit shall be reinstated. Any person whose permit is suspended due to lack of payment of applicable fees, may be reinstated upon payment of all applicable license or permit fees and late fees.

(Res. 9 (part), August 8, 1989).

5.20.100 - Revocation of permits.

For uncorrected or repeated violations of any of the requirements of this chapter, or for interference with the board of health in the performance of its duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the board of health. Prior to such hearing, the board of health shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five days following service of such notice unless within such five-day period a written petition for a hearing is filed with the

board of health. The board of health shall provide a hearing not later than five working days from the filing of said petition.

(Res. 9 (part), August 8, 1989).

5.20.110 - Hearings.

The hearings provided for in this chapter shall be conducted by a quorum of the board of health. A record of such hearings shall be made, and the board shall make specific findings relative to the suspension or revocation of any permit.

(Res. 9 (part), August 8, 1989).

5.20.120 - Examination and condemnation of food.

Food may be examined or sampled by the board of health as often as may be necessary to determine freedom from contamination, adulteration or misbranding. The board of health may, upon written notice to the owner or person in charge, place a hold order on any food which it has probable cause to believe to be unwholesome or otherwise adulterated or misbranded under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice or tag placed on food by the board of health, and neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the board of health, except on order by a court of competent jurisdiction.

The owner of the establishment or store may request a hearing before the board if such request is made within forty-eight hours of the imposition of the hold order. After said hearing, or if none is requested, the board may lift the hold order, or direct the owner to denature or destroy the food, or to bring it into compliance with this chapter.

(Res. 9 (part), August 8, 1989).

5.20.130 - Food from foreign jurisdictions.

Food from food service establishments outside the jurisdiction of the board of health may be sold within Sangamon County if such food service establishments conform to the provisions of this chapter. The board of health may accept reports from regulatory authorities in other jurisdictions to determine such compliance.

(Res. 9 (part), August 8, 1989).

5.20.140 - Construction plan review.

When a food service establishment is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a food service establishment, properly prepared plans and specifications for such construction, remodeling or alteration, showing layout arrangement, and construction materials of work areas, and the location, size and type of equipment and facilities, shall be submitted to the board of health for approval before such work is begun.

(Res. 9 (part), August 8, 1989).

5.20.150 - Suspected infection.

When the board of health has reasonable cause to suspect the possibility of disease transmission from any food service establishment employee, the board of health shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated. The board of health may require any or all of the following measures: (a) the immediate exclusion of the employee from all food service establishments; (b) the immediate closure of the food service establishment concerned until, in the opinion of the board of health, no further danger of disease outbreak exists; (c) restrictions of the employee's services to some area of the establishment where there would be no danger of transmitting disease; and (d) adequate medical and laboratory examinations of the employee, of other employees, and of his and their body discharges.

(Res. 9 (part), August 8, 1989).

5.20.155 - Home kitchen operations.

- A. Conditions for qualifying as a home kitchen operation. In order to qualify as a home kitchen operation, the following conditions must be met:
 - 1. Monthly gross sales may not exceed one thousand dollars.
 - 2. Only non-potentially hazardous baked goods may be sold.
 - 3. A notice is provided to the purchaser that the product was produced in a home kitchen.
 - 4. The food package is affixed with a label or other written notice is provided to the purchaser that includes:
 - a. the common or usual name of the food product; and
 - b. allergen labeling as specified in federal labeling requirements by the United States Food and Drug Administration.
 - 5. The food is sold directly to the consumer.
 - 6. The food is stored in the residence where it is produced or packaged.
- B. Inspections. Upon receipt of a complaint involving products produced by a home kitchen operation or upon the outbreak of a disease that may be connected to a home kitchen operation, the board of health shall have the authority to inspect the home kitchen involved. The board of health shall request consent to inspect a home kitchen during daylight hours. In the absence of consent, the board of health shall obtain an administrative search warrant to inspect a home kitchen.
- C. Cessation of Operations. In the event of a disease outbreak reasonably connected to a home kitchen operation, the board of health shall request the home kitchen operation to cease food sales to the public until the board of health has determined that operations may continue. In the absence of voluntary compliance, the board of health may seek a court order for cessation of a home kitchen operation.

(Res. No. 8, § 2, 5-10-2016)

5.20.160 - Fees.

The annual fee for the permit required by this chapter shall be as set forth in Schedule A as follows:

| Food Service Category | Effective | Effective | Effective |
|-----------------------|-----------|-----------|-----------|
| | 12/1/17 | 12/1/18 | 12/1/19 |

| | | | |
|--|--------------------|--------------------|--------------------|
| Food Service <u>Class 1A</u> : Annual License - Class I-High Risk | \$866.00 | \$906.00 | \$944.00 |
| Food Service <u>Class 2A</u> : Annual License - Class II-Medium Risk | \$678.00 | \$731.00 | \$784.00 |
| Food Service <u>Class 3A</u> : Annual License - Class III-Low Risk | \$334.00 | \$418.00 | \$500.00 |
| Food Service: Annual License - Not for Profit | -\$0.00 | -\$0.00 | -\$0.00 |
| Food Service <u>Class RA</u> : Annual License - Class XVI-Retail A | \$766.00 | \$766.00 | \$766.00 |
| Food Service <u>Class RB</u> : Annual License - Class XVII-Retail B | \$653.00 | \$681.00 | \$708.00 |
| Food Service <u>Class RC</u> : Annual License - Class XVIII Retail C | \$370.00 | \$490.00 | \$612.00 |
| Food Service <u>Class 1T</u> : Temp. License - Class V Temp. 1-day High Risk | \$100.00 | \$100.00 | \$100.00 |
| Food Service <u>Class 2T</u> : Temp. License - Class V Temp. 1-day Medium Risk | \$83.00 | \$83.00 | \$83.00 |
| Food Service <u>Class 3T</u> : Temp. License - Class V Temp. 1-day Low Risk | \$53.00 | \$53.00 | \$53.00 |
| Food Service: Temporary License additional day(s) | \$26.00 | \$26.00 | \$26.00 |
| Food Service: Temp. License-Class XI Temp. Not for Profit | -\$0.00 | -\$0.00 | -\$0.00 |
| Food Service <u>Class 1M</u> :Temp. License - Class IX Mobile-High Risk | \$591.00 | \$591.00 | \$591.00 |
| Food Service <u>Class 2M</u> :Temp. License - Class IX-B Mobile-Medium Risk | \$491.00 | \$491.00 | \$491.00 |
| Food Service <u>Class 3M</u> :Temp. License - Class IX-C Mobile-Low Risk | \$313.00 | \$313.00 | \$313.00 |
| Food Service: Temp. License-Class XII Not for Profit/Mobile | -\$0.00 | -\$0.00 | -\$0.00 |
| Food Service <u>Class 1S</u> :Temp. License - Class XIII Seasonal:15-183 days High Risk | \$591.00 | \$591.00 | \$591.00 |
| Food Service <u>Class 2S</u> : License - Seasonal:15-183 days Medium Risk | <u>\$591.00</u> | <u>\$591.00</u> | <u>\$591.00</u> |
| Food Service <u>Class 3S</u> : License - Seasonal:15-183 days Low Risk | <u>\$591.00</u> | <u>\$591.00</u> | <u>\$591.00</u> |
| Food Service: Temp. License-Class XIV Not for Profit/Seasonal | -\$0.00 | -\$0.00 | -\$0.00 |
| Food Service: Permanent New Facility Owner | \$728.00 | \$864.00 | \$1,000.00 |

| | | | |
|--|----------|----------|----------|
| Food Service: Permanent New Plan Review Fee | \$300.00 | \$300.00 | \$300.00 |
| Food Service: Permanent Remodeling Plan Review Fee | \$263.00 | \$263.00 | \$263.00 |
| Food Service: Critical Violations Fine (per violation) | \$ 0.00 | \$ 0.00 | \$ 0.00 |
| Food Service: First Reinspection Fee | \$100.00 | \$125.00 | \$125.00 |
| Food Service: Second Reinspection Fee | \$150.00 | \$150.00 | \$150.00 |
| Food Service: Third thru Fifth Reinspection Fees | \$200.00 | \$200.00 | \$200.00 |
| Food Service: Sixth or more Reinspection Fee (plus 50% increase in following year's license fee) | \$300.00 | \$300.00 | \$300.00 |

Those licensees seeking permits or licenses for Not-for-Profits shall have their permit and license fees waived.

Those facilities that have been awarded a Gold Certificate (or successor achievement program) will receive a rebate in the amount of five percent of the regular permit fee for the first year, ten percent for the second consecutive year, and twenty percent for each consecutive year thereafter.

~~Twelve-month Annual permit holders who are late paying their annual-fee(s) shall be subject to a \$100.00 penalty/late fee. Six-month permit holders who late paying their six-month-fee shall be subject to a \$50 penalty.~~

(Res. 12, February 1, 2006; Res. 21, May 7, 1990; Res. 9 (part), August 8, 1989).

5.20.165 - License—Classifications designated.

Licenses for food service establishments or retail food stores to operate shall be of the following classifications:

- A. 1A— Annual License - High Risk. An Annual License that shall entitle the licensee to operate a food service establishment in the High Risk Category.
- B. 2A— Annual License - Medium Risk. An Annual License that shall entitle the licensee to operate a food service establishment in the Medium Risk Category.
- C. 3A— Annual License - Low Risk. An Annual License that shall entitle the licensee to operate a food service establishment in the Low Risk Category.
- D. RA— Annual License - Retail A. An Annual License that shall entitle the licensee to operate a Retail Food Store A.
- E. RB— Annual License - Retail B. An Annual License that shall entitle the licensee to operate a Retail Food Store B.
- F. RC— Annual License - Retail C. An Annual License that shall entitle the licensee to operate a Retail Food Store C.

- G. 1T— Temp. License - Temp. 1-day High Risk. A Temporary License that shall entitle the licensee to operate a temporary food service establishment in the High Risk Category.
- H. 2T— Temp. License - Temp. 1-day Medium Risk. A Temporary License that shall entitle the licensee to operate a temporary food service establishment in the Medium Risk Category.
- I. 3T— Temp. License - Temp. 1-day Low Risk. A Temporary License that shall entitle the licensee to operate a temporary food service establishment in the Low Risk Category.
- J. 1M— Temp. License - Mobile-High Risk. A License that shall entitle the licensee to operate a mobile food unit in the High Risk Category.
- K. 2M— Temp. License - Mobile-Medium Risk. A License that shall entitle the licensee to operate a mobile food unit in the Medium Risk Category.
- L. 3M— Temp. License - Mobile-Low Risk. A License that shall entitle the licensee to operate a mobile food unit in the Low Risk Category.
- M. 1S— Temp. License - Seasonal: 15-183 days High Risk. A License that shall entitle the licensee to operate a seasonal establishment in the High Risk Category.
- N. 2S— Temp. License - Seasonal: 15-183 days Medium Risk. A License that shall entitle the licensee to operate a seasonal establishment in the Medium Risk Category.
- O. 3S— Temp. License - Seasonal: 15-183 days Low Risk. A License that shall entitle the licensee to operate a seasonal establishment in the Low Risk Category.

5.20.170 - Penalties.

Any person, firm, partnership or corporation that operates a food service establishment or retail food store in violation of this chapter shall be subject to a fine of not more than five hundred dollars. Each day the operation in violation of this chapter occurs constitutes a separate offense.

(Res. 9 (part), August 8, 1989).