

Chapter 345

FOOD SANITATION ORDINANCE

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SECTION 345-1 PREAMBLE

The Carroll County Board, in order to protect the health and safety of the people of Carroll County and of the general public, is authorized and directed to promulgate rules and regulations establishing minimum standards governing the sale and distribution of food and drink. Such regulations shall establish such minimum standards as, in the judgment of the Carroll County Board, will insure a safe food supply. Proper food protection measures shall include:

- a. Application of good sanitation practices in the handling of food
- b. Strict observation of personal hygiene by all food service employees
- c. Keeping potentially hazardous food refrigerated or heated to temperatures that minimize the growth of pathogenic microorganisms
- d. Food shall be in sound condition, free from spoilage, filth and other contamination and shall be safe for human consumption
- e. Food shall be obtained from sources that comply with all laws relating to food and food labeling.
- f. Adequate equipment and facilities for the conduct of sanitary operations.
- g. Education of the food establishment owners, operators and the public on food safety issues.

The Carroll County Board is authorized to promulgate such additional regulations as are necessary in its judgment to carry out the provisions of this Ordinance.

SECTION 345-2 DEFINITIONS

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

- a. **AUTHORIZED REPRESENTATIVE** shall mean the legally designated Health Authority of the Carroll County Health Department and shall include those persons designated by the Health Authority to enforce the provisions of this ordinance.
- b. **BED AND BREAKFAST ESTABLISHMENT:** An operator occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms for rent, in operation for more than ten (10) nights in a twelve (12) month period. Only breakfast may be provided to the paying guests. Bed and breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments.

- c. **BOARD OF HEALTH** shall mean the Carroll County Board-of Health or its authorized representative.
- d. **CORE ITEM** includes a violation that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design or general maintenance.
- e. **EMPLOYEE** shall mean any person working in a food-service establishment or retail food store who transports food or food containers, who engages in food preparation, packaging, or service, or who comes in contact with any food utensils or equipment.
- f. **FOOD SERVICE ESTABLISHMENT** shall mean, but is not limited to, any fixed or mobile restaurant; Bed and Breakfast; coffee shop; cafeteria; short-order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial-feeding establishment; private, public, or nonprofit organization or institution routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.
- g. **HEALTH AUTHORITY** shall mean that person or persons who have been designated by the Board of Health to administer the affairs of the Carroll County Health Department.
- h. **HEALTH DEPARTMENT** shall mean the Carroll County Health Department, including its duly authorized representatives.
- i. **PERMIT HOLDER** shall mean an individual, a firm, partnership, company, corporation, trustee, association or public or private entity who is directly or indirectly responsible for the operation of a food service establishment or retail food store.
- j. **PRIORITY ITEM** means a violation that contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury. This includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, and handwashing.
- k. **PRIORITY FOUNDATION ITEM** includes violations that require the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, labeling.

- l. RECOGNIZED NON-FOR-PROFIT ORGANIZATION:** All religious, and state-recognized non-for-profit organizations.
- m. RETAIL FOOD STORE** shall mean retail grocery, meat market, poultry market, fish market, confectionery, nut store, retail bakery, or any other establishment, whether fixed or movable, where food, intended for human consumption off the premises, is prepared, handled, transported, sold or offered for sale at retail.
- n. TEMPORARY FOOD SERVICE ESTABLISHMENT** shall mean any food service establishment which operates at a fixed location for a temporary period of time not to exceed 14 consecutive days, in connection with a fair, festival, carnival, circus, public exhibition, or similar transitory gathering. Temporary seasonal shall not exceed 14 events.
- o. 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. Category I facilities include those where the following operations occur:
1. Cooling of potentially hazardous foods, as part of the food handling operation at the facility;
 2. Potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;
 3. Potentially hazardous cooked and cooled foods must be reheated;
 4. Potentially hazardous foods are prepared for off-premises serving for which time-temperature requirements during transportation, holding and service are relevant;
 5. Complex preparation of foods or extensive handling of raw ingredients with hand contact for ready-to-eat foods occurs as part of the food handling operations at the facility;
 6. Vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level; or
 7. Immuno-compromised individuals such as the elderly, young children under age 4 and pregnant women are served, where these individuals comprise the majority of the consuming population.
- p. 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. Category Type II facilities include those where the following operations occur:

1. Hot or cold foods are held at required temperatures for no more than 12 hours and are restricted to same day services;
2. Food prepared from raw ingredients use only minimal assembly; and
3. Foods that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food processing plants, high risk food service establishments or retail food stores.

q. 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. Type III facilities include those where the following operations occur:

1. Only pre-packaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved processing plant;
2. Only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages, occurs **at the facility**; or
3. Only beverages (alcoholic and non-alcoholic) are served at the facility.

SECTION 345-3 ADOPTION BY REFERENCE

In addition to those provisions set forth, this Ordinance shall be interpreted and enforced in accordance with provisions set forth in the following statutes, rules, and regulations of the State of Illinois, Department of Public Health and any subsequent amendments or revisions thereto, which publications are incorporated herein and adopted by reference as part of this Ordinance. In addition to those provisions set forth within, this Code hereby adopts by reference the current edition and subsequent revisions of, and shall be interpreted and enforced in accordance with the provisions set forth in the following: Bed and Breakfast Act, 50 ILCS 820/1 et seq; Farmers Markets and 625/4 Cottage Food Operations; Food Handling Regulation Enforcement Act, 410 ILCS 625/3.1; Illinois Department of Public Health Food Service Sanitation Code, 77 IL Admn Code 750; Illinois State Plumbing Code, 225 ILCS 320; Public Area Sanitary Practice Code, Section 9 of 415 ILCS 55/9 and Section 2 20 ILCS 2305/2; Smoke Free Illinois Act, 410 ILCS 82.

SECTION 345-4 PERMIT REQUIRED, ISSUANCE

- a. Permit Required:** No person shall operate a food service establishment or retail food store without a valid permit issued by the Health Department for said premises. Only a person who complies with the requirements of this Ordinance shall be entitled to receive or retain such a permit. Permits are not transferable. A valid permit shall be posted in every retail food store and food service establishment. Change of permit holder shall require issuance of a new permit.

1. **Application for permit:** Any person, whether the applicant is an individual, firm, corporation or a partnership, desiring to operate a food service establishment shall make written application for a permit on forms provided by the Health Department. Such application shall include the name and address of each applicant, whether the applicant is an individual, firm, corporation or a partnership, the location and type of the proposed food service establishment, and the signature of each applicant.
2. **Inspection of Facility:** Prior to approval of an application for a permit, the Health Authority shall inspect the proposed food establishment to determine compliance with the requirements of this Ordinance. If the establishment has been inspected and found to be in substantial compliance with the requirements of this Ordinance in the last year, no additional inspection must be done prior to permit issuance.
3. **Issuance:** The Health Department shall issue a permit to the applicant if its inspection reveals that the proposed food service establishment complies with the requirements of this Ordinance. This permit shall be prominently displayed on the premises of the approved establishment. Unless otherwise indicated, the permit is valid for the period December 1 through November 30 of each year.
4. **Temporary Food Establishment**
 - a. For-Profit Temporary Food Establishment shall comply with the State of Illinois Department of Public Health "Food Service Sanitation Code 77 IL Admin. Code 750" and all the provisions of this Ordinance that is applicable to its operation. Temporary permit applications shall include location, date(s) of event, food(s) to be served and contact information of the operator. The Health Department may augment such requirements when needed to assure the service of safe food, may prohibit the sale of certain potentially hazardous foods and may modify specific requirements for physical facilities when no imminent health hazard will result.

- b. Recognized Not-For-Profit Temporary Food Establishment shall register with the Carroll County Health Department. The registration shall include the name of the organization, location, and date(s) of event, food to be served and contact information of the operator.

A recognized non for-profit temporary food event shall include events that are open to the public and advertised.

SECTION 345-5 PERMIT SUSPENTION

- a. **Suspension Provided:** The Health Department may, without warning, notice of hearing, suspend any permit to operate a food service establishment or retail food establishment if the holder of the permit does not comply with the requirements of this Ordinance, or operation of the food service establishment or retail food establishment otherwise constitutes a substantial hazard to public health. Suspension is effective upon service of the notice. When a permit is suspended, food service operations or food sale shall immediately cease. Whenever a permit is suspended, the holder of the permit shall be afforded an opportunity for a hearing.
- b. **Notice of Hearing:** Whenever a permit is suspended, the holder of the permit or the person in charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided, if a written request for hearing is filed with the Health Department by the holder of the permit within such ten (10) day period. The Health Authority may reinstate the permit if the applicant is complying with the requirements of this ordinance and reasons for the suspension. The Health Authority may end the suspension at any time if reasons for the suspension no longer exist.

SECTION 345-6 PERMIT REVOCATION

- a. **Revocation Provided:** The Health Authority may, after providing opportunity for hearing, revoke a permit for serious or repeated violations of any of the requirements of this Ordinance or for interference with the Health Department in the performance of its duty.
- b. **Notice and Hearing Provided:** prior to revocation, the Health Department 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 ten (10) days following service of

- c. such notice unless a written request for hearing is filed with the Health Department by the holder of the permit within such ten (10) day period. If no request for hearing is filed within the ten (10) day period, the revocation of the permit becomes final.
- d. **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.

SECTION 345-7 FOOD ESTABLISHMENT PERMIT AND FEES

- a. **Submission and Review of Plans and Specifications Required:** Whenever a food service establishment or retail food store is constructed or extensively remodeled and whenever an existing structure is converted to use as a food service establishment or retail food establishment, properly prepared plans and specifications for such construction, remodeling or conversion shall be submitted to the Health Department for review and approval before construction, remodeling or conversion begins. A completed application will be required for this plan review and must be submitted to the Health Department with the required fee.
- b. **Content of Plans:** The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The Health Department shall approve the plans and specifications if they meet the requirements of this Ordinance. No food service establishment or retail food establishment shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the Health Department
 - 1. **Pre-Operational Inspection:** Whenever plans and specifications are required by Section 7 (a) of this Ordinance to be submitted to the Health Department, the Health Authority shall inspect the food service establishment or retail food establishment prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of this Ordinance.
 - 2. **Permit Obtained:** Permit to operate a food service or retail food store must be obtained from the Health Department on or before November 30th, each year. Before any new food service establishment may be established or put into operation, plans must be submitted and a permit obtained.

3. **Permit Fees:** There shall be a permit fee to operate a food service establishment or retail food store and bed and breakfast. There shall be a fee collected for the plan review process and any pre-operational inspections. The fee shall be collected by the Health Department at the time an application for permit is submitted, and shall be deposited in the Health Department fund. The fee schedule shall be set and approved by the Carroll County Board upon the recommendations of the Carroll County Board of Health.
4. **FEE SCHEDULE:** Purpose: The purpose for implementing fees is to supplement state grant and local tax levy dollars which support both regulatory and voluntary environmental health services provided by the Carroll County Health Department.

Permanent Facility

Category I	\$150
Category II	\$125
Category III	\$100
Pre-opening plan review	\$50
Bed and Breakfast	\$50

Temporary Facility

Non-profit	\$0
For-profit	\$40
Seasonal	\$60

Late fee is 50% of the permit fee.

Carroll County Government is exempt from fee

SECTION 345-8 HOME KITCHEN

a. Definitions.

1. "Home kitchen operation" means an operation conducted by a person who produces or packages non-potentially hazardous baked goods in a kitchen of that person's primary domestic residence for direct sale by the owner or a family member, or for sale by a religious, charitable, or nonprofit organization, stored in the residence where the baked goods are made.

2. "Non-potentially hazardous baked goods" mean breads, cookies, cakes, pies and pastries that are not potentially hazardous food and which, if included, contain only high-acid fruit as described in Section 4(b)(1)(C) of the Illinois Food Handling Regulations Enforcement Act; pumpkin pie, sweet potato pie, cheesecake, custard pies, crème pies, and pastries with potentially hazardous fillings or toppings are prohibited.
 3. "Potentially hazardous food" means food that is potentially hazardous according to the Illinois Department of Public Health's administrative rules issued under the Illinois Food Handling Regulations Enforcement Act. Potentially hazardous food (PHF) in general means a food that requires time and temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.
- b. Permit. Conditions for qualifying as a home kitchen operation. In order to be a qualified home kitchen operation, the following conditions must be met:
1. Monthly gross sales may not exceed \$1,000.
 2. Only non-potentially hazardous baked goods may be sold.
 3. A notice is provided to the purchaser that the product was produced in a home kitchen.
- c. Notice. When non-potentially hazardous baked goods produced by a home kitchen operation are sold directly to the public for off-premises consumption, the notice provided to the purchaser shall be affixed to the package containing the baked goods. When such goods are sold to the public as part of a meal provided by a religious, charitable, or nonprofit organization, notice may be given on a placard placed at the point of sale.
- d. Inspections. Upon receipt of a complaint involving products produced in a home kitchen operation or upon the outbreak of a disease that may be connected to a home kitchen operation, the Carroll Health Department shall have authority to inspect the home kitchen operation involved. The Health Department Director or designee shall request consent to inspect a home kitchen operation during daytime hours. In the absence of consent, the Health Department Director or designee shall obtain an administrative search warrant to inspect a home kitchen.
- e. Cessation of Operations. In the event of a disease outbreak reasonably connected to a home kitchen operation, the Health Department Director or designee shall request the home kitchen operation, or a religious, charitable, or nonprofit organization, as applicable, to cease food sales to the public until the Health Department has determined that operations may

continue. In the absence of voluntary compliance, the Health Department Director or designee may seek a court order for cessation of a home kitchen operation or food sales by a religious, charitable, or nonprofit organization.

SECTION 345-9 INSPECTIONS FOR VIOLATIONS; CORRECTIONS

- a. **Inspections Required:** The inspection schedule for each food service establishment shall be based on the relative risk of food borne illness as determined by the Health Department using the criteria in the Illinois Department of Public Health "Rules and Regulations for Food Sanitation". Food service establishment shall be rated as either Category I, Category II, or Category III. Facilities shall be inspected at least as often as the following schedule:
 1. **Category I:** Three (3) inspections per year, or two (2) inspections if one of the following conditions is met:
 - a. A certified food service manager is present at all times the facility is in operation; or
 - b. The employees involved in food operations receive a Hazard Analysis Critical Control Points (HACCP) training exercise, in-service training in another food service area, or attend an educational conference on food safety or sanitation, approved by the Health Department.
 2. **Category II:** One inspection per year.
 3. **Category III:** One inspection every two years.

Additional inspections shall be performed as often as necessary for the enforcement of this ordinance.
- b. **Right of Entry:** The Health Authority shall be permitted to enter any food service establishment or retail food store at any reasonable time for the purpose of making inspections to determine compliance with this Ordinance. The Health Authority shall be permitted to examine

the records of the establishment to obtain information pertaining to food and supplies purchased, received or used, or to persons employed. When the Health Authority is denied access to a food service facility for inspection or investigation purposes, it shall be considered a violation of this Ordinance. The Health Department shall have the authority to close any food service facility that denies access for inspection or investigation. The food service facility shall remain closed until a thorough inspection has been completed and all noted violations have been corrected.

- c. **Report of Inspection:** Whenever an inspection of a food service establishment or retail food store is made, the findings shall be recorded on the inspection report form. The inspection report form shall summarize the requirements of this Ordinance. Inspection remarks shall state 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. The completed inspection report form is a public document that shall be made available for public disclosure to any person, who requests it according to law.

- d. **Correction Required:** 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. The inspection report shall state that failure to comply with any time limits for corrections may result in cessation of food service operations or food sales.
 - 1. If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the Health Department.
 - 2. All priority and priority foundation violation items shall be corrected as soon as possible but within 10 days following an inspection. One or more reinspections will be conducted at reasonable time intervals to assure correction.
 - 3. All Core violation items shall be corrected as soon as possible but by the time of the next routine inspection following an inspection.

4. In the case of temporary food establishments, violations must be corrected within a reasonable period of time as determined by the Health Authority. Failure to comply with such notice shall result in immediate suspension of the permit.
- e. **Hearing Provided:** An opportunity for hearing on the inspection findings or the time limitation or both will be provided.
- f. **Resumption of Operations, Reinspections:** Whenever a food service establishment or retail food store is required under the provisions of this Section to cease operations, it shall not resume operations until it is shown on reinspection that conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time.

SECTION 345-10 EXAMINATION OF FOOD CONDEMNATION

- a. **Examinations, Hold Order:** Food may be examined or sampled by the Health Authority as often as necessary for enforcement of this Ordinance. The Health Department may, upon notice to the owner or person in charge, place a hold order on any food which it believes creates a potential hazard to health. The Health Authority shall tag, label or otherwise identify any food subject to the hold order
- b. **Restrictions on Food:** No food subject to a hold order shall be used, served or moved from the establishment. The Health Department 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.
- c. **Hearing Provided:** The hold order shall state that a request for hearing may be filed, and that if no hearing is requested, the food shall be destroyed. On the basis of evidence provided 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.

SECTION 345-11 DISEASE CONTROL PROVISIONS

Whenever the Health Department has reasonable cause to suspect possible disease transmission by an employee of a food service establishment or retail food store, it may secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take appropriate action. The Health Department may require any or all of the following measures:

- a. The immediate exclusion of the employee from employment in food service establishments or retail food stores;
- b. The immediate closing of the food service establishment or retail food store concerned until, in the opinion of the Health Department, no further danger of disease outbreak exists;
- c. Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease;
- d. Adequate medical and laboratory examination of the employee and of other employees and their body discharges.

SECTION 345-12 NOTICE PROVISION

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 Department.

SECTION 345-13 HEARING PROVISION

- a. **Hearing with Administrator:** Any person affected by any order or notices issued by the Health Department in connection with the enforcement of any section of this Ordinance, may file in the office of the Health Department a written request for a hearing before the Administrator. The Administrator shall hold a hearing at a time and place designated by him/her 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 Administrator 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 Administrator may modify or withdraw the order or notice and as a condition for such action may, where he/she deems it necessary, make requirements which are additional to those prescribed in this Ordinance for the purpose of properly protection the public health. The Administrator 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 as a matter of public record. Any person aggrieved by the decision of the Administrator may seek relief there from through a hearing before the Board of Health.

- b. **Hearing with Board of Health:** Any person aggrieved by the decision of the Administrator rendered as the result of a hearing held in accordance with this section may file within ten (10) days of the Administrator's findings, in the office of the Health Department, a written request for a hearing before the Board of Health. A hearing will be scheduled at a time and place designated by the secretary of the Board of Health within thirty (30) days of the date on which the written request was filed. For the purpose of this section the Board of Health shall mean a simple majority of the Carroll County Board of Health. 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 Board of Health finds that strict compliance with the decision of the Administrator would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by granting a variance from the decision of the Administrator or Acting Administrator, the Board of Health may grant a variance and as a condition for such variance, may, where it deems necessary, make requirements which are additional to those prescribed by this Ordinance, all for the purpose of properly protecting the public health. The Board of health shall render 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 345-14 PENALTY

- a. Any person found guilty of violating any provision of this Ordinance shall be guilty of a Class B misdemeanor. Each day a person violates this Ordinance shall constitute a separate offense. All monies collected from fines imposed upon violations of this Ordinance shall be deposited in the Carroll county Health Department Fund.
- b. The State's Attorney of Carroll County may bring suit seeking to permanently enjoin any ongoing violation of this Ordinance or to enjoin the operation of any establishment causing a violation of this Ordinance.

SECTION 345-15 CONFLICT OF ORDINANCE EFFECT OF PARTIAL INVALIDITY

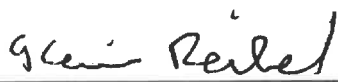
- a. **Conflict of Ordinance:** In any case where a provision of this Ordinance is found to be in conflict with a provision of another Ordinance of the County of Carroll, the more specific provision of either shall apply over the more general.

- b. Severability: Should any provision, section, subsection, paragraph, sentence, clause or phrase of this Ordinance be found invalid for any reason or should any provision of this Ordinance be stricken by an act of the County Board, the remainder of this Ordinance shall remain in full force and effect as if the subject provision had never been included in this Ordinance.

SECTION 345-16 EFFECTIVE DATE

This Ordinance shall be in full force and effective immediately upon its adoption by the Carroll County Board.

The above and foregoing Ordinance was adopted on this 16th Day of September, 2004.
Amended this 21 Day of July, 2022



Carroll County Board Chairperson



Carroll County Clerk