

PERRY COUNTY
BASIC SANITATION ORDINANCE
FOOD SERVICE REGULATIONS

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Perry County Basic Sanitation Ordinance - Food Service Regulations

Sanitation standards applying to food service establishments, retail stores, temporary food service establishments, temporary retail food stores, food processing establishments, and mobile food service establishments operating within the limits of Perry County, Illinois.

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SECTION I. ADOPTION BY REFERENCE

SECTION A. DEFINITIONS

The following definitions shall apply in the interpretation and the enforcement of this ordinance:

ADULTERATED shall mean the condition of a 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 regulation, or in excess of such tolerance 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 become 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 an animal which has died otherwise than by slaughter; or (f) if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

ADEQUATE shall mean acceptable or sufficient as determined by the Health Authority.

APPROVED shall mean acceptable to the health authority based on his/her determination as to conformance with appropriate standards and good public health practice.

AUTHORIZED REPRESENTATIVE shall mean the legally designated Health Authority of the Perry County Health Department and shall include those persons designated by the Health Authority to enforce the provisions of this ordinance.

BOARD OF HEALTH shall mean the Perry County, Illinois, Board of Health or its authorized representative.

CLOSED shall mean fitted together snugly leaving no openings large enough to permit the entrance of vermin.

CORROSION-RESISTANT MATERIALS shall mean a material that maintains its original surface characteristics under prolonged influence of the food, cleaning compounds and sanitizing solutions which may contact it.

EASILY CLEANABLE shall mean readily accessible and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.

EMPLOYEE shall mean any person working in a food-service establishment or retail food store who transports food or food containers, who engages in food preparation, packaging, or service, or who comes in contact with any food utensils or equipment.

EQUIPMENT shall mean all stoves, ranges, hoods, meat blocks, meat slicers, saws, scales, meat grinders, tables, counters, refrigerators, sinks, dish washing machines, steam tables, and similar items, other than utensils, used in the operation of a food-service establishment or retail food store.

FOOD shall mean any 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.

FOOD-CONTACT SURFACES shall mean those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces with which food may come in contact and drain, drip or splash back onto surfaces normally in contact with food.

FOOD-PROCESSING ESTABLISHMENT shall mean a commercial establishment in which food is processed or otherwise prepared and packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary operation.

FOOD-SERVICE ESTABLISHMENT shall mean, but is not limited to, any fixed or mobile restaurant; coffee shop; cafeteria; short-order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial-feeding establishment; private, public, or nonprofit organization or institution routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

HEALTH AUTHORITY shall mean that person or persons who have been designated by the Board of Health to administer the affairs of the Perry County Health Department.

KITCHENWARE shall mean all multi-use utensils other than tableware used in the storage, preparation, conveying, or serving of food.

MISBRANDED shall mean the presence of any written, printed, or graphic matter, upon or accompanying food or containers of food, which is false or misleading, or which violates any applicable State or local labeling requirements.

MOBILE FOOD-SERVICE ESTABLISHMENT shall mean any food service establishment capable of being moved from location to location, one without a fixed location.

PERISHABLE FOOD shall mean any food or such type or in such condition as may spoil.

PERMANENT FOOD-SERVICES ESTABLISHMENT OR RETAIL FOOD STORE shall mean any food-service establishment or retail food store which operates at a fixed location for a period of time exceeding 14 days.

PERMIT HOLDER shall mean an individual, a firm, partnership, company, corporation, trustee, association or public or private entity who is directly or indirectly responsible for the operation of a food-service establishment or retail food store.

PERSON shall mean an individual, or a firm, partnership, company, corporation, trustee, association, or any public or private entity.

POTENTIALLY HAZARDOUS FOOD shall mean any perishable food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

RETAIL FOOD STORE shall mean retail grocery, meat market, poultry market, fish market, confectionery, nut store, retail bakery, or any other establishment, whether fixed or movable, where food, intended for human consumption off the premises, is prepared, handled, transported, sold or offered for sale at retail.

SAFE TEMPERATURES as applied to potentially hazardous food, shall mean temperatures of 41^o F. or below, and 140^o F. or above. As applied to frozen perishable foods safe temperatures shall be 0^o F. or below, except for a variation of 15^o F. during transit, unloading or defrosting during a mechanical defrosting cycle. Temperatures shall be determined by measurement of the actual product temperature or the ambient air temperature in the storage device.

SANITIZE shall mean effective bacterial treatment of clean surfaces or equipment and utensils by a process which has been approved by the Health Authority as being effective in destroying micro-organisms, including pathogens.

SEALED shall mean free of cracks or other openings which permit the entry or passage of moisture.

SEASONAL FOOD-SERVICE ESTABLISHMENT shall mean a food-service establishment that operates at a fixed location for a period of time not to exceed 90 days per year.

SINGLE SERVICE ARTICLES shall mean cups, containers, lids, or closures, plates, knives, forks, spoons, stirrers, paddles, straws, place mats, napkins, doilies, wrapping material; and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials, and which are intended by the manufacturers and generally recognized by the public for one-time, one person use, and then discarded.

SNACK SERVICE shall mean a business offering minimal food items, such as canned or bottled soda and/or juices and prepackaged foods.

TABLEWARE shall mean all multi-use eating and drinking utensils, including flatware (knives, forks, and spoons).

TEMPORARY FOOD-SERVICE ESTABLISHMENT shall mean any food-service establishment that operates at a fixed location for a temporary period of time not to exceed 14 consecutive days, in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering.

TEMPORARY RETAIL FOOD STORES shall mean any retail food store which operates at a fixed location for a temporary period of time not to exceed 14 days.

UTENSILS shall mean any tableware and kitchenware used in the storage, preparation, transportation, conveying, or serving of food.

WHOLESOME shall mean in sound condition, clean, free from adulteration and otherwise suitable for use as human food.

SECTION B. FOOD

1. **FOOD SUPPLIES:** All food in food-service establishments and retail food stores shall be obtained from sources approved or considered satisfactory by the Health Authority. Such food shall be clean, wholesome, free from spoilage and shall be processed, prepared, handled, transported, and stored in such manner as to be free from adulteration and misbranding and be safe for human consumption. No food which has been processed in a place other a food processing establishment shall be used or dispensed.

2. **FOOD PROTECTION:** All food, while being stored, prepared, displayed, served, or sold at food-service establishments or retail food stores, or during transportation between such establishments shall be protected from contamination. All perishable food shall be stored at such temperatures as will protect against spoilage. All potentially hazardous food shall be maintained at safe temperatures (41^o F. or below or 140^o F. or above), except during necessary periods of preparation and service. Raw fruits and vegetables shall be washed before use. Stuffing, poultry, stuffed meats and poultry, and pork and pork products shall be thoroughly cooked before being served. Individual portions of food once served to the customer shall not be served again.

Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitizing purposes may be used or stored in food-service establishments. Poisonous and toxic materials shall be identified, and shall be used only in such manner and under such conditions as will not contaminate food or constitute a hazard to employees or customers.

SECTION C. PERSONNEL

1. **HEALTH AND DISEASE CONTROL:** No person while affected with any disease in a communicable form, or while a carrier of such diseases, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection shall work in any area of a food-service establishment or retail food store in any capacity in which there is a likelihood of such a person contaminating food or food-contact surfaces with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the Health Authority immediately.

2. **CLEANLINESS:** All employees shall wear outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty. They shall wash their hands thoroughly in an approved hand washing facility before starting

work, and as often as may be necessary to remove soil and contamination. No employee shall resume work after smoking, eating, drinking or visiting the toilet room without first washing his/her hands.

SECTION D. FOOD EQUIPMENT AND UTENSILS

1. SANITARY DESIGN, CONSTRUCTION AND INSTALLATION OF EQUIPMENT AND UTENSILS: All equipment and utensils shall be so designed and of such material and workmanship as to be smooth, easily cleanable and durable, and shall be in good repair; and the food-contact surfaces of such equipment and utensils shall, in addition, be easily accessible for cleaning, non-toxic, corrosion resistant and relatively non-absorbent; provided, that, when approved by the Health Authority, exceptions may be made to the above material requirements for equipment such as cutting boards, blocks, and bakers' tables.

All equipment shall be so installed and maintained as to facilitate the cleaning thereof, and of all adjacent areas.

Equipment in use at the time of adoption of this ordinance which does not meet fully the above requirements, may be continued in use if it is in good repair, capable of being maintained in a sanitary condition and the food-contact surfaces are non-toxic.

Single-service articles shall be made from non-toxic materials.

2. CLEANINESS OF EQUIPMENT AND UTENSILS: All eating and drinking utensils shall be thoroughly cleaned and sanitized after each usage.

All kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in the preparation or serving of food or drink and all food-storage utensils, shall be thoroughly cleaned after each use. Cooking surfaces of equipment used in the preparation, service, display, or storage of potentially hazardous food shall be thoroughly cleaned and sanitized prior to such use. Non-food contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition.

After cleaning and until use, all food-contact surfaces of equipment and utensils shall be stored and handled as to be protected from contamination.

All single-service articles shall be stored, handled, and dispensed in a sanitary manner, and shall be used only once.

Food-service establishments which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single service articles.

SECTION E. SANITARY FACILITIES AND CONTROLS

1. WATER SUPPLY: The water supply shall be adequate, of a safe, sanitary quality and from an approved source. Hot and cold running water, under pressure, shall be provided in all areas where food is prepared, or equipment, utensils, or containers are washed.

Water, if not piped into the establishment, shall be transported and stored in approved containers and shall be handled and dispensed in a sanitary manner.

Ice used for any purpose shall be made from water which comes from an approved source, and shall be used only if it has been manufactured, stored, transported, and handled in a sanitary manner.

2. **SEWAGE DISPOSAL:** All sewage shall be disposed of in a public sewage system or, in the absence thereof, in a manner approved by the Health Authority.

3. **PLUMBING:** Plumbing shall be so sized, installed, and maintained in accordance with applicable provisions of the Illinois State Plumbing Code. Local ordinance shall be followed when standards are equal to or exceed the afore mentioned Code. The plumbing shall carry adequate quantities of water to required locations throughout the establishment; as to prevent contamination of the water supply; as to properly convey sewage and liquid wastes from the establishment to the sewage-disposal system; and so that it does not constitute a source of contamination of food, equipment, or utensils, or create an insanitary condition or nuisance.

4. **TOILET FACILITIES:** Each food-service establishment shall be provided with adequate, conveniently located toilet facilities for its employees. Toilet fixtures shall be of sanitary design and readily cleanable. Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair.

The doors of all toilet rooms shall be self-closing. Toilet tissue shall be provided. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered. Where the use of non-water carried sewage disposal facilities have been approved by the Health Authority such facilities shall be separate from the establishment. When toilet facilities are provided for patrons, such facilities shall meet the requirements of Section E.3.

5. **HANDWASHING FACILITIES:** Each food-service establishment shall be provided with adequate, accessible conveniently located hand-washing facilities for its employees, including a lavatory or lavatories equipped with hot and cold or tempered running water, hand-cleaning soap or detergent, and approved sanitary towels or other approved hand drying devices. Such facilities shall be kept clean and in good repair.

6. **GARBAGE AND RUBBISH DISPOSAL:** All garbage and rubbish containing food wastes shall, prior to disposal, be kept in leakproof, non-absorbent containers which shall be kept covered with tight fitting lids when filled or stored, or not in continuous use; provided, that such containers need not be covered when stored in a special vermin-proofed room or enclosure, or in a food-waste refrigerator. All other rubbish shall be stored in containers, rooms or areas in an approved manner. The rooms, enclosures, areas, and containers used shall be adequate for the storage of all food waste and rubbish accumulating on the premises. Adequate cleaning facilities shall be provided, and each container, room, or area shall be thoroughly cleaned after the emptying or removal of garbage and rubbish. Food-waste grinders, if used, shall be installed in compliance with State and local standards and shall be of suitable construction. All garbage and rubbish shall be disposed of with sufficient frequency and in such manner as to prevent a nuisance.

7. **VERMIN CONTROL:** Effective measures shall be taken to protect against the entrance into the establishment and the breeding or presence on the premises of vermin.

SECTION F. OTHER FACILITIES AND OPERATIONS

1. FLOORS, WALLS, AND CEILINGS: The floor surfaces in kitchens, in all other rooms and areas in which food is stored or prepared and in which utensils are washed, and in walk-in refrigerators, dressing or locker rooms and toilet rooms, shall be of smooth, nonabsorbent materials, and so constructed as to be easily cleanable; provided, that the floors of non-refrigerated, dry food storage areas need not be nonabsorbent. All floors shall be kept clean and in good repair. Floor drains shall be provided in all rooms where floors are subjected to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor. All exterior areas where food is served shall be kept clean and properly drained, and surfaces in such areas shall be finished so as to facilitate maintenance and minimize dust.

The walls and ceilings of all rooms shall be kept clean and in good repair. All walls of rooms or areas in which food is prepared, or utensils or hands are washed, shall be easily cleanable, smooth and light-colored, and shall have washable surfaces up to the highest level reached by splash or spray.

2. LIGHTING: All areas in which food is prepared or stored or utensils are washed, hand-washing areas, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas shall be well lighted. During all cleanup activities, adequate light shall be provided in the area being cleaned, and upon or around equipment being cleaned. Shielding to protect against broken glass falling into food shall be provided for all light fixtures located over, by or within food storage, preparation, service and display facilities and facilities where utensils and equipment are cleaned and stored.

3. VENTILATION: All rooms in which food is prepared or served or utensils are washed, dressing or locker rooms, toilet rooms and garbage and rubbish storage areas shall be well ventilated. Ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food preparation surfaces. Filters, where used, shall be readily removable for cleaning or replacement. Ventilation systems shall comply with applicable State and local fire-protection requirements and shall, when vented to the outside air, discharge in such a manner as not to create a nuisance.

4. DRESSING ROOMS AND LOCKERS: Adequate facilities shall be provided for the orderly storage of employees' clothing within the establishment, one or more dressing rooms or designated areas shall be provided for this purpose. Such designated areas shall be provided outside of the food preparation, storage, and serving areas and the utensil-washing and storage areas; provided that, when approved by the Health Authority, such an area may be located in a storage room where only completely packaged food is stored. Designated areas shall be equipped with adequate lockers, and lockers or other suitable facilities shall be provided in dressing rooms. Dressing rooms and lockers shall be kept clean.

5.

HOUSEKEEPING: All parts of the establishment and its premises shall be kept neat, clean and free of litter and rubbish. Cleaning operations shall be conducted in such a

manner as to minimize contamination of food and food contact surfaces. None of the operations connected with a food-service establishment shall be conducted in any room used as living or sleeping quarters. Soiled linens, coats, and aprons shall be kept in suitable containers until removed for laundering. No live birds or animals shall be allowed in any area used for the conduct of food service establishment operations; provided, that guide dogs accompanying blind persons may be permitted in dining areas.

**SECTION G: TEMPORARY FOOD-SERVICE ESTABLISHMENTS,
SEASONAL FOOD-SERVICE ESTABLISHMENTS, AND
MOBILE FOOD-SERVICE ESTABLISHMENTS**

1. **A TEMPORARY FOOD-SERVICE ESTABLISHMENTS** shall comply with all provisions of this ordinance which are applicable to its operation: provided, that the Health Authority may augment such requirements when needed to assure the service of safe food, may prohibit the sale of certain potentially hazardous food and may modify specific requirements for physical facilities when, in his/her opinion, no imminent health hazard will result.

A SEASONAL FOOD-SERVICE ESTABLISHMENT shall comply with all provisions of this ordinance which are applicable to its operation: provided, that the Health Authority may augment such requirements when needed to assure the service of safe food, may prohibit the sale of certain potentially hazardous food and may modify specific requirements for physical facilities when, in his/her opinion, no imminent health hazard will result. There shall be at least one person working within the establishment who is certified in food service sanitation by the Illinois Department of Public Health.

- a. **PROHIBITED FOODS** - Potentially hazardous food shall include, but are not limited to:
- | | |
|------------------------------------|---------------------|
| cream-filled pies and pastries | custards |
| salads with meat, poultry and fish | chicken pies |
| chicken fricassee | chicken and noodles |
| any mayonnaise based salads | |

All meats must be purchased in frozen patty form or manufactured form and must be prepared prior to service by means of heating, frying, or broiling. No food shall be held for longer than two (2) hours prior to serving. Left-over potentially hazardous foods including sandwiches, chicken, corn dogs, and batter mixes shall not be offered for the sale the following day.

b. **EATING AND DRINKING UTENSILS** - Temporary, Mobile, and Seasonal food-service establishments shall be prohibited from using multi-use eating and drinking utensils and shall be restricted to the use of single service articles.

c. **GARBAGE AND TRASH** - All garbage and trash shall be properly stored or removed from each food-service establishment location where food is served or dispensed to the consumer, as well as the surrounding area, as frequently as may be necessary to prevent a nuisance and shall be disposed of in a manner approved by the Health Authority.

d. **SERVICE BUILDING** - Where applicable a service building or commissary in compliance with applicable construction and operation requirements of a food-service establishment may be provided and used for obtaining water, food and other supplies; for emptying and disposing of wastes; and for sanitary maintenance of the mobile food-service establishment.

e. **WATER SYSTEM** - The food-service establishment water system shall be a potable water system, under pressure. Potable water shall be required for all uses. The water filling inlet shall be located in such a position that it will not be contaminated by waste discharges, road dust, oil or grease. Water shall be obtained from the potable supply at the service building, commissary, or food-service establishment site and shall be transferred to the food-service establishment in a manner which will not permit the water to be contaminated in transfer and handling. When holding tanks are needed to supply potable water, there shall be a minimum capacity of ten (10) gallons. A heating facility capable of producing enough hot water for cleaning and sanitizing utensils and equipment shall be provided on these premises. Only those establishments which are constructed for a single event on a one time basis and are not mobile, shall be exempt from having potable water under pressure. They must however, have direct access to a potable water system.

f. **LIQUID WASTE** - Liquid wastes shall be discharged into a municipal wastewater system serving that establishment. When a municipal system is not accessible, the wastes shall be discharged to either a private wastewater system serving that establishment or held in retention tanks on site. The retention tanks shall be permanently installed on the food-service establishment, and the discharge from the retention tank shall be so designed that the contents of the tank cannot be discharged when the establishment is in motion. Retention tanks shall be at least two (2) times the potable water tank capacity. If no potable water tanks exist, the retention tanks shall have a minimum of twenty (20) gallons capacity. Discharge control devices on the retention tank outlets should be so designed as to prevent leakage and, when the tank is being discharged, to prevent splattering of the serving area or servicing personnel. Provisions should be made for the retention tank to be thoroughly flushed during the servicing operation. The water supply shall be protected against back-siphonage. The liquid waste accumulated in the retention tank and the flushing water should be discharged directly to a sanitary sewer. After flushing, cleaning and deodorizing the retention tank, some odor-destroying substances may be left in the retention tank, but a deodorant shall not be used in lieu of proper cleaning. All transition connections for servicing the food-service establishment waste disposal facilities should be of a different size or type than those used for supplying potable water to the mobile food-service establishment.

g. **LIQUID WASTE SERVICING AREA:** The floors of liquid waste servicing areas shall be constructed of non-porous, easily cleanable materials and shall be properly drained. The corners between floor, walls and equipment should be covered wherever possible.

h. **FOOD TEMPERATURE:** Potentially hazardous food shall be stored and displayed at safe temperatures (41° F. or below, or 140° F. or above. Adequate, properly constructed or located mechanical refrigeration shall be provided for cold foods and adequate, properly constructed and located heating equipment shall be provided for hot foods.

i. **SITE CONSTRUCTION:** All seasonal establishments must provide a method for immobilizing the unit. This shall include removal of tires and installation of underpinning.

j. **RESTROOMS:** All seasonal establishments must provide restrooms to their customers. This shall be approved prior to issuance of an operating permit.

2. **A MOBILE FOOD-SERVICE ESTABLISHMENT** shall comply with all provisions of this ordinance which are applicable to its operation: provided, that requirements for hand washing facilities, water supply, liquid waste facilities, utensil washing facilities, separation of the mobile unit's food-service and steering operating compartments, and fly control may be waived in total or part where all food is served directly to the consumer in the individual container in which it was packaged at the food-service establishment or at a food-processing establishment.

SECTION H. ENFORCEMENT PROVISIONS

Permit: It shall be unlawful for any person to operate a food-service establishment or retail food store within the County of Perry, State of Illinois, who does not possess a valid permit issued to him by the Health Authority. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a permit. A valid permit shall be posted in a conspicuous place in every food-service establishment in view of the consuming public.

Permits for permanent food-service establishments and retail food stores shall expire one year following the date of issuance. Permits for temporary food-service establishments, temporary retail food stores and mobile food-service establishments shall be issued for a period of time not to exceed 14 days. Permits for seasonal food-service establishments shall be issued for a period of time not to exceed 90 days per year.

ISSUANCE OF PERMITS: Any person desiring to operate a food-service establishment or a retail food store or to renew an expired permit shall make written application for a permit on forms provided by the Health Authority. Such application shall include: the applicant's full name and post office address and whether such applicant is an individual, firm, or corporation, and, if a partnership, the names of partners, together with their addresses shall be included; the location and type of the proposed their addresses shall be included; the location and type of the proposed food-service establishment or retail food store; and the signature of the applicant or applicants.

If the application is for a temporary food-service establishment or temporary retail food store, it shall also include the inclusive dates of the proposed operation.

Upon receipt of such an application, the Health Authority shall make an inspection of the establishment to determine compliance with the provisions of this ordinance. When inspection reveals that the applicable requirements of this ordinance have been met, the Health Authority shall issue a permit to the applicant.

RENEWAL OF PERMITS: Whenever the inspection for renewal of a permit reveals serious or repeated violations of this ordinance, the permit will not be issued and the Health Authority shall notify the applicant immediately thereof. Such notice shall state the reasons for not renewing the permit. Such notice shall also state that an opportunity for a hearing shall be provided for the applicant at a time and place designated by the Health Authority. Such hearing shall be scheduled not later than 10 days from the date of the notice. The notice referred to in this paragraph shall be delivered to the applicant in person by the Health Authority or may be sent by registered mail, return receipt requested. The Health Authority shall remove a permit, which has expired, from the establishment.

SUSPENSION OF PERMITS: Permits may be suspended temporarily by the Health Authority for failure of the permit holder to comply with the requirements of this ordinance. When the rating score of an establishment is Seventy (70) or less, the establishment shall initiate corrective action on all identified violations within Forty-Eight (48) hours and shall cease food service operations immediately. Operations may resume when authorized by the Regulatory Authority. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of SECTION H of this ordinance, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Health Authority by the permit holder.

Upon suspension of the permit, the permit shall be removed from the establishment by the Health Authority and returned to the Health Department. Notwithstanding the other provisions of this ordinance, whenever the Health Authority finds unsanitary or other conditions in the operation of a food-service establishment or retail food store, which, in his/her judgment, constitute a substantial hazard to the public health, he/she 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 specifying the time period within which such action shall be taken; and, if deemed necessary such order shall state that the permit is immediately suspended, and all operations as a food-service establishment or retail food store are to be immediately discontinued. 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.

REINSTATEMENT OF SUSPENDED PERMITS: Any person whose permit has been suspended may, at any time, make application for a re-inspection for the purpose of reinstatement of the permit. Within 10 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 Health Authority shall make a re-

inspection. If the applicant is complying with the requirements of this ordinance, the permit shall be reinstated.

REVOCATION OF PERMITS: For serious or repeated violations of any of the requirements of this ordinance, or for interference with the Health Authority in the performance of his duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Health Authority. Prior to such action, the Health Authority 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 5 days following service of such notice, unless a request for a hearing is filed with the Health Authority, by the permit holder, within such 5 day period. A permit may be suspended for a cause pending its revocation or a hearing relative thereto. In lieu of the above procedures, or in addition thereto, the Health Authority may issue the permit holder or operator a citation to appear in Circuit Court for violation of any part of this ordinance.

HEARING: The hearings provided for in this section shall be conducted by the Health Authority at a time and place designated by him/her. Based upon the record of such hearing, the Health Authority shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the Health Authority.

FEES: The Perry County Board of Health shall set fees charged for a plan review and for the issuance of an operating permit. In addition, other fees shall apply for specific services rendered.

As of Jan 2008, the fees shall be as follows:

Plan Review	\$ 75 (subtracted from that year's operating permit fee)
Class A	\$150/yr
Class B	\$100/yr
Class C	\$ 75/yr
Temporary	\$ 25/event

There shall be no fees charged for annual permits to any schools, religious, voluntary, or non-profit making community organizations or institutions. However, all liquor licensed establishments shall pay the fee regardless of not-for-profit status. All fees shall be made payable to the Perry County Health Department and shall be deposited into the Perry County Health Department funds.

FAILURE TO RENEW PERMIT: If a permit has not been renewed by the expiration date, then a 50% late fee will be assessed in addition to the regular fee as provided herein. If the permit has not been renewed within 7 days of the date of expiration, then the permit holder or operator may be issued a citation for operating an establishment without a valid Perry County Food Service Permit.

2. INSPECTION OF FOOD-SERVICE ESTABLISHMENTS AND RETAIL

FOOD STORES: Establishments shall be classified into High, Medium, or Low risk categories. The inspection frequency shall be in accordance with the Illinois Food Code. The Health Authority shall inspect each food-service establishment and retail food store located in the County of Perry, State of Illinois, and shall make as many additional inspections and re-inspections as are necessary for the enforcement of this ordinance. Classification into risk categories shall be done by, but is not limited to evaluating the foods prepared, inspection history of the establishment, and presence or absence of a Certified manager. Newly opened facilities shall be classified as Category I -High Risk for a period determined by the Director of Environmental Health, and reclassified to an appropriate risk category based on the past inspections and risk assessment conducted by the Director of Environmental Health. This risk assessment will be documented within each facilities files by the Director of Environmental Health. In order to be reclassified to a lower risk category, the establishment shall prove itself through the inspection history of the establishment, and presence or absence of a Certified manager.

a. **ACCESS TO ESTABLISHMENT:** The Health Authority, after proper identification, shall be permitted to enter, at any reasonable time, any food-service establishment or retail food store within the County of Perry, State of Illinois, for the purpose of making inspections to determine compliance with this ordinance. He 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.

b. **INSPECTION RECORDS:** Whenever the Health Authority makes an inspection he shall record his findings on an inspection report form provided for this purpose, and shall furnish a copy of such inspection report form to the permit holder or operator. The current inspection report shall be posted in a conspicuous place in the establishment in view of the consuming public.

c. **ISSUANCE OF NOTICES:** Whenever the Health Authority makes an inspection of an establishment and discovers that any of the requirements of this ordinance have been violated, he may notify the permit holder or operator of such violations by means of an inspection report form or other written notice. In such notification, the Health Authority shall:

- (1) Set forth the specific violations found.
- (2) Establish a specific and reasonable period of time for the correction of the violations found.
- (3) State that failure to comply with any notice issued in accordance with the provisions of this ordinance may result in immediate suspension of the permit.
- (4) State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Health Authority within the period of time established in the notice of correction.

d. **SERVICE OF NOTICES:** Notices provided for under this section shall be deemed to have been properly served when a copy of the inspection report form or other

notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of such notice shall be filed with the records of the Health Authority.

e. **CITATION:** In lieu of the above procedures, or in addition thereto, the Health Authority may issue the permit holder or operator a citation to appear in Circuit Court for violation of any part of this ordinance.

3. **EXAMINATION AND CONDEMNATION OF FOOD:** Food may be examined or sampled by the Health Authority as often as may be necessary to determine freedom from adulteration or misbranding. The Health Authority may, upon written notice to the owner or person in charge, place a hold order on any food, which he determines, or 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 Health Authority, and neither such food nor the containers thereof shall be re-labeled, re-packed, re-processed, altered, disposed of, or destroyed without permission of the Health Authority, except on order by a court of competent jurisdiction.

After the owner or of evidence produced at such hearing, or on the basis of his examination in the event a written request for a hearing is not received, within 10 days, the Health Authority may vacate the hold order, or may by written order direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of this ordinance; provided, that such order of the Health Authority to denature or destroy such food or bring it into compliance with the provisions of this ordinance shall be stayed if the order is appealed to a court of competent jurisdiction within 3 days.

4. **FOOD-SERVICE ESTABLISHMENTS OUTSIDE JURISDICTION OF THE HEALTH AUTHORITY:** Food from food-service establishments outside the jurisdiction of the Health Authority of the County of Perry, State of Illinois may be sold within the County of Perry, State of Illinois, if such food-service establishments conform to the provisions of this ordinance or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Health Authority may accept reports from responsible authorities in other jurisdictions where such food-service establishments are located.

5. **PLAN REVIEW OF FUTURE CONSTRUCTION:** When a food-service establishment or retail food store is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a food-service establishment or retail food store, a Plan Review with specifications for such construction, remodeling, or alteration showing layout, arrangement, and construction materials of work areas, and the location, size and type of fixed equipment and facilities, shall be submitted to the Health Authority for approval before such work is begun. The cost of the Plan Review shall be established by the Board of Health.

6. **PROCEDURE WHEN INFECTION IS SUSPECTED:** When the Health Authority has reasonable cause to suspect possibility of disease transmission from any food-service establishment or retail food store employee, the Health Authority shall

secure a morbidity history of the suspected employee, or make such other investigation as may be indicated, and take appropriate action. The Health Authority may require any or all of the following measures: (a) the immediate exclusion of the employee from all food-service establishments and retail food stores; (b) the immediate closure of the establishment concerned until, in the opinion of the Health Authority, no further danger of disease outbreak exists; (c) restriction 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 examination of the employee, of other employees, and of his and their body discharges.

7. ENFORCEMENT INTERPRETATION--FOOD SERVICE

ESTABLISHMENTS: This ordinance shall be enforced by the Health Authority in accordance with the interpretations thereof contained in the provisions of the current edition of the U.S. Department of Health, Education and Welfare Food and Drug Administration Model Food Service Sanitation Ordinance, and the Illinois Department Of Public Health, Division of Food, Drugs and Dairies rules and regulations for food service establishments.

8. ENFORCEMENT INTERPRETATION--RETAIL FOOD STORES:

These regulations shall be enforced by the Health Authority in accordance with the current "Retail Food Store Sanitation Rules and Regulations," all guidelines and procedures as established by the Illinois Department of Public Health, Division of Foods and Drugs, three certified copies of which shall be on file in the County Clerk's office.

9. PENALTIES: Any person who shall violate any of he provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished according to Section 8-Penalty of the Perry County Basic Sanitation Ordinance 1981-1. In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

10. REPEAL AND DATE OF EFFECT: These regulations effect immediately after its adoption and publication as provided by law; and, at that time, all regulations and parts of regulations in conflict with these regulations are hereby repealed.

11. CONFLICT OF ORDINANCE, EFFECT ON PARTIAL INVALIDITY:

- a. In any case where a provision of these regulations is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance, or code of Perry County existing on the effective date of this ordinance, the provision which, in the judgment of the Health Authority establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of these regulations is found to be in conflict with a provision of any other regulations or code of Perry County existing on the effective date of these regulations which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of these regulations shall be deemed to prevail, and such other regulations or codes are, hereby, declared to be repealed to the extent that they may be found

in conflict with these regulations.

- b. If any section, subsection, paragraph, sentence, clause or phrase of these regulations should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of these regulations which shall remain in full force and effect and, to this end, the provisions of these regulations are, hereby, declared to be severable.

SECTION I. ADOPTION BY REFERENCE

In addition to those provisions set forth in Section A through H, these regulations hereby adopt, by reference, the provisions set forth in the following:

- 77 Ill. Adm. Code 750 - "Food Service Sanitation Code including any subsequent revisions"
- 77 Ill. Adm. Code 760 - "Retail Food Store Sanitation Code including any subsequent revisions"
- 77 Ill. Adm. Code 890 - "Illinois Plumbing Code including any subsequent revisions"

Under the authority of the Perry County Basic Sanitation Ordinance, the following program policies and procedures are hereby adopted. These policies and procedures shall pertain to the County of Perry, in the State of Illinois.

This program policy is hereby adopted and shall be effective the _____ day of _____, _____.

PERRY COUNTY BOARD OF HEALTH

Bonnie Tolbert, Chairman
Perry County Board of Health

Brice Harsy, Secretary
Perry County Board of Health

Passed this _____ day of _____, _____