

Champaign County Public Health Department

Champaign County Public Health Department Retail Food Program Ordinance

Ordinance No. 2018-9
Resolution No. 2018-10-01

Public Health

Prevent. Promote. Protect.

Champaign County Public Health Department
Environmental Health Division
201 W. Kenyon Road
Champaign, IL 61820
(217) 363-3269
www.c-uphd.org

**Champaign County Public Health Department
Recommended Retail Food Program Ordinance**

Whereas the Board of Health of the Champaign County Public Health Department deems it desirable and necessary to conduct a comprehensive retail food protection program to protect the citizens within its jurisdiction from contracting foodborne diseases and to prevent disease transmission; and

Whereas the Board of Health of the Champaign County Public Health Department has studied and prepared changes to its comprehensive retail food protection program to assure compliance with the latest revisions made by the Illinois legislature and the Illinois Department of Public Health; and

Whereas, 55 ILCS 5/5-25013(B)(3) provides that the Champaign County Board of Health may recommend to the county board the adoption of such ordinances and of such rules and regulations as may be deemed necessary or desirable for the promotion and protection of health and control and disease.

Now, therefore, the Champaign County Public Health Department hereby recommends the adoption of Chapter 5 of the Health Ordinance of Champaign County by the Champaign County Board as follows:

SECTION 1: GENERAL PROVISIONS

1-01: Short Title

This Ordinance shall be known as the "Retail Food Ordinance."

1-1: Purpose

The purpose of this Ordinance is to prevent foodborne illness, to promote safe food handling and hygienic practices, and to protect consumers.

1-2: Scope

This Ordinance provides requirements for the issuance, suspension, and revocation of PERMITS, inspections, review of plans, prohibiting the sale of unsound or mislabeled food, employee restrictions, and enforcement of this Ordinance by the Champaign County Public Health Department. Definitions and standards for management, personnel, food operations, equipment, and facilities are also included in this Ordinance.

1-3: Application

This Ordinance applies to retail FOOD ESTABLISHMENTS that are required to have PERMITS and that are issued by the HEALTH AUTHORITY.

1-4: Adoption by Reference

In addition to the provisions set forth herein, this Ordinance hereby adopts by reference and incorporates the current provisions and subsequent revisions of the "Illinois Food Service Sanitation Code," 77 Ill. Adm. Code 750.

In addition, FOOD ESTABLISHMENTS are also subject to all other applicable ordinances of the HEALTH AUTHORITY.

1-5: Definitions

In addition to the definitions contained in the laws, rules, and regulations referenced in 1-4, the following definitions shall apply in the interpretation and enforcement of this Ordinance:

APPLICANT: Any PERSON making application to the HEALTH AUTHORITY for a PERMIT.

APPROVED: Accepted by the HEALTH AUTHORITY based on its determination as to conformance with principles, practices, and generally recognized standards that protect public health.

AUTHORIZED REPRESENTATIVE: Those PERSONS designated by the HEALTH AUTHORITY to enforce the provisions of this Ordinance.

BOARD: The Board of Health of the HEALTH DEPARTMENT.

BUSINESS DAYS: Monday through Friday from 8:00 a.m. to 4:00 p.m., excluding HEALTH DEPARTMENT observed holidays.

CATEGORY: A classification based on the Illinois Department of Public Health's local health protection grant standards for conducting a food protection program. Each FOOD ESTABLISHMENT will be assessed to determine the relative risks of causing foodborne illness. The minimum number of routine inspections per year is determined by the FOOD ESTABLISHMENT's risk classification.

CEASE AND DESIST ORDER: A written order issued by the HEALTH AUTHORITY which directs the responsible PERSON to immediately stop doing or allowing a specific action to occur. A CEASE AND DESIST ORDER may or may not include a direction to completely cease operations at a FOOD ESTABLISHMENT. A CEASE AND DESIST ORDER may include a timeframe to achieve compliance as long as there is not an IMMINENT HEALTH HAZARD.

CHANGE OF OWNERSHIP: A change in the permit holder. This means that the entity that is legally responsible for the operation of the FOOD ESTABLISHMENT, such as the owner or other PERSON, has changed.

CONTINENTAL BREAKFAST: A meal limited to only coffee, tea, and/or commercially prepared juice and commercially prepared sweet baked goods.

COTTAGE FOOD OPERATION: A business operated by an individual who produces or packages non-time/temperature control for safety food in a kitchen located in the person's

primary domestic residence or another approximately equipped residential or commercial-style kitchen on that property.

EMPLOYEE: Includes the permit holder, **PERSON in CHARGE**, a food employee, a **PERSON** having supervisory or management duties, a **PERSON** on the payroll, a family member, a volunteer, a **PERSON** performing work under contractual agreement, or other **PERSON** working in a **FOOD ESTABLISHMENT**.

ENFORCEMENT POLICY: A separate document that will serve as a guide for enforcing violations set out in this Ordinance.

FOOD CODE: "Illinois Food Service Sanitation Code," 77 Ill. Adm. Code 750.

FOOD ESTABLISHMENT: An operation that stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides food for human consumption such as a restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food pantry and relinquishes possession of food to a consumer, directly or indirectly, through a delivery service such as home delivery of grocery orders, restaurant takeout orders, or a delivery service that is provided by common carriers.

FOOD ESTABLISHMENT includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the **HEALTH AUTHORITY**. It also includes an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food.

FOOD ESTABLISHMENT does not include an establishment that offers only prepackaged foods that are not time/temperature control for safety; a produce stand that only offers whole, uncut fresh fruits and vegetables; a food processing plant including those that are located on the **PREMISES** of a **FOOD ESTABLISHMENT**; a kitchen in a private home, such as a small family daycare provider or a bed and breakfast operation as defined in the Bed and Breakfast Act (50 ILCS 820) that prepares and offers food to guests; a private home that receives catered or home delivered food; a closed family function where food is prepared or served for individual family consumption; or a **COTTAGE FOOD OPERATION**.

FOOD PREPARATION: The handling, processing, and/or serving of foods.

HAZARD ANALYSIS and CRITICAL CONTROL POINT (HACCP): A systematic approach to identifying, evaluating, and controlling food safety hazards. Food safety hazards are biological, chemical, or physical agents that are reasonably likely to cause illness or injury in the absence of their control.

HEALTH AUTHORITY: The **PUBLIC HEALTH ADMINISTRATOR** of the **HEALTH DEPARTMENT** or his/her **AUTHORIZED REPRESENTATIVE**.

HEALTH DEPARTMENT: The Champaign County Public Health Department.

HOLD ORDER: An order issued by the HEALTH AUTHORITY that acts as a temporary isolation or quarantine of food or equipment that the HEALTH AUTHORITY believes or has reason to believe is in violation of this Ordinance.

IMMINENT HEALTH HAZARD: Significant threat or danger to health that exists 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.
- b) The nature, severity, and duration of the anticipated injury.

MENU LIMITATION: A modification or constraint imposed by the HEALTH AUTHORITY on a FOOD ESTABLISHMENT's FOOD PREPARATION based on the type of operation, menu items, or available equipment.

MOBILE FOOD ESTABLISHMENT: A FOOD ESTABLISHMENT that is operated from a movable, motor-driven, or propelled vehicle, a portable structure, or watercraft that can change location.

OUTDOOR COOKING OPERATION: A cooking operation that is operated in conjunction with a FOOD ESTABLISHMENT with a PERMIT, but is not located within the fully enclosed permanent structure of the FOOD ESTABLISHMENT or within a MOBILE FOOD ESTABLISHMENT.

OPERATOR: A PERSON who has been approved by the permit holder to perform and/or oversee the day-to-day food operation of the FOOD ESTABLISHMENT.

PERMIT: The document issued by the HEALTH AUTHORITY that authorizes a PERSON to operate a FOOD ESTABLISHMENT.

PERSON: An association, corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.

PERSON IN CHARGE: The individual present at a FOOD ESTABLISHMENT who is responsible for the operation at the time of inspection.

PLAN REVIEW: An evaluation process conducted by the HEALTH AUTHORITY to determine whether minimum standards are met for the sanitary design, facility layout, operational and product flow, menu processes and food handling procedures, construction, operation and maintenance of a FOOD ESTABLISHMENT and its PREMISES.

PREMISES: The physical structure, its contents, and the contiguous land or property under the control of the permit holder.

PRIORITY FOUNDATION ITEM: Includes those items that require 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, HAZARD ANALYSIS CRITICAL CONTROL POINT plans, documentation or record keeping, and labeling.

PRIORITY FOUNDATION ITEM VIOLATION: A violation of a provision in this Ordinance whose application supports, facilitates, or enables one or more PRIORITY FOUNDATION ITEMS.

PRIORITY ITEM: Includes those items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, and/or handwashing.

PRIORITY ITEM VIOLATION: A violation of a provision in this Ordinance whose application contributes directly to the elimination, prevention, or reduction to an acceptable level, of hazards associated with foodborne illness or injury and for which there is no other provision that more directly controls the hazard.

PUBLIC EVENT: Any event open to the public where food is prepared or served. An event open to the public that is advertised with fliers, banners, newspaper articles, radio or television announcements, Internet postings, social media, or by other means is a PUBLIC EVENT and subject to regulation under this Ordinance. Any event that is not a PUBLIC EVENT shall be treated as private. Any determination of whether an event shall be regulated as a PUBLIC EVENT is at the sole discretion of the HEALTH AUTHORITY.

REMODEL: The repair, construction, alteration or installation of new equipment, modification of existing equipment or fixtures, changes in floor plan layout, the addition of more seating and/or toilet rooms, extensive changes in surface finishes or lighting, expansion to new space, or significant changes to use of space or equipment.

Generally, a REMODEL does not include redecorating; cosmetic refurbishing; cleaning surfaces; altering seating design; minimal repairs of finish surfaces; "like-for-like" equipment exchanges; equipment or infrastructure minimal repair, service or maintenance; additions of equipment that require no installation or modification of existing fixtures (such as countertop "plug-in" equipment); or a "like-for-like" menu item exchange or addition utilizing the same existing equipment and same food handling processes.

A REMODEL requires a PLAN REVIEW when one or more of the following criteria, at the sole discretion of the HEALTH AUTHORITY, are met:

- a. Requires a permit from the building authority having jurisdiction.
- b. Menu item exchange or additions with the need for different process, preparation method, equipment or service.
- c. Extensive equipment changes.
- d. Extensive utility changes or repairs.
- e. Extensive repairs after an incident, e.g. fire or flood.
- f. Conversion of a building/space/operation from a non-FOOD ESTABLISHMENT to a FOOD ESTABLISHMENT.
- g. Equipment changes that alter capacity or location that may result in a reduction of the FOOD ESTABLISHMENT's capabilities.

REPEAT VIOLATION: A violation noted on the previous inspection report that is observed again on the next routine inspection on the same piece of equipment, same area of the facility, or same practice.

SPECIAL EVENT: A unique PUBLIC EVENT at a particular location, such as a celebration, festival, or fundraiser.

TEMPORARY FOOD ESTABLISHMENT: A FOOD ESTABLISHMENT that operates at a fixed location for a period of time that is not more than fourteen (14) consecutive days in conjunction with a SPECIAL EVENT.

VALID PERMIT: A PERMIT that is not suspended, revoked, or expired.

VARIANCE: A written document issued by the HEALTH AUTHORITY that authorizes a modification or waiver of one or more requirements of this Ordinance. Any such modification or wavier is at the sole discretion of the HEALTH AUTHORITY.

WHOLESOME: In sound condition, clean, free from adulteration or contamination, and otherwise suitable for human consumption.

SECTION 2: ADMINISTRATION

2-1: General Permit Requirements

It shall be unlawful for any PERSON to operate a FOOD ESTABLISHMENT within the jurisdiction of the HEALTH DEPARTMENT who does not possess a Valid Permit issued to that PERSON. Only a PERSON who complies with the requirements of this Ordinance shall be entitled to receive and retain such a PERMIT.

PERMITS shall not be transferable from one PERSON to another PERSON. PERMITS shall not be applicable to any location, building, place, or menu other than that for which the PERMIT was issued.

Changes may occur after a FOOD ESTABLISHMENT is permitted. The changes that invalidate a PERMIT include a CHANGE OF OWNERSHIP of the permit holder, a change in the physical location of the establishment, a change in the type of operation, a change in menu that requires the addition of equipment and/or structural modifications of the FOOD ESTABLISHMENT, a change of menu that requires a FOOD PREPARATION process that did not occur when the PERMIT was issued, or a change in menu where raw animal food is to be served raw or undercooked.

The HEALTH AUTHORITY shall solely determine if a change invalidates a VALID PERMIT.

2-2: Permit Terms

- A. **All Permits:** All PERMITS shall be valid from December 1 of the current year through November 30 of the following year unless otherwise noted in this Ordinance.
- B. **Permits for Temporary Food Establishments:** PERMITS issued to TEMPORARY FOOD ESTABLISHMENTS shall be valid for the dates stated on the PERMIT and shall expire not more than fourteen (14) consecutive days after the start date.

2-3: Permit Categories

The HEALTH AUTHORITY shall assess the risks of a foodborne illness for every FOOD ESTABLISHMENT operating within the jurisdiction of the HEALTH DEPARTMENT. The HEALTH AUTHORITY shall use this assessment in classifying a FOOD ESTABLISHMENT for purposes of a CATEGORY.

The HEALTH AUTHORITY shall apply the criteria in the Food Code to determine the CATEGORY for a FOOD ESTABLISHMENT. If a health hazard will not result from reclassification or if reclassification will provide better protection for the public, the HEALTH AUTHORITY may reclassify a FOOD ESTABLISHMENT based upon inspection history, the number, frequency and severity of violations, and corrective action. The basis for this decision shall be documented, and a copy will be retained in the FOOD ESTABLISHMENT's file.

2-4: Permit Posting

Every FOOD ESTABLISHMENT shall prominently and conspicuously post a VALID PERMIT for public view.

2-5: Issuance

Any PERSON desiring to operate a FOOD ESTABLISHMENT or to renew an expired PERMIT within the jurisdiction shall make written application for a PERMIT on forms provided by the HEALTH DEPARTMENT, accompanied by a PERMIT fee, if required, in the amount provided in the HEALTH DEPARTMENT fee schedule.

- A. **When Plans are Required:** A PERMIT APPLICANT or permit holder shall submit to the HEALTH AUTHORITY properly prepared plans and specifications for review and approval before any of the following occur:
 1. The construction of a FOOD ESTABLISHMENT.
 2. The conversion of an existing structure for use as a FOOD ESTABLISHMENT.
 3. The REMODELING of a FOOD ESTABLISHMENT.
 4. A change of type of FOOD ESTABLISHMENT or food operation if the HEALTH AUTHORITY determines that plans and specifications are necessary to ensure compliance with this Ordinance.
- B. **Application for Permit:** After APPROVAL of the plans proposed for a PERMIT by a FOOD ESTABLISHMENT, the HEALTH AUTHORITY shall conduct an inspection of the PREMISES. If the HEALTH AUTHORITY finds the FOOD ESTABLISHMENT in compliance with the provisions of this Ordinance and upon receipt of a completed application for a PERMIT, the HEALTH AUTHORITY shall issue a PERMIT authorizing the FOOD ESTABLISHMENT to operate.
- C. **Annual Renewal of Permits:** For continued operation of the FOOD ESTABLISHMENT, annual renewal of the PERMIT is required. Any permit holder desiring to renew a PERMIT shall apply on renewal forms provided by the HEALTH DEPARTMENT and pay all money due, i.e. fees and taxes, to the HEALTH DEPARTMENT including, but not limited to, PERMIT renewal fee, late fees, reinstatement fees, re-inspection fees, insufficient funds

charges, and all fines assessed for any purpose. If a permit holder is delinquent on any money due the HEALTH DEPARTMENT, the annual renewal PERMIT shall be denied and shall not be issued until such time as the permit holder pays in full.

D. Denial of Application for Permit: If an application for a PERMIT to operate is denied, the HEALTH AUTHORITY shall provide the APPLICANT with a notice that includes:

1. The specific reasons and code citations for the PERMIT denial.
2. The actions, if any, that the APPLICANT must take to qualify for a PERMIT.
3. The advisement of any appeal process.

E. Change of Ownership: If a PERSON is purchasing an existing FOOD ESTABLISHMENT, a CHANGE OF OWNERSHIP plan review is required prior to issuing a new PERMIT. For any determination of what constitutes a change in permit holder, consult the HEALTH AUTHORITY. To assist in the transition of business, the HEALTH AUTHORITY will allow an open and operating FOOD ESTABLISHMENT to change ownership without interruption of business provided that the following are satisfied:

1. A PLAN REVIEW application for the new PERMIT is submitted within thirty (30) BUSINESS DAYS of the execution of the change of owner documents, such as a deed, close of escrow, dealers' report of sale, lease agreement, or other legal document.
2. The FOOD ESTABLISHMENT stays within the same CATEGORY as the previous PERMIT.
3. The FOOD ESTABLISHMENT has not been physically altered, equipment has not been removed or added, and the FOOD ESTABLISHMENT has not been closed for extensive REMODELING for other reasons.
4. The FOOD ESTABLISHMENT has not changed the menu in a manner that requires new FOOD PREPARATION processes, procedures, and/or equipment.
5. The time to correct all violations cited in a CHANGE OF OWNERSHIP inspection does not exceed ninety (90) BUSINESS DAYS from delivery of an inspection by the HEALTH AUTHORITY. Time extensions are not to exceed another ninety (90) BUSINESS DAYS and may be granted in writing as determined by the HEALTH AUTHORITY.

If the provisions above are not met, then the FOOD ESTABLISHMENT shall close, and the new owner will be required to apply for a new PERMIT, including completing the PLAN REVIEW process.

2-6: Permit Fees

PERMIT fees are pursuant to all other applicable ordinances of the HEALTH AUTHORITY.

2-7: Food Sources Outside of the Department's Jurisdiction

Food from FOOD ESTABLISHMENTS outside the jurisdiction of the HEALTH DEPARTMENT may be allowed if such FOOD ESTABLISHMENTS conform to the provisions of this Ordinance or equivalent provisions and can provide proof of a VALID PERMIT from the applicable public health authority.

2-8: Plan Reviews

No FOOD ESTABLISHMENT shall be constructed, REMODELED, or converted except in accordance with plans and specifications approved by the HEALTH AUTHORITY.

A. **Plan Review:** The HEALTH AUTHORITY shall conduct a PLAN REVIEW whenever a FOOD ESTABLISHMENT:

1. Is newly constructed or REMODELED.
2. Is in a facility converted for use as a FOOD ESTABLISHMENT.
3. Undergoes a CHANGE OF OWNERSHIP.

B. **Waiver:** The HEALTH AUTHORITY, at its sole discretion, may waive a PLAN REVIEW based on information provided in the PLAN REVIEW application for a new PERMIT.

C. **Submission of Documents:** Before such work begins or change occurs, a FOOD ESTABLISHMENT shall submit the following to the HEALTH AUTHORITY for review and approval:

1. PLAN REVIEW application form as provided by the HEALTH AUTHORITY.
2. Properly prepared plans to scale and specifications, including those illustrating layout, arrangement, location, size and type of fixed equipment, finish schedule of surface materials, and custom shop drawings.
3. Proposed menu.
4. Food safety assessment worksheet.
5. Proposed auxiliary food operations, such as OUTDOOR COOKING OPERATIONS, catering, special processes, or extended food operations held on the PREMISES.
6. Any other information that the HEALTH DEPARTMENT deems necessary to evaluate the proposal.
7. PLAN REVIEW fee.

2-9: Pre-Operational Inspections

Prior to the issuance or reinstatement of a PERMIT to operate, every FOOD ESTABLISHMENT shall be inspected by or obtain approval from the HEALTH AUTHORITY before beginning or resuming operations in order to determine compliance with APPROVED plans, specifications, corrective actions, and the requirements of this Ordinance.

2-10: Permit Suspension

At any time that the HEALTH AUTHORITY determines that a permit holder or OPERATOR is not in compliance with the provisions of this Ordinance or the ENFORCEMENT POLICY, the HEALTH AUTHORITY shall issue a notice to the permit holder or OPERATOR. The notice shall state the nature of the violation and a reasonable timeframe in which corrective action must be taken.

Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this Ordinance or the ENFORCEMENT POLICY, the HEALTH AUTHORITY may serve the permit holder or operator with a notice stating that the PERMIT is suspended and operations are to cease immediately or as ordered by the HEALTH AUTHORITY.

Notwithstanding the other provisions of the Ordinance, whenever the HEALTH AUTHORITY finds unsanitary or other conditions in the operation of a FOOD ESTABLISHMENT or TEMPORARY FOOD ESTABLISHMENT which, in the HEALTH AUTHORITY's judgment, constitutes substantial hazard to the public health, it may, without warning, notice, or hearing issue a written notice to the permit holder or operator citing such condition, specifying the corrective action to be taken; and state that the PERMIT is immediately suspended.

Any PERSON to whom such an order is issued shall comply immediately therewith, but upon written petition to the HEALTH AUTHORITY, shall be afforded a hearing as soon as possible. The hearing process is described in the Champaign County Public Health Department Retail Food Program Enforcement Policy.

2-11: Permit Revocation

For REPEATED VIOLATIONS of any provisions of the ENFORCEMENT POLICY, or for interference with the HEALTH AUTHORITY in the performance of its duties, the HEALTH AUTHORITY may revoke a PERMIT permanently. This process is described in Section 4 of the ENFORCEMENT POLICY. The permit holder shall be given notice of the revocation and the opportunity to request a hearing before the HEALTH AUTHORITY. Prior to such action, the HEALTH AUTHORITY shall notify the permit holder that the PERMIT is subject to revocation and that the PERMIT shall be permanently revoked at the end of ten (10) BUSINESS DAYS following service of such notice unless the permit holder files a request for a hearing with the HEALTH AUTHORITY within that period. The hearing process is described in the Champaign County Public Health Department Retail Food Program Enforcement Policy.

SECTION 3: INSPECTIONS

3-1: Frequency

At minimum, the HEALTH AUTHORITY shall inspect each FOOD ESTABLISHMENT within the HEALTH DEPARTMENT as determined in 77 II Adm. Code Section 650.310. TEMPORARY FOOD ESTABLISHMENTS may or may not be inspected as determined by the HEALTH AUTHORITY.

All CATEGORIES and types of FOOD ESTABLISHMENTs shall be inspected as many times as the HEALTH AUTHORITY deems necessary to enforce the provisions of this Ordinance.

3-2: Right of Entry

The HEALTH AUTHORITY shall have the right to enter any FOOD ESTABLISHMENT or any TEMPORARY FOOD ESTABLISHMENT at any reasonable time for the purpose of conducting inspections to determine compliance with this Ordinance. The HEALTH AUTHORITY representative(s) shall properly identify themselves prior to entering the property and initiating an inspection.

3-3: Refusal of Entry

If a PERSON denies access to the HEALTH AUTHORITY, the HEALTH AUTHORITY shall inform the PERSON that:

- A. The permit holder is required to allow access to the HEALTH AUTHORITY.
- B. Access is a condition of acceptance and retention of a PERMIT to operate.
- C. If access is denied, the HEALTH AUTHORITY will take such legal action as required.

If a PERSON IN CHARGE denies the HEALTH AUTHORITY access to a permitted FOOD ESTABLISHMENT pursuant to 3-2 of this Ordinance, the HEALTH AUTHORITY may gain access in any manner provided by law. In addition, the HEALTH AUTHORITY may issue a CEASE AND DESIST ORDER or seek a temporary restraining order or other relief to cease the FOOD ESTABLISHMENT's operations until the inspection is conducted.

3-4: Examination of Records

The HEALTH AUTHORITY may examine the records of a FOOD ESTABLISHMENT to obtain pertinent information including, but not limited to, food and supplies purchased, food and food supplies received, and persons employed in such establishments.

3-5: Inspection Report

Whenever an inspection of a FOOD ESTABLISHMENT is conducted to determine compliance with this Ordinance, the findings shall be recorded on the inspection report form provided by the HEALTH AUTHORITY.

The inspection report form shall constitute a legal notice of violations relating to this Ordinance.

One (1) copy of the inspection report form shall be furnished to the operator or PERSON IN CHARGE of the FOOD ESTABLISHMENT and a copy of the inspection report will be available in the FOOD ESTABLISHMENT's file.

The inspection report is a public document.

3-6: Refusal to Sign Report

If a PERSON IN CHARGE refuses to sign an acknowledgement of receipt of an inspection report, the HEALTH AUTHORITY shall inform the person who declines to sign the acknowledgment that:

- a) Acknowledgement of receipt does not indicate agreement with the inspection findings.
- b) Refusal to sign an acknowledgement of receipt will not affect the permit holder's obligation to correct the violation(s) noted in the inspection report within the timeframes specified.
- c) A refusal to sign an acknowledgement of receipt is noted in the inspection report.

Electronic reports do not require a signature.

3-7: Correction of Violations

- A. **Inspection Report:** The completed inspection report form shall specify the time period for correction of the violations in accordance with the ENFORCEMENT POLICY.
- B. **Imminent Health Hazard:** If an IMMINENT HEALTH HAZARD exists, the FOOD ESTABLISHMENT shall immediately cease FOOD PREPARATION operations until such hazard is corrected and the HEALTH AUTHORITY grants authorization to resume operations.
- C. **Failure to Comply:** Failure to comply with any notice regarding violations which pose IMMINENT HEALTH HAZARDS or REPEAT VIOLATIONS issued in accordance with the provisions of this Ordinance and/or the ENFORCEMENT POLICY may result in the immediate suspension of the PERMIT.
- D. **Ceasing Operations:** A FOOD ESTABLISHMENT may be required under the provisions of this Ordinance to cease all or a portion of their operations. A FOOD ESTABLISHMENT shall not resume operations until such time as the HEALTH AUTHORITY grants authorization to resume operations.
- E. **Follow-up Inspection:** When necessary a follow-up inspection of a FOOD ESTABLISHMENT is needed to ensure APPROVED corrective action has occurred to resolve a violation on a previous inspection including, but not limited to, an equipment performance check, a physical change in equipment or structure, or a change in FOOD PREPARATION. Receipts indicating work completed, pictures or videos showing correction may be used as documentation of correction.

3-8: Examination and Condemnation of Food and Equipment

- A. **Sampling:** Food may be examined or sampled by the HEALTH AUTHORITY as often as it deems necessary for enforcement of this Ordinance.

B. Hold Order Justifying Conditions and Removal of Food: The HEALTH AUTHORITY may place a HOLD ORDER on a food which it determines or has probable cause to believe to:

1. Originate from an unAPPROVED source.
2. Be not WHOLESOME, adulterated, misbranded, or not honestly presented.
3. Be not labeled according to law, or, if raw molluscan shellfish, is not tagged or labeled according to law.
4. Be otherwise not in compliance with this Ordinance.

C. Hold Order for Food:

1. Food subject to the HOLD ORDER shall be identified by the common name, the label information, a container description, the quantity, the HEALTH AUTHORITY's tag or identification information, and a location.
2. Food shall be allowed to be suitably stored. If storage is not possible without risk to the public health, then the HEALTH AUTHORITY shall require the denaturing or destruction of the food.
3. It shall be unlawful for any PERSON to remove or alter a HOLD ORDER, notice or tag placed on the food or food container by the HEALTH AUTHORITY.
4. It shall be unlawful for any PERSON to sell, give or donate, use (relabel, repack, reprocess, alter), denature, dispose, destroy, or remove food from the FOOD ESTABLISHMENT without the written release of the HEALTH AUTHORITY, except on order by a court of competent jurisdiction.

D. Removing Hold Order for Food:

1. The owner or PERSON IN CHARGE disposes or destroys the food in the presence of the HEALTH AUTHORITY accompanied with written documentation using a form provided by the HEALTH AUTHORITY.
2. The owner or PERSON IN CHARGE has the right to a hearing regarding the HOLD ORDER and may request a hearing with the HEALTH AUTHORITY if a written request is submitted with seven (7) calendar days of the HOLD ORDER being issued. The hearing process is described in the Champaign County Public Health Department Retail Food Program Enforcement Policy.
3. After the owner or PERSON IN CHARGE has had a hearing and on the basis of evidence produced at such hearing, the HEALTH AUTHORITY may vacate the HOLD ORDER if the evidence is APPROVED by the HEALTH AUTHORITY.
4. In the event that a written request for a hearing is not received within seven (7) calendar days of the HOLD ORDER being issued, the HEALTH AUTHORITY may direct the owner or PERSON IN CHARGE to bring the food in compliance with the provisions of this Ordinance or order the food to be denatured or destroyed.
5. If the HEALTH AUTHORITY issues an order to denature or destroy such food shall be stayed if the HOLD ORDER is appealed to a court of competent jurisdiction within three (3) business days.

- E. Hold Order for Equipment:** The HEALTH AUTHORITY may place a HOLD ORDER on equipment which it determines or has probable cause to believe to be:
1. Constructed from unsafe materials.
 2. Found in a state of disrepair so that it is not easily cleanable, unsuitable for use, or in an unsanitary condition.
 3. Found unable to perform as intended.

The HEALTH AUTHORITY shall tag, label, or otherwise identify any equipment subject to the HOLD ORDER. The owner or PERSON IN CHARGE shall take the equipment out of use until written permission is obtained from the HEALTH AUTHORITY. It shall be unlawful for any PERSON to move or alter a HOLD ORDER notice or tag placed on equipment by the HEALTH AUTHORITY.

- F. Removing Hold Order for Equipment:** The owner or PERSON IN CHARGE has the same rights and responsibilities for equipment as for food as in 3-8 (F).

3-9: Imminent Health Hazard

A permit holder shall immediately discontinue operations and must notify the HEALTH AUTHORITY if an IMMINENT HEALTH HAZARD may exist because of an emergency including, but not limited to, fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross unsanitary occurrence or condition, disease transmission from an employee, or other circumstances that may endanger public health.

3-10: When Disease Transmission is Suspected

When the HEALTH AUTHORITY 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 inspection or investigation as may be indicated, and take appropriate action. The HEALTH AUTHORITY may require any or all of the following measures:

- A. Immediate exclusion of the EMPLOYEE from any FOOD PREPARATION.
- B. Immediate closure of the FOOD ESTABLISHMENT concerned until in the opinion of the HEALTH AUTHORITY, no further danger of disease outbreak exists.
- C. Restriction of EMPLOYEE's services to some area of the FOOD ESTABLISHMENT where there will be no danger of transmitting disease.
- D. Adequate medical and laboratory examinations of the EMPLOYEE or other EMPLOYEES and of his/her or their body discharges.

3-11: Re-inspections

Any permit holder whose PERMIT has been suspended may make a written request to the HEALTH AUTHORITY to re-inspect the PREMISES for the purpose of re-instating the PERMIT. Such a request shall include a statement signed by the APPLICANT indicating that, to the best of the APPLICANT's knowledge, violations have been corrected. The HEALTH AUTHORITY shall conduct a re-inspection within a reasonable time period. A re-inspection fee pursuant to the applicable Environmental Health fee schedule as adopted by the Champaign County Board shall be assessed.

3-12: Ceasing and Resumption of Operations

Whenever a FOOD ESTABLISHMENT is required under the provisions of this Ordinance to cease operations, it shall cease and not resume operations until such time the HEALTH AUTHORITY grants authorization to resume operations. The HEALTH AUTHORITY shall offer the opportunity for follow-up inspection within a reasonable time period, upon receipt of a written request for follow-up inspection from the FOOD ESTABLISHMENT.

3-13: Variances

- A. Modification and Waivers: The HEALTH AUTHORITY may grant a VARIANCE by modifying or waiving the requirements of this Ordinance or FOOD CODE, if in the opinion of the HEALTH AUTHORITY, a public health hazard or nuisance will not result from the issuance of the VARIANCE. If a VARIANCE is granted, the HEALTH AUTHORITY shall retain all pertinent information in the FOOD ESTABLISHMENT's file.
- B. Documentation of Proposed Variance and Justification: Before a VARIANCE from a requirement of this Ordinance or Food Code is APPROVED, the PERSON requesting the VARIANCE shall supply information and apply on forms provided by the HEALTH AUTHORITY. The HEALTH AUTHORITY shall retain forms in FOOD ESTABLISHMENT's file.
- C. Conformance with Approved Procedures: If the HEALTH AUTHORITY grants a VARIANCE or a HAZARD ANALYSIS CRITICAL CONTROL POINT plan, the permit holder shall comply with the plan and procedures that are submitted and APPROVED as a basis for the modification or waiver and also maintain and provide to the HEALTH AUTHORITY, upon request, records that demonstrate conformance.
- D. Variances are not transferable between owners.

3-14: When a Hazard Analysis Critical Control Point Plan is Required

As required in the FOOD CODE or before engaging in FOOD PREPARATION that requires a HAZARD ANALYSIS CRITICAL CONTROL POINT plan, an APPLICANT or permit holder shall submit to the HEALTH AUTHORITY for APPROVAL a properly prepared HAZARD ANALYSIS CRITICAL CONTROL POINT plan.

3-15: Menu Limitation

The HEALTH AUTHORITY may determine that MENU LIMITATION at a FOOD ESTABLISHMENT is necessary for food safety. The FOOD ESTABLISHMENT will comply with any notice of MENU LIMITATION issued by the HEALTH AUTHORITY.

3-16: Additional Requirements

If necessary to protect against public health hazards or nuisances, the HEALTH AUTHORITY may impose specific requirements in addition to the requirements contained in this Ordinance. The HEALTH AUTHORITY shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the APPLICANT or permit holder, and shall be maintained by the HEALTH DEPARTMENT in the FOOD ESTABLISHMENT's file.

SECTION 4: TEMPORARY FOOD ESTABLISHMENTS

4-1: Temporary Food Establishment General

The requirements outlined in this section apply only to TEMPORARY FOOD ESTABLISHMENTS and are in addition to the requirements stated in other sections of this Ordinance.

4-2: Temporary Food Establishment Permit

- A. **Submission of Application:** A Temporary Food Permit Application and the appropriate fee, if required, should be submitted at least fourteen (14) business days prior to the start date of the event at which food will be provided. Late fees apply if application is made less than seventy-two (72) hours prior to the day of the event.
- B. **Term:** See 2-2 (B).
- C. **Frequency:** PERMITS for TEMPORARY FOOD ESTABLISHMENTS may be issued for up to three (3) SPECIAL EVENTS. If a TEMPORARY FOOD ESTABLISHMENT needs to operate for more than three (3) SPECIAL EVENTS within any calendar year, then it would need the same type of PERMIT as other FOOD ESTABLISHMENTS (stationary or MOBILE FOOD ESTABLISHMENT).
- D. **Education:** At least one PERSON IN CHARGE of the TEMPORARY FOOD ESTABLISHMENT shall show documentation of completion of food safety training. This requirement could be achieved by a Certified Food Protection Manager certificate, a Food Handler Training document, or by completing and passing the test for the HEALTH DEPARTMENT's Temporary Food Vendor Training. The Temporary Food Vendor Training is valid for three (3) years.
- E. **Issuance:** Food operators seeking PERMITS for a TEMPORARY FOOD ESTABLISHMENT shall meet all applicable provisions of this Ordinance and the FOOD

CODE. All PRIORITY ITEM and PRIORITY FOUNDATION ITEM VIOLATIONS shall be corrected prior to issuance of the temporary food PERMIT.

- F. **Temporary Food Establishment Fees:** Unless exempt from fees as provided in Section 12.4. of the Health Ordinance of Champaign County, each food OPERATOR shall pay a PERMIT fee for each FOOD ESTABLISHMENT pursuant to the Champaign County Health Ordinance fee schedule, as amended from time to time.

4-3: Temporary Food Establishment Inspections and Corrections

- A. **Frequency:** The HEALTH AUTHORITY may provide consultation and/or on-site inspection for each TEMPORARY FOOD ESTABLISHMENT a minimum of one (1) time for each PERMIT issued and shall make as many follow-up inspections as are necessary for the enforcement of this Ordinance.
- B. **Correction of Violations:** All PRIORITY ITEM and PRIORITY FOUNDATION ITEM VIOLATIONS shall be corrected prior to issuance of the temporary food PERMIT. The TEMPORARY FOOD ESTABLISHMENT shall immediately cease FOOD PREPARATION if any PRIORITY ITEM or PRIORITY FOUNDATION ITEM VIOLATION(s) are not satisfactorily corrected at the sole discretion of the HEALTH AUTHORITY and pose an IMMINENT HEALTH HAZARD after temporary food PERMIT issuance.

SECTION 5: INSPECTION NOTICE PLACARDS

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SECTION 6: ENFORCEMENT

- A. Enforcement provisions are stated in Champaign County Public Health Department Retail Food Program Enforcement Policy as adopted by the BOARD.
- B. **Conditions Warranting Remedy:** The HEALTH AUTHORITY may seek administrative or judicial remedy to achieve compliance with the provisions of this Ordinance if a PERSON operating a FOOD ESTABLISHMENT or EMPLOYEE:
1. Fails to obtain or have a VALID PERMIT to operate a FOOD ESTABLISHMENT.
 2. Violates any term or condition of a PERMIT.
 3. Allows a PRIORITY ITEM VIOLATION or a PRIORITY FOUNDATION ITEM VIOLATION or a REPEAT VIOLATION to remain uncorrected beyond the timeframes for correction that was APPROVED, directed, or ordered by the HEALTH AUTHORITY.
 4. Fails to comply with a HEALTH AUTHORITY order concerning an EMPLOYEE suspected of having a disease transmissible through food by infected PERSONS.
 5. Fails to comply with a HOLD ORDER.

6. Fails to comply with an order issued as a result of a hearing for an administrative remedy.
7. Fails to comply with a summary suspension order issued by the HEALTH AUTHORITY.

C. **Institution of Proceedings:** Proceedings to enforce this Ordinance may be instituted by the HEALTH AUTHORITY according to law by issuing a citation or summons, by filing a misdemeanor complaint affidavit and request for a warrant of arrest with the court of competent jurisdiction, or by referring the complaint to a grand jury for indictment, as appropriate. The HEALTH AUTHORITY may designate a representative to issue summons or citations or sign warrants on behalf of the HEALTH AUTHORITY.

SECTION 7: AUTHORITY

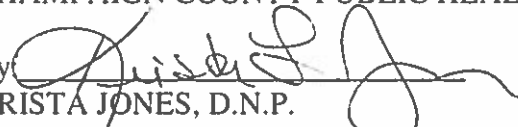
This Ordinance shall be published in pamphlet form not later than December 3, 2018.

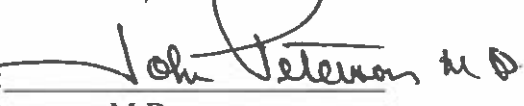
This Ordinance shall be in full force and effective on and after January 1, 2019. At that time, all ordinances and parts of ordinances in conflict with this Ordinance are repealed.

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance will not be affected. Those sections will remain valid.

Approved this 2nd day of October, 2018, the by the Board of Health of the Champaign County Public Health Department.

CHAMPAIGN COUNTY PUBLIC HEALTH DEPARTMENT

By: 
KRISTA JONES, D.N.P.
President, Board of Health
Date: 10/2/2018

ATTEST: 
John A. Peterson, M.D.
Secretary
Date: 10/2/2018