

WILL COUNTY HEALTH DEPARTMENT

FOOD ESTABLISHMENT

SANITATION ORDINANCE



Amended and Effective January 1, 2019

Will County Health Department

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ORDINANCE

Re: Will County Food Service and Retail Food Store Sanitation Ordinance

WHEREAS, it is in the best interest for the health, safety and welfare of the People in Will County to have sanitary conditions in Food Service Establishments and Retail Food Stores, and

WHEREAS, the best way to ensure sanitary conditions in these establishments and stores is to conduct regular inspections, and

WHEREAS, the most suitable way of enforcing inspection requirements is to require an annual permit to operate any Food Service Establishment or Retail Food Store, and

WHEREAS, the costs of inspections by the Health Authority to regulate and supervise Food Service Establishments and Retail Food Stores have steadily risen since the passage of the Will County Food Service and Retail Food Store Sanitation Ordinance, and

WHEREAS, the cost of plan review of construction or remodeling projects for Food Service Establishments and Retail Food Stores has been completely bourn by the Health Authority, and

WHEREAS, in the interest of the People of Will County, the costs for the above mentioned inspections and reviews of the Food Service Establishments and Retail Food Stores should be bourn in part by the establishments and stores.

THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF WILL COUNTY, ILLINOIS that the Will County Food Service and Retail Food Store Sanitation Ordinance be amended to include the attached amendments.

BE IT FURTHER ORDAINED that all provisions of the current Will County Food Service Establishments and Retail Food Stores Sanitation Ordinance in conflict with the attached amendments are hereby repealed to the extent of the conflict.

WILL COUNTY FOOD ESTABLISHMENT SANITATION ORDINANCE

SECTION 114.001 PURPOSE

This Ordinance will be known as the WILL COUNTY FOOD ESTABLISHMENT SANITATION ORDINANCE.

THE PURPOSE of this Ordinance is to regulate and supervise the sanitation of individuals or organizations that provide or offer food and/or beverages to the public including but not limited to food establishments; to require permits for the operation of individuals or organizations that provide or offer food and/or beverages to the public including but not limited to food establishments; to establish a schedule of fees to be charged to offset the cost of issuance of such permits; to regulate the inspections of such establishments; to provide for the incorporation by reference the standards of the Illinois Department of Public Health as set forth in its Rules and Regulations entitled Illinois Department of Public Health, "Food Code", 77 Ill. Adm. Code 750, and any subsequent revisions, issued by the Illinois Department of Public Health and as may be hereinafter amended or revised, and/or as may be amended or revised by the Will County Board.

SECTION 114.002 DEFINITIONS

1. Health Authority shall mean that person or persons designated by the Will County Board of Health to enforce this ordinance.

2. Person: The term “person” shall mean an individual, or a firm, partnership, company corporation, trustee, association, or public or private entity.

3. Food Establishment: The term “Food Establishment” means 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 or restaurant takeout orders, or 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 regulatory authority; and 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 food.

Food establishment does not include an establishment that offers only prepackaged foods that are not time/temperature control for safety foods; a food 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 vending machine that offers only prepackaged foods that are not time/temperature control for safety foods; 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 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.

4. Priority item: The term “Priority Item” shall mean a provision in the IDPH Code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that directly controls the hazard. Priority item includes items with a quantifiable measure to show control of hazards such as cooking, reheating, and cooling and hand washing.

5. Priority Foundation item: The term “Priority Foundation Item” shall mean a provision in the IDPH Code whose application supports, facilitates or enables one or more priority items. Priority foundation item includes an item that requires 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, HACCP plans, documentation or record keeping and labeling.

6. Core item: The term “Core Item” shall mean a provision in the IDPH Code this is not designated as a priority or priority foundation item. Core item includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

7. Equipment: For the purpose of this ordinance, the term “Equipment” means a device used in the

operation of a food establishment for storing, preparing and serving food/beverage. Equipment could include but is not limited to refrigerator, freezer, hood, ice maker, mixer, oven, sink, slicer, ware washing machines.

8. Special Process: a special process includes smoking food as a method of food preservation rather than as a method of flavor enhancement, curing food, using food additives or adding components such as vinegar as a method of food preservation rather than as a method of flavor enhancement, or to render a food so that it is not time/temperature control for safety food, packaging time/temperature control for safety food using a reduced oxygen packaging method except where the growth of and toxin formation by clostridium botulinum and the growth of listeria monocytogenes are controlled, operating a molluscan shellfish life-support system display tank used to store or display shellfish that are offered for human consumption, custom processing animals that are for personal use as food and not for sale or service in a food establishment, sprouting seeds or beans, and preparing food by another method that is determined by the Health Authority to require a variance.

9. All other items are as defined in the Illinois Department of Public Health, "Food Code", 77 Ill. Adm. Code 750, and any subsequent revisions.

10. Third-Party Operators: The term "3rd Party Operator" shall mean an individual, or firm, partnership, company, corporation, trustee, association, or public or private entity handling the food service at a permitted establishment.

SECTION 114.003 ADOPTION BY REFERENCE

Section 8-103.10, Section 8-103.11, Section 8-103.12, Section 8-201.13, and Section 8-201.14 of the United States Food and Drug Administration's Food Code 2013, and any subsequent revisions to those documents thereto are hereby adopted by reference.

The Illinois Department of Public Health, Division of Food and Drugs, regulation: Food Handling Regulations Act 410 ILCS 625.

The Illinois Department of Public Health, "Food Code", 77 Ill. Adm. Code 750, and any subsequent revisions to those documents thereto are hereby adopted by reference as Section 114.003 of this ordinance, with an addition to the following:

Section 4-201.11-Equipment and Utensils

SECTION 114.016 FOOD SERVICE SANITATION RULES AND REGULATIONS

The IDPH code Section 4-201.11 shall include the following- Equipment and Utensils:

All equipment must bear the seal of approval of the National Sanitation Foundation or an equivalent sanitation standard, and be approved by the Health Authority. Approved mechanical refrigeration is required to store or display time/temperature control for safety food unless approved by Health Authority. Other materials may be evaluated and approved by the Health Authority on a case by case basis.

SECTION 114.015 PERMIT PROVISIONS

A. Permit: It shall be unlawful for any individual or organization to provide or offer food and/or beverages to the public or for any person to operate a food establishment within Will County in the State of Illinois, without first obtaining a valid permit issued to them by the Health Authority. Only a person who complies with the requirements of this ordinance shall be entitled to receive or retain such a permit.

The permit will be issued with specific operational restrictions in the name of the owner/operator and the establishment. It is not transferable to another owner/operator at the establishment nor is it useable by the same owner/operator at some other location or outside of the permitted fixed facility nor can the facility operate outside the permitted restrictions. A valid permit shall be posted for public display in every food establishment.

- 1. Issuance of Permit:** Any person desiring to operate a food establishment shall make written application for a permit on forms provided by the Health Authority. If construction or remodeling is required, plans and specifications must be submitted with the application prior to construction (see Section 114.075 of this Ordinance). Such application shall include, but is not limited to, the name and address of the owner, the location and type of the proposed food establishment, the signature of the applicant, and the appropriate annual permit fee. All persons operating a food establishment shall be required to apply for renewal of a permit under Paragraph F of this Section each calendar year after the first permit is issued.

Prior to approval of an application for permit, the Health Authority shall inspect proposed establishments and existing establishments coming under new ownership to determine compliance with the requirements of this ordinance and/or in accordance with the approved plans.

The Health Authority shall issue a permit if its inspection reveals that the establishment complies with the requirements of this ordinance and the appropriate annual permit fee has been received by the Health Authority.

Permits shall be valid for one calendar (January 1st through December 31st) year. The owner/operator must be in compliance with applicable annual permit requirements. Fees for annual permits are included in Appendix A and are non-refundable.

- 2. Permit Fee:** The annual fees to be charged for the issuance of permits to operate by the Health Authority in pursuance of its authority to regulate and supervise food establishments are indicated in Appendix A. Permit fees are non-refundable.

B. Temporary Food Establishments: Permits for temporary food establishments shall be valid only for the period of time designated for the temporary permit and must be in conjunction with a single event or celebration. Each temporary permit shall not exceed fourteen (14) days for that specific event. Temporary permit applications must be submitted and payment received at least 7 days prior to the event or a late fee is assessed as outlined in Appendix A. Temporary permit fees are non-refundable. Temporary permits will not be issued to facilities or operators in place of having an appropriate approved food establishment. Only a person who complies with the requirements of the temporary food guidelines which includes but is not limited to mechanical refrigeration for time/temperature control for safety food shall be entitled to receive or retain such a permit. The Health Authority shall issue a temporary permit if its inspection reveals that the establishment complies with the requirements of this ordinance and any other applicable laws, and the appropriate temporary permit fee has been received by the Health Authority. Fees for temporary food establishment permits are included in Appendix A and are non-refundable.

- 1. Multiple Location Temporary Event Permit:** An operator may obtain a multiple location temporary event permit. The permit shall be valid only from April 1 through October 31. An operator shall apply for a multiple location temporary event permit and pay applicable fees as outlined in Appendix A. Multiple location temporary permit applications must be submitted and payment received at least 7 days prior to the first event in which the vendor will be participating or a late fee may be assessed as outlined in Appendix A. A list of events in which the vendor is participating shall be included with the multiple location temporary permit application. Multiple location temporary permits will not be issued to facilities or operators in place of having an appropriate approved food establishment. Only a person who complies with the requirements of the temporary food guidelines which includes but is not limited to mechanical refrigeration for time/temperature control for food safety food shall be entitled to receive or retain such a permit. The Health Authority shall issue a multiple location temporary permit if its inspection reveals that the establishment complies with the requirements of this ordinance, and the appropriate multiple location temporary permit fee has been received by the Health Authority. Operators shall conspicuously display the multiple location temporary permit at each event in which they participate. Permits shall not be copied nor used at multiple locations on the same day. Fees for multiple location temporary food establishment permits are included in Appendix A and are non-refundable.

C. Discounted Permit Fees: The following shall be subject to fifty percent (50%) of the food Permit fee, the discounted permit fee does not relieve any person from obtaining a permit and meeting all other requirements of the ordinance:

- 1.** All governmental entities including, but not limited to, townships, cities, fire protection districts, county facilities;
- 2.** All schools, public or private, which serve food or beverages in conjunction with school authorized activities; this discount does not apply to day care centers, preschools, schools permitted for milk service only and 3rd party operators;
- 3.** All churches and temples;
- 4.** Temporary food permit fees for all non-profit, benevolent, charitable, or community organizations. *(However, 100% of the annual applicable permit fee must be paid by non-profit, benevolent, charitable or community organizations.)*

D. Exempt from Permit Fees: The following shall be exempt from the food permit fee; the permit fee exemption does not relieve any person from obtaining a permit and meeting all other requirements of the ordinance:

- 1.** All soup kitchens, food pantries, and surplus food outlets which provide food to the public at no charge.

E. One-Half Year Permits: Any permit (with the exception of temporary permits and the supplemental permits) issued after July 1st shall be charged one-half of the annual fee. The annual permit fee shall be made payable to the Will County Health Department and this fee shall not be refundable.

F. Renewal of Annual Permits: The annual permit fee shall be due no later than December 31st. Permit fees not received by this date will be assessed a late penalty of an additional 25% of the annual permit fee.

G. Failure to Apply for an Annual Permit: Food establishments with new operators who begin operations prior to obtaining a food permit will be charged the annual permit fee and will be assessed a late

penalty of an additional 25% of the annual permit fee.

H. Outdoor Grilling at Fixed Food Establishments:

Any person, desiring to cook or grill outside the permitted fixed category one or category two food establishment on a periodic or seasonal basis but is not associated with a temporary event, shall make written application for a supplemental permit on forms provided by the Health Authority. Such application shall include, but not limited to, the name and address of the owner, the location of the fixed food establishment, the signature of the applicant, the menu, and the appropriate outdoor grilling permit fee.

1. A HACCP plan must be submitted to and approved by the Health Authority prior to issuing of the supplemental permit to grill outdoors. Failure to comply with all components of the HACCP plan will result in the immediate suspension of the supplemental permit.
2. Grill cooking must be done on the premises immediately adjacent to the permitted fixed food establishment. All other food preparation and food service must be done within the facility.
3. The grill must meet the published standards of an American National Standards Institute (ANSI) accredited equipment certification program, or be approved by the Department.
4. The grill must be located on a smooth and easily cleanable surface during use. Sealed concrete, mortared non-textured brick, commercially designed synthetic floor material, and asphalt are some recommended surface materials.
5. Grills shall be effectively separated from public access and not in close proximity to waste receptacles or dumpsters.
6. At least one (1) hand washing lavatory with hot and cold water under pressure, and plumbed to an approved wastewater disposal system, shall be provided. The hand washing station may be located inside the facility if it is easily accessible to the grilling area.
7. Products being grilled should be protected from the elements. Acceptable protection shall include a closed grill cover, a canopy or a roofed area.
8. Approved mechanical refrigeration must be provided if raw products or other time/temperature control for safety food items are not immediately brought from inside the approved kitchen facility to the grill.
9. All cooked time/temperature control for safety food products must be held and served inside the facility at 135 degrees F.
10. The Person in Charge shall be onsite at all times that foods are being grilled.

11. Grilling menu must be limited to food items requiring limited preparation which does not include processes such as smoking and pig roasting.

Prior to approval of an application for supplemental permit, the Health Authority shall inspect the establishment to determine compliance with the requirements of this ordinance.

The Health Authority shall issue a permit if its inspection reveals that the establishment complies with the requirements of this ordinance, and the appropriate supplemental permit fee has been received by the Health Authority.

Permits shall be valid only for the period of time designated for the supplemental permit per one calendar (January 1st through December 31st) year. It shall be unlawful for any fixed facility to operate as stated above within Will County in the State of Illinois, which does not possess a valid supplemental permit issued to them by the Health Authority. Only a fixed facility which complies with the requirements of this ordinance shall be entitled to receive or retain such a permit.

The supplemental permit will be issued in the name of the owner and the establishment. It is not transferable to another owner at the establishment nor is it useable by the same owner at some other location. A valid permit shall be posted for public display.

I. Cottage Food: Any person desiring to operate as a Cottage Food Operation as defined in Section 4 of the Illinois Food Handling Regulation Enforcement Act must register annually by submitting the Will County Health Department Application for Cottage Industry Registration and pay the registration fee as outlined in Appendix A.

J. Vending Machines: Only those vending machines that vend in part or in total time/temperature control for safety food, and/or beverages into an open container shall be subject to the requirements of this ordinance. Vending machines must meet all applicable requirements in the Illinois Department of Public Health, "Food Code", 77 Ill. Adm. Code 750, and any subsequent revisions. Vending machines that vend in part or in total time/temperature control for safety food, and/or beverages into an open container that are located and serviced by the same operator of a permitted establishment who already holds a Will County Establishment permit are not subject to the vending machine fees in Appendix A. These vending machines shall be permitted and inspected under the establishment permit. Fees for annual permits are included in Appendix A and are not refundable.

SECTION 114.035 ENFORCEMENT

A. Annual Review: Upon receipt of an application with the appropriate annual permit fee to renew the annual permit, the Health Authority shall evaluate the record of the establishment to determine compliance with the provisions of this ordinance. If the evaluation reveals that the applicable requirements of this ordinance have been met, a new permit shall be issued by the Health Authority. Whenever the record reveals serious and/or repeated violations of this ordinance, the permit shall not be renewed until a re-inspection reveals that the applicable requirements of this ordinance have been met. If the re-inspection reveals continued serious violations of this ordinance, the permit shall not be renewed and the Health Authority shall, within a reasonable time, so notify the applicant in writing. Such notice shall state, if requested in writing by the applicant within 10 days of receipt of notice, a hearing will be held within 30 days of notice at a reasonable time and place to be designated by the Health Authority. Notice referred to in this paragraph shall be given in the manner prescribed in paragraph (D) of Section 114.035.

B. Suspension of Permit: The Health Authority may, without warning, notice, or hearing, suspend any permit to operate a food establishment, if the holder of the permit does not comply with the requirements of this ordinance, or if the operation does not comply with the requirements of this ordinance, or if the operation otherwise constitutes a substantial hazard to public health. Suspension is effective upon service of the notice

required by this ordinance in Section 114.035 Paragraph D titled Service of Notices. When a permit is suspended, food operations shall immediately cease upon receipt of notice. If requested in writing by the permit holder within 10 days of notice of suspension, a hearing shall be held within 30 days of the permit holder's written request. Suspension shall continue until the Health Authority determines the reason for the suspension no longer exists.

C. Revocation of Permit: The Health Authority may, after providing opportunity for hearing, revoke a permit to operate when a food establishment has had their permit suspended three times in a calendar year (January 1st through December 31st), according to the provision in paragraph D, subparagraph 6 of Section 114.055, or for serious or repeated violations of any of the requirements of this ordinance or for interference with the Health Authority in the performance of duty. Prior to revocation, the Health Authority shall notify, in writing, the holder of the permit, or the person in charge, of the specific reason(s) for which the permit is to be revoked and that the permit shall be revoked at the end of the 10 days following service of such notice, unless a written request for hearing is made by the permit holder prior to the expiration of the 10 days. If requested, a hearing shall be held within 30 days of notice of revocation. Unless rescinded in writing by the Health Authority at the time of hearing, the revocation of the permit becomes final.

D. Service of Notices: A notice provided for in this ordinance is properly served when it is delivered to the holder of the permit, 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 permit. A copy of the notice shall be filed in the records of the Health Authority.

E. Application After Revocation: Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit. A written corrective action plan which addresses all violations may be required along with the written application for a new permit.

SECTION 114.055 INSPECTIONS

A. Inspection Frequency: An inspection of a food establishment shall be performed according to the relative risk of causing foodborne illness as defined by the Illinois Department of Public Health's Food Code but not less frequently than required by the Local Health Protection Grant Rules. Additional inspections of the establishment shall be performed as often as necessary for the enforcement of this ordinance.

B. Access: Representatives of the Health Authority, with proper identification, shall be permitted to enter any food establishment at any reasonable time for the purpose of making inspections to determine compliance with this ordinance or to investigate a complaint. The representatives shall be permitted to examine the records of this establishment to obtain information pertaining to food and supplies purchased, received or used.

C. Report of Inspections: Whenever an inspection of a food establishment is made, the findings shall be recorded on the inspection report form used by the Health Authority. The inspection report form shall summarize the requirements of this ordinance. Inspectional remarks shall reference by item number the violation and the correction to be made. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection or electronically within a timely manner. Alternate inspection forms and reports may be used provided they assure adherence to proper food sanitation principles. All completed inspection reports are public documents that shall be made available for public disclosure to any person who requests it according to law.

D. Correction of Violations: The completed inspection report form shall specify a reasonable period of time for the correction of the violations found; and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:

- 1.** If an imminent health hazard exists, such as but not limited to lack of a potable water supply,

complete lack of refrigeration, sewage backup into the establishment, pest infestation or a foodborne illness suspected to have originated from the establishment, the operations shall immediately cease and the permit to operate shall be suspended as per Section 114.035 paragraph B. Following permit suspension, the owner/operator may be required upon notice and as a condition of lifting the suspension to attend an informal hearing. See Appendix A for informal non-refundable hearing fee to be paid prior to hearing.

2. All priority items, as defined in Section 114.002 of this ordinance shall be corrected as soon as possible, but in any event, within 10 days following inspection. A follow-up inspection should be conducted to confirm correction. If compliance is not received upon re-inspection(s), the owner / operator may be required and notified in writing to attend an informal hearing if the violations are not corrected. The fee associated with the informal hearing process is included in Appendix A. Hearing fees are non-refundable.
3. All priority foundation and core items, as defined in Section 114.002 of this ordinance, shall be corrected as soon as possible, but at any event, by the time of the next routine inspection.
4. If a facility is not under the supervision of a nationally recognized Certified Food Protection Manager and if compliance is not received upon re-inspection(s), the owner/operator may be required and notified in writing to attend an informal hearing. The fee associated with the informal hearing process is included in Appendix A. Hearing fees are non-refundable.
5. If the number of foodborne illness risk factors in the establishment is 7 or greater the permit shall be immediately suspended by the Health Authority per Section 114.035 (paragraph B). The establishment shall cease food operations immediately. The suspension shall remain in effect until a Health Authority re-inspection and the number of foodborne illness risk factors has been improved to 3 or less. The Health Authority will conduct a reinspection at the request of the operator. Following permit suspension, the owner / operator will be required and notified in writing to attend an informal hearing. The fee associated with the informal hearing process is included in Appendix A. Hearing fees are non-refundable.
6. In the case of temporary food establishments and supplemental grilling operations, all priority and priority foundation items shall be corrected immediately. If violations are not corrected, the establishment shall not be issued a permit to operate by the Health Authority. If the temporary food establishment or supplemental grilling is already operating, food service operations shall cease immediately until authorized to resume by the Health Authority.

E. Failure to Comply: Failure to comply with any time limits for corrections may result in cessation of food operations. An opportunity for hearing on the inspection findings or the time limitations or both will be provided if a written request is filed with the Health Authority within 10 days following cessation of operations. If a request for hearing is received, a hearing shall be held within 30 days of receipt of the request.

Whenever a food establishment is required under provisions of Section 114.035 to cease operations, all food operations will cease immediately and will remain in such state until it is shown upon re-inspection that conditions responsible for the order to cease operations no longer exist. Opportunity for re-inspection shall be offered within a reasonable time.

F. Examination and Condemnation of Food: Food may be examined or sampled by the Health Authority as often as necessary for enforcement of this ordinance. The Health Authority may, upon written notice to the owner or person in charge, specifying the reasons therefore, place an embargo/hold order on any food which it believes is in violation of any section of this ordinance. The Health Authority shall tag, label,

or otherwise identify any food subject to the embargo/hold order. No food subject to an embargo/hold order shall be used, served, or moved from the establishment.

The Health Authority shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. The hold order shall state that a request for hearing may be filed within 10 days and that if no hearing is requested, the food shall be destroyed. If a request for hearing is received, the hearing shall be held within 30 days after receipt of the request. On the basis of evidence produced at that hearing, the hold order may be vacated, or the owner or person in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of this ordinance.

G. Procedure When Infection Is Suspected: When the Health Authority has reasonable cause to suspect possible disease transmission by an employee of a food establishment, it may secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take appropriate action. The Health Authority may require any or all of the following measures:

1. The immediate exclusion of the employee from employment in food establishments.
2. The immediate closing of the establishment until, in the opinion of the Health Authority, no further danger of disease outbreak exists.
3. Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease.
4. Medical and laboratory examination of ill and exposed employees to ensure they are no longer infectious. Employees who test positive will be restricted from food handling duty until satisfactory negative laboratory examination or time without symptoms as per Illinois Communicable Disease Administrative Code.

SECTION 114.075 PLAN REVIEW

A. Review of Construction or Remodeling Plans: Whenever a food establishment is constructed or remodeled, and whenever an existing structure is converted for such use, properly prepared plans and specifications shall be submitted to the Health Authority for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall include the menu, facility layout, equipment layout, mechanical plans, finish materials, specifications sheets for all proposed equipment, and a HACCP plan if applicable. A plan review fee, based on the fee schedule as indicated in Appendix A will be charged for all reviews, with the exception of food pantries. Plan review fees are non-refundable.

The Health Authority shall approve the plans and specifications if they meet the requirements of this ordinance. No building permit for any such construction or remodeling shall be issued until and unless the Health Authority has given approval in writing to the plans for such construction or remodeling.

B. HACCP Plan Review: A food establishment shall submit a HACCP plan prior to commencing reduced oxygen packaging utilizing sous vide or the cook/chill method. The Health Authority shall review a submitted HACCP plan and shall notify the applicant in writing of its decision to approve or deny the HACCP plan as submitted by the food establishment, provided all conditions of this chapter are met including payment of fee (see Appendix A), and submission of supporting data. HACCP plan review fees are non-refundable.

C. Pre-Operational Inspection: Whenever plans and specifications are required by this ordinance to be submitted to the Health Authority, the Health Authority shall inspect the food establishment prior to the start of operations to determine compliance with the approved plans and specifications and with the requirements of this ordinance.

D. Food Establishments Outside Jurisdiction of the Will County Health Department: Food prepared for human consumption outside of Will County and transported into Will County shall conform to the standards and provisions of this ordinance. To determine the extent of compliance with such provisions, the Health Authority may accept reports from the regulating health authorities where such establishments are located.

SECTION 114.076 VARIANCES AND HEARINGS

A. Variances: If a food establishment wishes to implement a special process as defined in Section 114.002 or if circumstances exist which make it impractical to achieve full compliance with the requirements of this ordinance, an applicant may seek a variance from the Health Authority as follows:

1. Such requests shall be made in writing, and include a Hazard Analysis Critical Control Point Plan (HACCP) if required, and all pertinent data and information, as stipulated in applicable code(s), to support the requested waiver of the requirements of this section as being consistent with the responsibility of the Health Authority to protect and provide for the health, safety, and general welfare of the people of the county and of other affected communities.
2. The Health Authority shall review variance requests and shall notify the applicant in writing of its decision to either grant or deny the variance within ten (10) business days of receipt of the variance request provided all conditions of this section are met including payment of fee (see Appendix A), and submission of supporting data.
3. The fee associated with the variance request process is included in Appendix A. Variance fees are non-refundable.

B. Exceptions to Variance:

1. Reduced Oxygen Packaging utilizing sous vide or the cook/chill method do not require a variance. However, the food establishment shall submit a HACCP plan prior to commencing these special processes as required in Section 114.075.

C. Hearings before the Environmental Health Director: Any person affected by any order or notice issued by the Health Department in connection with any section of this Ordinance, may file in the office of the Health Department a written request for a hearing before the Environmental Health Director. The Environmental Health Director shall hold a hearing at a time and place designated within thirty (30) days from the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If as a result of the hearing, the Environmental Health Director finds that strict compliance with the order, or notice, would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by varying or withdrawing the order or notice, the Environmental Health Director may modify or withdraw the order or notice and as a condition for such action, may, where deemed necessary, make requirements which are additional to those prescribed in this Ordinance for the purpose of properly protecting the public health. Environmental Health Director shall render a decision within (10) days after the date of the hearing which shall be reduced to writing and placed in the file in the office of the Health Department as a matter of public record. Any person aggrieved by the decision of the Environmental Health Director may seek relief there from through a hearing before the Executive Director.

D. Hearings before the Executive Director: Any person aggrieved by the decision of the Environmental Health Director rendered as the result of a hearing held in accordance with this Section may file in the office of the Health Department a written request for a hearing at a time and place designated by the Executive Director within thirty (30) days of the date on which the written request was

filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If, as a result of facts elicited as a result of the hearing, the Executive Director finds that strict compliance with the decision of the Environmental Health Director would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by granting a variance, the Executive Director may grant a variance and as a condition for such variance, may, where it deems necessary, make requirements or special conditions which are additional to those prescribed by this Ordinance, all for the purpose of properly protecting the public health.

The Executive Director shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Health Department and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

SECTION 114.090 CURRENT RULES

A. Rules and Regulations For Food Service Establishments: This ordinance shall be regulated by the Health Authority in accordance with the Illinois Department of Public Health, Food Code, 77 Ill. Adm. Code 750, and any subsequent revisions, and applicable laws and regulations. Copies of said Code shall be on file in the County Clerk's Office and the offices of the Health Authority.

SECTION 114.077 REPEAL AND DATE OF EFFECT

This ordinance shall be in full force and effective immediately following its adoption and publication as provided for by law and in accordance with the law, and at that time all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 114.004 CONFLICT OF ORDINANCE, EFFECT ON PARTIAL INVALIDITY

A. In any case where a provision of this ordinance is found to be in conflict with a provision of any building, fire, safety, or health ordinance, or other code, existing on effective date of this ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

B. If any chapter, section, sub-section, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatsoever, such invalidation shall not affect the remaining portions of this ordinance which shall remain in full force and effect. To this end, the provisions of this ordinance are hereby declared to be joint and severable.

SECTION 114.999 PENALTIES

Whoever violates any of the provisions of this ordinance, or refuses to comply with any lawful order or requirement of the Health Authority duly made in writing as provided herein shall, upon finding of guilty, be subject to a fine of up to \$500 for each and every violation; and each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the Health Authority shall constitute a distinct and separate violation.

SECTION 114.091 INJUNCTIONS

The Health Authority may seek to enjoin violators of this ordinance.

FOOD SERVICE ESTABLISHMENT / RETAIL FOOD STORE FEES

Appendix A

Food Service Fees

TYPE	PERMIT FEE
School Milk Cooler Only (50% discount not applicable)	\$50
0 (carry out) -40 Seats (Including seasonal facilities)	\$255
41 – 100 Seats (Including seasonal facilities)	\$400
101 Seats and over (Including seasonal facilities)	\$730
Commissary and Caterers (Including seasonal facilities)	\$730
Temporary Food Service / Retail Food Permit Low Risk - (As determined by the Health Authority)	\$60*
Temporary Food Service / Retail Food Permit Medium Risk - (As determined by the Health Authority)	\$90*
Temporary Food Service / Retail Food Permit High Risk - (As determined by the Health Authority)	\$135*
Multiple Location Temporary Food Permit (Valid April 1 – October 31) Low Risk – (As determined by the Health Authority, does not include High Risk)	\$250*
Multiple Location Temporary Food Permit (Valid April 1 – October 31) Medium Risk- (As determined by the Health Authority, does not include High Risk)	\$425*
Temporary Permit Late Fee (A late fee will be charged when vendor has not applied and paid for the permit a minimum of 7 days prior to the event in which the date of payment does not count.) (50% discount not applicable)	\$30
Supplemental Grilling Permit	\$200
Government, Schools, churches and temples	50% of all above applicable fees
*50% Discount for Temporary Permit Fees Also Applicable to Non-profit, Benevolent, Charitable, or Community Organizations	

Retail Food Stores Fees

TYPE	PERMIT FEE
Less than 250 Square Feet (prepackaged food only – minor business component)	\$220
250 to 5,000 Square Feet or Seasonal food store less than 5,000 Sq. Ft <u>(Including seasonal facilities)</u>	\$255
5,001 to 10,000 Square Feet <u>(Including seasonal facilities)</u>	\$400
10,001 and over <u>(Including seasonal facilities)</u>	\$730
Government, Schools, churches and temples	50% of all above applicable fees

Mobile Units Fees

TYPE	PERMIT FEE
Push Carts for Frozen Novelties	\$200
Mobile Units without Preparation	\$255
Mobile Units with Preparation	\$375
Government, Schools, churches and temples	50% of all above applicable fees

Vending Machines Fees

TYPE	PERMIT FEE
1-3 Vending machines with time/temperature control for safety food	\$50
4-6 Vending machines with time/temperature control for safety food	\$100
7-10 Vending machines with time/temperature control for safety food	\$150
11-14 Vending machines with time/temperature control for safety food	\$200
15-20 Vending machines with time/temperature control for safety food	\$250
21+ Vending machines with time/temperature control for safety food	\$300

Plan Review Fees

TYPE	FEE
Minor Plan Review (small / minor change)	\$190
Food Service 0 - 40 Seats	\$260
Food Service 41 - 100 Seats	\$395
Food Service 101 Seat and over	\$570
Commissary and Caterers	\$570
Retail Food Store less than 250 Square Feet <i>(prepackaged food only – minor business component)</i>	\$190
Retail Food Store 250 to 5,000 Square Feet	\$220
Retail Food Store 5,001 to 10,000 Square Feet	\$350
Retail Food Store 10,001 Square Feet and over	\$525
Mobile Units without Preparation	\$220
Mobile Units with Preparation	\$350
Push Carts for Frozen Novelties	N/A
Priority Plan Review (will respond with clarification or approval letter in 7 days)	2 x applicable plan review fee

❖ Other Fees

Informal Hearing Fee	\$150
Cottage Food Registration Fee	\$25
Variance / HACCP Plan Fee	\$100
Non-Sufficient Funds (NSF)	\$25
Replacement Food Permit Fee	\$25

❖ (50% discount not applicable)



**ORDINANCE OF THE COUNTY BOARD
WILL COUNTY, ILLINOIS**

Amendments to the Will County Food Establishment Sanitation Ordinance

WHEREAS, the Board of Health reviews and recommends to the County Board, changes to existing Health Department related ordinances, and

WHEREAS, the Board of Health has reviewed the amendments to the Will County Food Service and Retail Food Store Sanitation Ordinance as proposed and recommends the adoption of the Ordinance and the accompanying fee schedule contained in Appendix A, and

WHEREAS, a Public Hearing was properly published and held at the Public Health & Safety Committee in Joliet, Illinois on November 1, 2018, in the County Board committee room, to solicit public comment regarding amendments to the Will County Food Service and Retail Food Store Sanitation Ordinance, and

WHEREAS, the Public Health & Safety Committee concurs with the Board of Health's request, and

WHEREAS, the County Board wishes to make amendments to the Will County Food Service and Retail Food Store Sanitation Ordinance and the accompanying fee schedule as attached.

NOW, THEREFORE, BE IT ORDAINED, that the Will County Board officially amends the Will County Food Service and Retail Food Store Ordinance with amendments and accompanying fee schedule as attached and recommended by the Will County Board of Health.

BE IT FURTHER ORDAINED, that the Preamble of this Ordinance is hereby adopted as if fully set forth herein. This Ordinance shall be in full force and effect upon its passage and approval as provided by law.

Adopted by the Will County Board this 15th day of November, 2018.

AYES:	Ogalla, Summers, Moustis, Singer, Moran, Rice, Harris, Traynere, Bennefield, Fritz, Gould, Miltello, Balich, Friclone, Brooks Jr., Winfrey, Parker, Staley-Ferry, Marcum, Hart, Maher, Tuminello, Weigel, Ferry, Kraulidis
LEFT MEETING:	Dollinger

Result: Approved - [Unanimous]

Approved this 23rd day of November 2018.

Nancy Schertz Voots (SEAL)
Will County Clerk

Lawrence M. Walsh
Will County Executive