

RESOLUTION NO. 14-1

WHEREAS, pursuant to 55 ILCS 5/5-25001 et. seq. the Sangamon County Board is authorized by State law to institute an internal appeals panel to review Food Ordinance violations made by its Health Department; and

WHEREAS, the Sangamon County Board desires to amend its ordinances to provide for an appeals panel as described in Exhibit "A", a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Sangamon County Public Health, Solid Waste, and Zoning Committee has reviewed certain sections of the Sangamon County Code; and

WHEREAS, after review, the Sangamon County Public Health, Solid Waste, and Zoning Committee has determined that it would be in the best interests of Sangamon County to add an appeals procedure to the Food Ordinance Code.

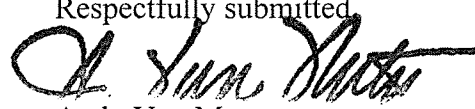
NOW THEREFORE, BE IT RESOLVED, by the members of the County Board of Sangamon County, Illinois, in session this 8th day August, 2017 that Chapter 5.20 of the Sangamon County Code of Ordinances, Food Services Establishments is amended and adopted, effective immediately, to add Section 5.20.180 as described in Exhibit "A", a copy of which is attached hereto, marked Exhibit "A" and made a part hereof.

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AUG 04 2017

Andy Coleman
SANGAMON COUNTY AUDITOR

Respectfully submitted,



Andy Van Meter
County Board Chairman

5.20.180 – Appeals.

1. In order to hear and decide appeals of inspection report findings made pursuant to Chapter 5.20 of the Sangamon County Code, not including any action taken by the Board of Health, there is hereby created the Department of Public Health Appeals Panel (the Appeals Panel). The Appeals Panel shall consist of three persons: (a) the Director of Public Health, or in the event the Director is unable to participate the Assistant Director of Public Health; (b) the County Board member of the Board of Health, or in the event the member is unable to participate, the member’s designee who is also a County Board member; (c) and an individual appointed by the Chairman of the Sangamon County Board for a term of one year who is from the local food establishment industry who is a Certified Food Service Sanitation Manager as recognized by the Illinois Department of Public Health, or in the event the individual is unable to participate, an alternate appointed by the Chairman of the Sangamon County Board with the same credentials. The Appeals Panel may adopt rules of procedure for conducting hearings in compliance with this ordinance.
2. A request for an appeal must be made by an adversely affected party (the appellant) in writing to the Sangamon County Department of Public Health, 2833 S. Grand Avenue East, Springfield, Illinois 62703 within five (5) working days of issuance of inspection report findings.
3. The Department of Public Health’s Food Program Supervisor, or its Environmental Health Director, or both shall provide a time to meet with the appellant within five (5) working days of their receipt of the appellant’s written request for appeal to provide for informal resolution of the appeal. Within three (3) working days of the conclusion of the meeting, the appellant shall provide the official the appellant met with written notice if the appellant desires to forward the matter to the Appeals Panel for a formal hearing. A hearing shall be held by the Appeals Panel within fourteen (14) working days of the official’s receipt of appellant’s written request for a formal hearing. The notice shall include the time and place of the hearing, and notice shall be hand delivered to the principal place of business or by U.S. mail not less than five (5) working days prior to the date on which the hearing is to be held.
4. The Appeals Panel at the formal hearing may reverse or affirm, wholly or partly, or may modify the inspection report findings as based upon its application of the law to its findings of fact. The standard of proof the Appeals Panel shall apply to determining inspection report findings will be the preponderance of the evidence.