

## AN ORDINANCE

Regulating the Sanitation of Food Establishments by  
Adopting by Reference the Rules and Regulations of  
the Illinois Department of Public Health which  
Pertain to the Sanitation of Food Service  
Establishments and to the Sanitation of Retail Food Stores

WHEREAS, the Logan County Board, pursuant to Chapter 34, Section 419, Illinois Revised Statutes, may do all acts, and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease in Logan County, Illinois; and

WHEREAS, the Logan County Board, pursuant to Chapter 34, Sections 651-657, Illinois Revised Statutes, may incorporate by reference the provisions of any code or portions of any code as defined therein without setting forth the provisions of such codes in full, provided that at least three (3) copies of such code which is incorporated or adopted by reference are filed in the office of the County Clerk, and there kept available for public use, inspection and examination;

Now, therefore, BE IT ORDAINED by the County Board of Logan County, Illinois:

### Section 1. Adoption by Reference:

The Provisions set forth in the State of Illinois, Department of Public Health, Rules and Regulations pertaining to the Food Service Sanitation Code found in Part 750 of Subchapter m of Chapter I of Title 77 of the Illinois Administrative Code, and the rules and laws adopted within, as now in force or as may hereafter be revised or amended, are hereby adopted by reference.

### Section 2. Definitions:

- (a) Where the term "Health Officer" or "Director of the Department of Public Health" appears in the Rules and Regulations, it shall be changed to read "Health Official" and shall mean a duly authorized employee of the Board of Health.
- (b) Food Establishment shall have the meaning of Food Processing Establishment, Food Service Establishment, Temporary Food Service Establishment, Retail Food Store, Vending Machine as provided in the State of Illinois, Department of Public Health, Rules and Regulations pertaining to the Food Service Sanitation Code.
- (c) "Certificate" shall have the same meaning as "Certificate of Operation."
- (d) "Board of Health" shall mean the Logan County Board of Health or its authorized representative.
- (e) "Health Department" shall mean the Logan County Health Department.

- (f) "Hazard Analysis Critical Control Point Program" or "HACCP" shall mean a food safety management system to identify, evaluate and control food safety hazards, as defined by the Illinois Food Service Sanitation Code.
- (g) "Critical Control Point" shall mean a point or procedure in a specific FOOD system where loss of control may result in an unacceptable health RISK, as defined by the FDA Food Code.
- (h) "Multi-Event Temporary Food Certificate" shall mean a temporary food certificate permitting a food service operator to serve food at varied single events or celebrations throughout the County from a period of up to and not exceeding 183 days from the date of issuance. Food service at a single event or celebration must not exceed 14 consecutive days.

### Section 3. Inspections:

- (a) The Health Department is hereby authorized to make such inspections as are necessary to determine compliance with this Ordinance.
- (b) Inspections of all food establishments shall be conducted at least as often and in accordance with the standards as set forth in the Local Health Protection Grant (77 Ill. Adm. Code Ch L Sec 615.310, subchapter h).
- (c) The Health Official after proper identification shall be permitted to enter at any reasonable time, any food establishment for the purpose of making inspections to determine compliance with this Ordinance, The Health Official shall be permitted to examine the records of the establishment pertaining to food and supplies purchased, received, or used, and certification of Food Managers. During inspections, management of each food establishment shall have an on-site representative who is capable of communicating and understanding the English language. Failure to provide such representative will result in the Health Official enforcing violations against the food establishment.
- (d) Food may be examined or sampled by the Health Department as often as may be necessary to determine freedom from "adulteration" or "misbranding" (as defined in Ch. 56 112, Sec.510, 511, IL. Rev. Stat., respectively). The Health Official may, upon written notice to the owner or person in charge, place a hold order on any food which is or may 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 Official, and neither such food nor the containers thereof shall be re-labeled., re-packed, altered, disposed of, or destroyed without permission of the Health Department, except on order by a court of competent jurisdiction. Upon determining the wholesomeness or verifying the labeling of a product, the Health Department 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 provision of this Ordinance; provided that such order of the Health Department 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 three (3) days.

- (e) When a food service establishment is under new ownership, hereafter constructed or extensively remodeled or when an existing structure is converted for use as a food establishment, properly prepared plans or a plan review/application shall be submitted to the Health Department for approval before such work is begun or prior to authorization of operations under new ownership. A plan review/application for the purpose of this section (e) does not apply to temporary food establishments.
- (f) Smoking shall be prohibited within food service establishments pursuant to 410 ILCS 82 Smoke Free Act. Food service establishments found to be in violation of this Act will be subject to suspension of the Certificate to Operate.

#### Section 4. Certificate of Operation:

- (a) No Person shall operate a food establishment within the County of Logan who does not possess a valid Certificate of Operation issued to him by the Health Department. Certificates shall not be transferable from one person to another, nor shall said certificates be applicable to any locations, buildings or places other than that for which it is issued. A valid certificate shall be posted in every food establishment. A certificate term shall be January 1 through December 31 of each calendar year.
- (b) Any person desiring to operate a food establishment shall make a written application for a Certificate application form provided by the Health Department. The Health Department may issue a temporary Certificate of Operation which shall be valid and permit the food establishment to operate for the dates so noted on the Certificate.
- (c) Prior to approval of an application for a Certificate, the Health Department shall inspect the proposed food establishment to determine compliance with the requirements of this Ordinance.
- (d) The Health Department shall issue a Certificate to the applicant if the inspection reveals that the proposed food establishment complies with the requirements of the Ordinance.
- (e) Vendors needing certification, as required by the adopted Illinois rules and regulations referenced in Section one (1) of this ordinance, who sell or distribute goods at a farmers' market shall be issued a multi-event temporary food certificate or a certificate deemed most applicable.

#### Section 5. Variances

The Health Department may grant a variance, modifying or waiving

requirements of the Ordinance or Illinois Food Service Sanitation Code if in the opinion of the Health Department a health hazard or nuisance condition will not result from the variance. If a variance is granted, the Health Department shall retain the information in its records for the food establishment. Variances are not transferable to new owners or locations.

(a) Documentation of Proposed Variance and Justification.

Before a variance from a requirement of the Ordinance or Code is approved, the information that shall be provided by the person requesting the variance and retained in the Health Department file on the food establishment includes:

- (1) A statement of the proposed variance of the Ordinance or Code requirement citing relevant Ordinance or Code section numbers.
- (2) An analysis of rationale for how the potential public health hazards and nuisances addressed by the relevant Ordinance or Code sections will be alternatively addressed by the proposal
- (3) A HACCP plan, if required as specified under Section 6, that includes the information specified as it is relevant to the variance requested.

(b) Conformance with Approved Procedures.

If the Health Department grants a variance as specified or a HACCP plan is otherwise required, the permit holder shall:

- (1) Comply with the HACCP plans and/or procedures that are submitted as specified and approved as a basis for the variance
- (2) Maintain and provide to the Health Department, upon request, records specified that demonstrate that the following are routinely employed:
  - a. Procedures for monitoring the critical control points.
  - b. Monitoring of the critical control points.
  - c. Verification of the effectiveness of the operation or process.
  - d. Necessary corrective actions if there is failure at a critical control point.

## Section 6. HACCP Requirements

The Health Department may require establishments to submit HACCP plans in accordance with the Code.

(a) When a HACCP Plan is required.

- (1) Before engaging in an activity that requires a HACCP plan, the permit holder shall submit to the Health Department, for approval, a properly prepared HACCP plan as specified and the relevant provisions of the Code if:
  - a. Submission of a HACCP plan is required according to law.
  - b. A variance is required by the Code.
  - c. The Health Department determines that a food preparation or processing method requires a variance based on a plan submittal, an inspection finding, or a

variance request.

- (2) Before engaging in reduced oxygen packaging without a variance as specified under the Code the permit holder shall submit a properly prepared HACCP plan to the Health Department.

(b) Contents of a HACCP Plan

For a food establishment that is required to have a HACCP plan, the plan and specifications shall indicate:

- (1) A categorization of the types of time/temperature control for safety foods that are specified in the menu such as soups and sauces, salads, and bulk, solid foods such as meat roasts, or of other foods that are specified by the Health Department.
- (2) A flow diagram by specific food or category of food type identifying critical control points and providing information on the following:
  - a. Ingredients, materials, and equipment used in the preparation of that food
  - b. Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved
  - c. Food employee and supervisory training plan that addresses the food safety concerns involved
  - d. A statement of operating procedures for the plan under consideration including clearly identifying:
    1. Each critical control point
    2. The critical limits for each critical control point
    3. The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge
    4. The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points
    5. Action to be taken by the person in charge if the critical limits for each critical control point are not met
    6. Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed
  - e. Additional scientific data or other information, as required by the Health Department, supporting the determination of food safety is not compromised by the proposal.

Section 7. Suspension of Certificate:

- (a) The Board of Health may immediately meet and suspend the certificate of a food establishment for serious or repeated violations of the requirements

of this Ordinance, or for interference with the Health Official in the performance of his duties. The Board of Health shall give a written notice citing the suspension of the certificate to the certificate holder. The certificate holder may file a written request for a hearing within 3 working days of receipt of the notice of suspension with the Board of Health, which shall be heard within ten (10) working days of receipt of such request. When a certificate is suspended, the suspension shall be in effect until the Board of Health reissues a new certificate. Prior to such action, the Health Official will inspect the establishment for compliance and report his findings to the Board of Health. The owner or operator of the food establishment shall have a right to seek review of any final order of the Board of Health under the Administrative Review Act.

- (b) A notice provided for in this Ordinance is properly served when it is delivered to the holder of the certificate, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the certificate. A copy of the notice shall be filed in the records of the Health Department.
- (c) All hearing provided for in this Ordinance shall be conducted by the Board of Health at a time and place designated by it. Such hearings shall be conducted according to rules adopted by the Board of Health.
- (d) If an Imminent Health Hazard exists, the establishment shall be required to cease operation immediately as ordered by the Health Department. Upon receiving notice of the occurrence, the Health Department shall take whatever action it deems necessary to protect the public health. Operations shall not be resumed until authorized by the Health Department. The certificate holder may file a written request for a hearing with the Board of Health within 3 working days of an order to cease operation which shall be heard within ten (10) working days of receipt of such request. Examples of Imminent Health Hazards include but are not limited to:
  - (1) Fire
  - (2) Flood
  - (3) Extended interruption of electrical or water service
  - (4) Sewage backup
  - (5) Contaminated water supply
  - (6) Misuse of poisonous or toxic materials
  - (7) Onset of an apparent foodborne illness outbreak
  - (8) Gross unsanitary conditions
  - (9) Other circumstance that may endanger public health

#### Section 8. Report of Findings:

Whenever an inspection of a food establishment is made, the findings shall be recorded on the inspection report form. The inspection report form shall summarize the requirements of the Ordinance. Inspection remarks are written with reference to inspection item number violated. The remarks shall state the violation observed during the inspection and shall state the correction to be

made. A copy of the complete inspection form shall be furnished to the person in charge of the establishment.

Section 9. Penalties; Enforcement:

- (a) Any person who violates any provision of this Ordinance shall be guilty of a Petty Offense and shall be fined not less than \$100.00 and not more than \$500.00.
- (b) Each day that a violation continues constitutes a separate offense. The State's Attorney of Logan County shall bring such actions in the name of Logan County, and, in addition, or in the alternative, may file suit for a prohibitory or mandatory injunction restraining or commanding the owner or operator of a food establishment from maintaining conditions or operations which violate this Ordinance.

Section 10. Fees

- (a) The Logan County Board of Health shall establish fees that are reasonable and necessary to provide the services and required activities. A fee schedule shall be maintained in the office of the County Clerk and the Logan County Department of Public Health. The fee schedule shall be available for reviewing and copying by the public and is incorporated herein by reference. Fees are non-refundable.

Section 11. Conflicts; Partial Invalidity:

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

Section 12. Repealer; Effective Date:

- (a) An Ordinance entitled, "An Ordinance Regulating the Sanitation of Food Establishments by Adopting by Reference the Rules and Regulations of the Illinois Department of Public Health Which Pertain to the Sanitation of Food Service Establishments, and to the Sanitation of Retail Food Stores", adopted on July 18, 1978, is repealed upon this Ordinance becoming effective; provided, that the repeal of said Ordinance shall not affect, abrogate or nullify any liability, fine or penalty incurred, or any action pending, prior to the effective date of this Ordinance.
- (b) This Ordinance shall become effective upon its adoption and publication as required by law.
- (c) The County Clerk shall cause this Ordinance to be published once, within ten (10) days after its adoption, in a newspaper of general circulation within Logan County.

Section 13. Short Title:

This Ordinance shall be known and may be cited as the Logan County Food Service Sanitation Ordinance of 1982."

Adopted this 19th day of January, 1982.

ATTEST:

Ayes: 12

Nayes: 0

Absent: 1

(Seal)

Dwight F. Zimmerman

Chairman, Logan County Board

Weldon B. Frantz

County Clerk

Amended March 19, 1985

ATTEST:

Ayes: 8

Nayes: 2

Absent: 3

Weldon B. Frantz

County Clerk

Wayne Conrady

Chairman, Logan County Board

Amended September 18, 2001

ATTEST:

Ayes:

Nayes:

Absent:

(Seal)

County Clerk

Chairman, Logan County Board

Amended April 19, 2011

ATTEST:

Ayes: 12

Nayes: 0

Absent: 0

(Seal)

Sally Letterly

County Clerk

Robert Farmer

Chairman, Logan County Board

Amended June 19, 2018

ATTEST:

Ayes:

Nayes:  
Absent:  
(seal)  
County Clerk

Chairman, Logan County Board