

WILL COUNTY

FOOD ESTABLISHMENT

SANITATION ORDINANCE



Amended and Effective October 1, 2024

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ORDINANCE

Re: Will County Food Establishment 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 Establishments, and

WHEREAS, the best way to ensure sanitary conditions in these establishments 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 Establishment, and

WHEREAS, the costs of inspections and plan reviews by the Health Authority to regulate and supervise Food Establishments have steadily risen since the passage of the Will County Food Establishment Sanitation Ordinance, and

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

THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF WILL COUNTY, ILLINOIS that the Will County Food Establishment Ordinance be amended to include the amendments.

BE IT FURTHER ORDAINED that all provisions of the current Will County Food Establishments Sanitation Ordinance in conflict with the attached amendments are hereby repealed to the extent of the conflict.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 and plan reviews; to regulate the inspections of such establishments; to provide for the incorporation by reference the standards of the Illinois Department of Public Health (IDPH) 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. High Risk or Category I Facility: The term “High Risk or Category I Facility” means a food establishment that presents a high relative risk of causing foodborne illness, based on the large number of food handling operations typically implicated in foodborne outbreaks and/or the type of population served by the facility. The standards for regulation of a Category I facility shall be those prescribed by the Local Health Protection Grant Code. Category I facilities include those where the following operations occur: Complex preparation including cooking, cooling, and reheating for hot holding involving time/temperature control for safety foods; Processes requiring hot and cold holding of time/temperature control for safety of foods; Conducting specialized processes as described in 3-502 of the FDA 2022 Food Code; or serving a highly susceptible population as defined in 1-201.10 of the FDA 2022 Food Code.
5. Medium Risk or Category II Facility: The term “Medium Risk or Category II facility” means a food establishment that presents a medium relative risk of causing foodborne illness, based upon few food handling operations typically implicated in foodborne illness outbreaks. The standards for regulation of a Category II facility shall be those prescribed by the Local Health Protection Grant Code. Category II facilities include those where the following operations occur: Most products are prepared or cooked and served immediately; may involve hot and cold holding of time/temperature control for safety foods after preparation or cooking; or as approved by the regulatory authority, preparation of time/temperature control for safety foods requiring cooking, cooling, and reheating for hot holding limited to 2 or fewer items or processes with approved procedures.
6. Low Risk or Category III Facility: The term “Low Risk or Category III facility” means a food establishment that presents a low relative risk of causing foodborne illness, based upon few or no food handling operations typically implicated in foodborne illness outbreaks. The standards of a category III facility shall be those prescribed by the locate health protection grant code. Category III facilities include those where the following operations occur: Heating only commercially processed time/temperature control for safety foods for immediate service with no hot holding or assembly; only time/temperature

control for safety foods commercially prepackaged in an approved processing plant are available or served at the facility; only limited preparation of non-time/temperature control for safety foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or only beverages (alcoholic and nonalcoholic) and garnishes that are non-time/temperature control for safety are served at the facility.

7. 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.

8. 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.

9. 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.

10. 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.

11. Special Process: The term “special process” shall include 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.

12. Temporary food establishment: The term “temporary food establishment” shall mean a food establishment that operates onsite at a single location for a period from one day up to fourteen days starting on the first day of food services in conjunction with a public events, festivals, or farmers market.

13. Multiple location temporary food establishment: The term “Multiple location Temporary food establishment” shall mean a temporary food establishment that operates at a single or multiple locations throughout a jurisdiction at public events, festivals, or farmers markets.

14. Public Event: The term “public event” shall mean any event to which members of the public are invited to attend., able to attend, or expected to attend.

15. Private Event: The term “private event” shall mean any event that is a private function, which is unadvertised and by invitation only including but not limited to, a wedding, or individual party such as a birthday or anniversary.

16. Shared Kitchen: The term “Shared Kitchen” shall mean a food establishment that is used as a place of business for the purpose of providing commercial space and equipment to multiple individuals or businesses entities with commercially prepare or handle food that will be offered for retail sale.

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

18. 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 2022, 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 ESTABLISHMENT 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 applications received 3 days or less prior to the event start will have the permit fee doubled as provided 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, senior meal programs, 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 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 comply with FDA Food Code 2022 Annex 2. L Recommended Guidelines for Permanent Outdoor Cooking Establishments.

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, an Administrative Conference 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 Administrative Conference, 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, an Administrative Conference 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 an Administrative Conference, 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 an Administrative Conference is made by the permit holder prior to the expiration of the 10 days. If requested, an Administrative Conference shall be held within 30 days of notice of revocation. Unless rescinded in writing by the Health Authority at the time of the Administrative Conference 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 Administrative Conference. See Appendix A for informal non-refundable Administrative Conference fee to be paid prior to Administrative Conference.
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 Administrative Conference if the violations are not corrected. The fee associated with the Administrative Conference process is included in Appendix A. Administrative Conference 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 Administrative Conference. The fee associated with the Administrative Conference process is included in Appendix A. Administrative Conference 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 Administrative Conference. The fee associated with the Administrative Conference process is included in Appendix A. Administrative Conference fees are non-refundable.
6. In the case of temporary food establishments, 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 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 an Administrative Conference 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 an Administrative Conference is received, an Administrative Conference 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 an Administrative Conference may be filed within 10 days and that if no Administrative Conference is requested, the food shall be destroyed. If a request for an Administrative Conference is received, the Administrative Conference shall be held within 30 days after receipt of the request. On the basis of evidence produced at that an Administrative Conference, 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. Planreview 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 ADMINISTRATIVE CONFERENCES

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. Administrative Conference 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 an Administrative Conference before the Environmental Health Director. The Environmental Health Director shall hold an Administrative Conference at a time and place designated within thirty (30) days from the date on which the written request was filed. The petitioner for the Administrative Conference shall be notified of the time and place of the Administrative Conference not less than five (5) days prior to the date on which the Administrative Conference is to be held. If as a result of the Administrative Conference, 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 Administrative Conference 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 an Administrative Conference before the Executive Director.

D. Administrative Conference before the Executive Director: Any person aggrieved by the decision of the Environmental Health Director rendered as the result of an Administrative Conference held in accordance with this Section may file in the office of the Health Department a written request for an Administrative Conference 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 Administrative Conference shall be notified of the time and place of the Administrative Conference not less than five (5) days prior to the date on which the Administrative Conference is to be held. If, as a result of facts elicited as a result of the Administrative Conference, 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 Administrative Conference 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 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 ESTABLISHMENT FEES

Appendix A

Food Establishment Fees

TYPE	PERMIT FEE
School Milk Cooler Only (50% discount not applicable)	\$60
0 (carry out) -40 Seats <u>(Including seasonal facilities)</u>	\$306
41 – 100 Seats (Including seasonal facilities)	\$480
101 Seats and over <u>(Including seasonal facilities)</u>	\$876
Commissary and Caterers <u>(Including seasonal facilities)</u>	\$876
Temporary Food Service / Retail Food Permit Low Risk – (As determined by the Health Authority)	\$72
Temporary Food Service / Retail Food Permit Medium Risk - (As determined by the Health Authority)	\$108
Temporary Food Service / Retail Food Permit High Risk - (As determined by the Health Authority)	\$162
Multiple Location Temporary Food Permit (Valid April 1-October 31) Low Risk – (As determined by the Health Authority, does not include High Risk)	\$350
Multiple Location Temporary Food Permit (Valid April 1-October 31) Medium Risk- (As determined by the Health Authority, does not include High Risk)	\$550
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)	\$50
Temporary Permit Late Fee (The fee for a temporary event permit fee will be doubled if not applied and paid for a minimum of 3 days prior to the event in which the date of payment does not count) (50% discount not applicable)	2 x the applicable fee
Multi location temporary food 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)	\$50
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 time/temperature controlled for safety food only – minor business component)	\$264
250 to 5,000 Square Feet or Seasonal food store less than 5,000 Sq. Ft. <u>(Including seasonal facilities)</u>	\$306
5,001 to 10,000 Square Feet <u>(Including seasonal facilities)</u>	\$480
10,001 and over <u>(Including seasonal facilities)</u>	\$876
Government, Schools, churches and temples	50% of all above applicable fees

Mobile Units Fees

TYPE	PERMIT FEE
Push Carts for Frozen Novelties	\$250
Mobile Units without Preparation	\$325
Mobile Units with Preparation	\$450
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)	\$228
Food Establishment 0 - 40 Seats	\$312
Food Establishment 41 - 100 Seats	\$474
Food Establishment 101 Seats and over	\$684
Commissary and Caterers	\$684
Retail Food Store less than 250 Square Feet <i>(prepackaged time/temperature controlled for safety food only – minor business component)</i>	\$228
Retail Food Store 250 to 5,000 Square Feet	\$264
Retail Food Store 5,001 to 10,000 Square Feet	\$420
Retail Food Store 10,001 Square Feet and over	\$630
Mobile Units without Preparation	\$264
Mobile Units with Preparation	\$420
Push Carts for Frozen Novelties/Hot or Cold Holding Mobile food trucks	N/A
Priority Plan Review (will respond with clarification or approval letter in 7 days)	2 x applicable plan review fee

❖ Other Fees

Administrative Conference Fee	\$200
Cottage Food Registration Fee	\$50
Variance / HACCP Plan Fee	\$100
Non-Sufficient Funds (NSF)	\$25
Replacement Food Permit Fee	\$25

❖ (50% discount not applicable)



**WILL COUNTY BOARD OF HEALTH
RESOLUTION #24-49**

**RESOLUTION OF THE WILL COUNTY BOARD OF HEALTH
WILL COUNTY, ILLINOIS**

**APPROVAL OF THE WILL COUNTY FOOD ESTABLISHMENT SANITATION
ORDINANCE REVISION**

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

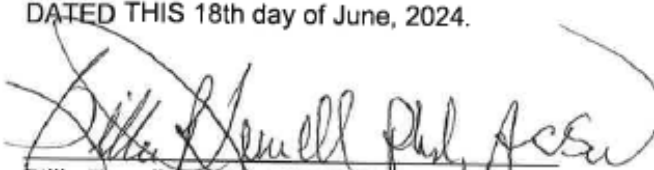
WHEREAS, the Environmental Health division of the Will County Health Department has revised the Will County Food Establishment Sanitation Ordinance in relation to the US Food and Drug Administration (FDA) Model Food Code from 2017 to 2022 as required and set forth in the Illinois Department of Public Health Food Code 77 Ill. Adm. Code, 750; and

WHEREAS, the current revisions herein reflect the needed changes for enforcement to this ordinance, effective October 1, 2024; and

WHEREAS, the Will County Board of Health has reviewed the amendments to the Will County Food Establishment Sanitation Ordinance as proposed and recommends the revision of the Ordinance as attached.

NOW, THEREFORE, BE IT RESOLVED, the Will County Board of Health hereby recommends the County Board consider the revision of the Will County Food Establishment Sanitation Ordinance as attached.

DATED THIS 18th day of June, 2024.


Billie Terrell, Ph.D., ACSW, President
Will County Board of Health