

# JACKSON COUNTY FOOD SERVICE SANITATION ORDINANCE

March 2022



**Public Health**  
Prevent. Promote. Protect.  
Jackson County Health Department

## **JACKSON COUNTY FOOD SERVICE SANITATION ORDINANCE**

An ordinance defining food, potentially hazardous food, adulterated, misbranded, food service establishments, retail food store, temporary food service establishments, temporary food store, home kitchen operation, cottage food operation, health authority, utensils, equipment, etc.; providing for the sale of unadulterated, wholesome, properly branded food, regulating the sources of food; establishing sanitation standards for food protection, food personnel, food operations, food equipment and utensils, sanitary facilities and controls and other facilities; requiring permits for the inspection of food service establishments and retail food stores, providing for the examination and condemnation of food; providing for the incorporation by reference of the Illinois Food Service Sanitation Code, the Illinois Department of Public Health, Division of Food, Drugs and Dairies Rules and Regulations for food service establishments and retail food stores, and the FDA Food Code; providing for the enforcement of this ordinance and affixing of penalties.

Be it ordained by the County Board of the County of Jackson, State of Illinois as follows:

Adopted November 20, 2018

Updated March 22, 2022

## SECTION A. DEFINITIONS

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

1. **ADULTERATED** shall mean the condition of a food (a) if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health; (b) if it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established; (c) if it consists in whole or part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human consumption; (d) if it has been processed, prepared, packed or held under insanitary conditions, whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health; (e) if it is in whole or in part the product of a diseased animal, or an animal which has died otherwise than by slaughter; or (f) if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.
2. **ADEQUATE** shall mean acceptable or sufficient as determined by the Health Authority.
3. **APPROVED** shall mean acceptable to the Health Authority based on his determination as to conformance with appropriate standards and good public health practice.
4. **AUTHORIZED REPRESENTATIVE** shall mean the legally designated Health Authority of the Jackson County Health Department and shall include those persons designated by the Health Authority to enforce the provisions of this ordinance.
5. **BOARD OF HEALTH** shall mean the Jackson County, Illinois, Board of Health or its authorized representative.
6. **CLOSED** shall mean fitted together snugly leaving no openings large enough to permit entrance of vermin.
7. **CORROSION-RESISTANT MATERIALS** shall mean a material which maintains its original surface characteristics under prolonged influence of the food, cleaning compounds and sanitizing solutions which may contact it.
8. **COTTAGE FOOD OPERATION** shall be defined as established in the Food Handling Regulation Enforcement Act (410 ILCS 625).
9. **EASILY CLEANABLE** shall mean readily accessible and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.
10. **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.
11. **EQUIPMENT** shall mean all stoves, ranges, hoods, meat blocks, meat slicers, saws, scales, meat grinders, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items, other than utensils, used in the operation of a food-service establishment or retail food store.
12. **FLEET** shall mean 2 or more non-fixed retail units where food, intended for human consumption away from premises of such, is sold or offered for sale at retail.

13. **FOOD** shall mean any raw, cooked, or processed edible substance, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
14. **FOOD-CONTACT SURFACES** - shall mean those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces with which food may come in contact and drain back onto surfaces normally in contact with food.
15. **FOOD-PROCESSING ESTABLISHMENT** shall mean a commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.
16. **FOOD-SERVICE ESTABLISHMENT** shall mean any fixed or mobile restaurant; coffee shop; cafeteria; short-order café; 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; an any other eating or drinking establishment or operation where food is served or provided for the public with or without charge. Excludes Cottage Food Operations and Home Kitchen Operations.
17. **HEALTH AUTHORITY** shall mean that person or persons who have been designated by the Board of Health to administer the affairs of the Jackson County Health Department.
18. **HOME KITCHEN OPERATION** shall be defined as established in the Food Handling Regulation Enforcement Act (410 ILCS 625).
19. **IMMINENT HEALTH HAZARD** a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice or circumstance, or event creates a situation that can cause food infection, food intoxication, disease transmission, vermin infestation, or hazard condition that requires immediate correction or cessation of operation to prevent injury, illness, or death. Orders by the Governor or Illinois Department of Public Health aimed at protecting public health during a declared disaster or emergency would be considered a qualifying circumstance or event.
20. **KITCHENWARE** shall mean all multi-use utensils other than tableware used in the storage, preparation, conveying, or serving of food.
21. **MISBRANDED** shall mean the presence of any written, printed, or graphic matter, upon or accompanying food or containers of food, which is false or misleading, or which violates any applicable state or local labeling requirements.
22. **MOBILE FOOD-SERVICE ESTABLISHMENT** shall mean any food service establishment capable of being moved from location to location, one without a fixed location.
23. **PERISHABLE FOOD** - shall mean any food or such type or in such condition as may spoil.
24. **PERMANENT FOOD-SERVICE ESTABLISHMENT OR RETAIL FOOD STORE** shall mean any food-service establishment or retail food store which operates at a fixed location for a period of time exceeding 14 days.

25. **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.
26. **PERSON** shall mean an individual, or a firm, partnership, company, corporation, trustee, association, or any public or private entity.
27. **PERSON IN CHARGE** shall mean the individual present at a food service establishment who is responsible for the operation at the time of inspection.
28. **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 moveable, where food, intended for human consumption off the premises, is prepared, handled, transported, sold or offered for sale at retail.
29. **SAFE TEMPERATURES** as applied to potentially hazardous food, shall mean temperatures of 41° F. or below, and 135° F, or above. As applied to frozen perishable foods safe temperatures shall be 0°F, or below. Temperatures shall be determined by measurement of the actual product temperature or the ambient air temperature in the storage device.
30. **SANITIZE** shall mean effective bacterial treatment of clean surfaces or equipment and utensils by a process which has been approved by the Health Authority as being effective in destroying micro-organisms, including pathogens.
31. **SEALED** shall mean free of cracks or other openings which permit the entry or passage of moisture.
32. **SEASONAL** shall mean a food service establishment or retail food store that conducts business for longer than two weeks per year, but not year-round.
33. **SINGLE SERVICE ARTICLES** shall mean cups, containers, lids, or closures, plates, knives, forks, spoons, stirrers, paddles, straws, place mats, napkins, doilies, wrapping material; and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials, and which are intended by the manufacturers and generally recognized by the public as for one usage only, then to be discarded.
34. **TABLEWARE** shall mean all multi-use eating and drinking utensils, including flatware (knives, forks, and spoons).
35. **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 2 weeks, in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering.
36. **TEMPORARY RETAIL FOOD STORES** shall mean any retail food store which operates at a fixed location for a temporary period of time not to exceed 2 weeks.
37. **TIME/TEMPERATURE CONTROL FOR SAFETY FOOD (TCS)** shall mean a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.

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

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

## **SECTION B. ADOPTION BY REFERENCE**

In addition to those provisions set forth in this present Ordinance, the following provisions, including any future revisions or amendments, are hereby incorporated herein by reference as if part of the Ordinance:

1. Food Handling Regulation Enforcement Act, 410 ILCS 625.
2. Sanitary Food Preparation Act, 410 ILCS 650.
3. The Illinois Food Service Sanitation Code, 77 IAC Part 750.
4. 2017 FDA Food Code, or most recent version adopted by the Health Authority.
5. Illinois Department of Public Health Communicable Disease Code, 77 IAC Part 690

## **SECTION C. FOOD**

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

2. **FOOD PROTECTION:** All food, while being stored, prepared, displayed, served, or sold at food-service establishments or retail food stores, or during transportation between such establishments shall be protected from contamination. All perishable food shall be stored at such temperatures as will protect against spoilage. All TCS shall be maintained at safe temperatures (41° F. or below or 135° F. or above), except during necessary periods of preparation and service. Raw fruits and vegetables shall be washed before use. Stuffing, poultry, stuffed meats and poultry, and pork and pork products shall be thoroughly cooked before being served. Individual portions of food once served to the customer shall not be served again; provided, that wrapped food which has not been unwrapped and which is wholesome may be served again.

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

## **SECTION D. PERSONNEL**

1. **HEALTH AND DISEASE CONTROL:** No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection shall work in any area of a food-service establishment or retail

food store in any capacity in which there is a likelihood of such a person contaminating food or food-contact surfaces with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the Health Authority immediately.

2. CLEANLINESS: All employees shall wear outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty. They shall wash their hands thoroughly in an approved hand washing facility before starting work, and as often as may be necessary to remove soil and contamination. No employee shall resume work after visiting the toilet room without first washing his/her hands.

## **SECTION E. FOOD EQUIPMENT AND UTENSILS**

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

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

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

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

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

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

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

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

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

## SECTION F. SANITARY FACILITIES AND CONTROLS

1. **WATER SUPPLY:** The water supply shall be adequate, of a safe, sanitary quality and from an approved source. Hot and cold running water, under pressure, shall be provided in all areas where food is prepared, or equipment, utensils, or containers are washed. Permit holders with water from a nonpublic water system shall sample and test their water supply at least annually and as required by state water quality regulations.

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

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

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

3. **PLUMBING:** Plumbing shall be so sized, installed, and maintained as to carry adequate quantities of water to required locations throughout the establishment; as to prevent contamination of the water supply; as to properly convey sewage and liquid wastes from the establishment to the sewerage or sewage-disposal system; and so that it does not constitute a source of contamination of food, equipment, or utensils, or create an unsanitary condition or nuisance.

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

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

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

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



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

8. SMOKE FREE FACILITIES: Each food-service establishment and retail food store shall be held responsible for compliance with the Smoke Free Illinois Act (410 ILCS 82/).

9. TEMPORARILY CEASE OPERATIONS: A permit holder shall immediately cease food service operations if any of the following incidents occur which may endanger public health: Fire; Flood; Sewage backup; Misuse of poisonous or toxic materials; Onset of an apparent foodborne illness outbreak; Gross insanitary occurrence or condition; Interruption of electrical service for more than four (4) hours; Interruption of water supply when hand washing and toilet usage can no longer occur.

Following such incidents, permit holders must contact the Health Authority and receive permission before resuming food service operations.

## **SECTION G. OTHER FACILITIES AND OPERATIONS**

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

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

2. LIGHTING: All areas in which food is prepared or stored or utensils are washed, hand-washing areas, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas shall be well lighted. During all cleanup activities, adequate light shall be provided in the area being cleaned, and upon or around equipment being cleaned.

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

4. DRESSING ROOMS AND LOCKERS: Adequate facilities shall be provided for the orderly storage of employee's clothing and personal belongings. Where employees routinely change clothes within the establishment, one or more dressing rooms or designated areas shall be provided for this purpose. Such designated areas shall be provided outside of the food preparation, storage, and serving areas and the utensil-washing and storage areas; provided that, when approved by the Health Authority, such an area may be located in a storage room where only completely packaged food is stored.

Designated areas shall be equipped with adequate lockers, and lockers or other suitable facilities shall be provided in dressing rooms. Dressing rooms and lockers shall be kept clean.

5. HOUSEKEEPING: All parts of the establishment and its premises shall be kept neat, clean and free of litter and rubbish. Cleaning operation shall be conducted in such a manner as to minimize contamination of food and food contact surfaces. None of the operations connected with a food-service establishment shall be conducted in any room used as living or sleeping quarters. Soiled linens, coats, and aprons shall be kept in suitable containers until removed for laundering. No live birds or animals shall be allowed in any area used for the conduct of food service establishment operations; provided, that service animals performing the functions for which they were trained may be permitted in dining areas.

## **SECTION H : TEMPORARY AND MOBILE FOOD-SERVICE ESTABLISHMENTS, COTTAGE FOOD OPERATIONS AND HOME KITCHEN OPERATIONS**

1. A TEMPORARY FOOD-SERVICE ESTABLISHMENT shall comply with all provisions of this ordinance which are applicable to its operation: provided, that the Health Authority may augment such requirements when needed to assure the service of safe food, may prohibit the sale of certain TCS and may modify specific requirements for physical facilities when, in his opinion, an imminent health hazard will result.

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

- a. EATING AND DRINKING UTENSILS - Mobile food-service establishments shall be prohibited from using multi-use eating and drinking utensils and shall be restricted to the use of single service articles.
- b. GARBAGE AND TRASH - All garbage and trash shall be properly stored or removed from each mobile food-service establishment location where food is served or dispensed to the consumer, as frequently as may be necessary to prevent a nuisance and shall be disposed of in a manner approved by the Health Authority.
- c. SERVICE BUILDING - Where applicable a service building or commissary in compliance with applicable construction and operation requirements of a food-service establishment may be provided and used for obtaining water, food and other supplies; for emptying and disposing of wastes; and for sanitary maintenance of the mobile food-service establishment.
- d. WATER SYSTEM: The mobile food-service establishment water system shall be a potable water system, under pressure. Potable water shall be required for all uses. The water filling inlet shall be located in such a position that it will not be contaminated by waste discharges, road dust, oil or grease. Water shall be obtained from the potable supply at the service building or commissary and shall be transferred to the mobile food-service establishment in a manner which will not permit the water to be contaminated in transfer and handling.

- e. LIQUID WASTE: Liquid wastes shall be stored in retention tanks which shall be permanently installed on the mobile food-service establishment, and the discharge from the retention tank shall be so designed that the contents of the tank cannot be discharged when the establishment is in motion. Discharge control devices on the retention tank outlets should be so designed as to prevent leakage and, when the tank is being discharged to prevent splattering of the serving area or servicing personnel. Provisions should be made for the retention tank to be thoroughly flushed using the servicing operation. The water supply shall be protected against back-siphonage. The liquid waste accumulated in the retention tank and the flushing water should be discharged directly to a sanitary sewer. After flushing, cleaning and deodorizing the retention tank, some odor-destroying substances may be left in the retention tank, but a deodorant shall not be used in lieu of proper cleaning. All transition connections for servicing mobile food-service establishment waste disposal facilities should be of a different size or type than those used for supplying potable water to the mobile food-service establishment.
  - f. LIQUID WASTE SERVICING AREA: The floors of liquid waste servicing areas shall be constructed of non-porous, easily cleanable materials and shall be properly drained. The corners between floor, walls and equipment should be covered wherever possible.
  - g. FOOD TEMPERATURE: Potentially hazardous food shall be stored and displayed at safe temperatures (41° F. or below, or 135° F. or above, whichever is applicable). Adequate, properly constructed and located mechanical refrigeration shall be provided for cold foods and adequate, properly constructed and located heating equipment shall be provided for hot foods.
3. A COTTAGE FOOD OPERATION shall comply with all provisions of this ordinance which are applicable to its operation.
- a. AUTHORIZED ITEMS AND LABELING: Cottage food operations may only sell items as established in the Food Handling Regulation Enforcement Act and shall meet the necessary labeling and placarding requirements.
  - b. SALES LOCATIONS: Cottage foods may sell ~~only be sold at farmer's markets or other~~ locations allowed under State law.
  - c. REGISTRATION: All cottage food operations in Jackson County must annually register with Jackson County Health Department, using forms provided by the Health Department. A \$50 annual registration fee shall be charged. The registration year shall run from April 1 to March 31 of the following calendar year. Cottage food operations shall have on hand a current Health Department registration certificate when conducting all sales. Cottage food operations that do not utilize a municipal water supply may be required to submit laboratory results of an annual water sample to the Health Authority, at their own expense, as provided for in the Food Handling Regulation Enforcement Act.
  - d. INSPECTION: Jackson County Health Department may inspect a cottage food operation's primary domestic residence in the event of a complaint or during a disease outbreak investigation. The Health Department may charge a fee of \$75 for each inspection.

- e. **ENFORCEMENT:** The Health Authority may invoke penalties and suspend cottage food sales until it deems that a situation of concern or non-compliance has been addressed to its satisfaction. The Department shall give notice to the operator(s) as to the specific concern(s) and/or non-compliance, how they can be remedied, and the time frame in which changes must be made. If the situation is not amenable to being addressed, the Health Authority may revoke the operator's registration. The process for suspension, revocation or penalties would generally follow the process established for permitted facilities, outlined in Sect. I (1) of this ordinance.
4. **HOME KITCHEN OPERATIONS** are not allowed in Jackson County, unless specifically authorized by municipal or township ordinance. Sales must be made directly to the consumer and may only occur within the jurisdictional boundaries of the township or municipality which has authorized the operation.
    - a. **AUTHORIZED ITEMS AND LABELING:** Home kitchen operations may only sell items as established in the Food Handling Regulation Enforcement Act and shall meet the necessary labeling requirements.
    - b. **STORAGE:** Food must be stored in the residence where it is produced or packaged.
    - c. **REGISTRATION:** All home kitchen operations authorized under township or municipal ordinances in Jackson County must annually register with Jackson County Health Department, using forms provided by the Health Department. No registration fee shall be charged. The registration year shall run from July 1 to June 30 of the following calendar year. Home kitchen operations shall have on hand a current Jackson County Health Department registration certificate when conducting all sales.
    - d. **INSPECTION:** Jackson County Health Department may inspect a home kitchen operation in the event of a complaint or during a disease outbreak investigation.

## **SECTION I. ENFORCEMENT PROVISIONS**

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

Permits for permanent food-service establishments and retail food stores shall be issued according to the following schedule:

- for taverns, restaurants serving liquor, retail food stores, and food service establishments which the Health Authority considers "seasonal" in nature - July 1 and expire June 30 of the following year.
- for all remaining food establishments not fitting into the preceding category and schools - January 1 and expire December 31 of the same year.

In either case above, if the permit is issued after July 1 or after January 1 respectively, the permit shall expire as the same date as other establishments in its category. The permit fees shall be accordingly prorated. Permits for temporary food-service establishments and temporary retail food stores shall be issued for a period of time not to exceed 14 days.

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

Upon receipt of such an application and the established fee, the Health Authority shall make an inspection of the establishment to determine compliance with the provisions of this ordinance. Except when the application is for a temporary permit, a probationary permit shall first be issued in accordance with this sub-section. Before the expiration of the probationary permit, the establishment shall be inspected during the establishment's regular business hours by the Health Authority to determine compliance with this ordinance. If at the end of the probationary permit the Health Authority is satisfied the establishment is in compliance with this ordinance, an annual permit, in accordance with this ordinance, shall be issued. Alternatively, notwithstanding the preceding sentence, the probationary period may be extended at the discretion of the Health Authority. When inspection reveals that the applicable requirements of this ordinance have been met, a permit shall be issued to the applicant by the Health Authority.

- b. **RENEWAL OF PERMITS:** Whenever the inspection for renewal of a permit reveals serious or repeated violations of this ordinance, the permit will not be issued and the Health Authority shall notify the applicant immediately thereof. Such notice shall state the reasons for not renewing the permit. Such notice shall also state that an opportunity for a hearing shall be provided for the applicant at a time and place designated by the Health Authority. Such hearing shall be scheduled not later than 10 days from the date of the notice. The notice referred to in this paragraph shall be delivered to the applicant in person by the Health Authority or may be sent by registered mail, return receipt requested. A permit which has expired shall be removed from the establishment by the Health Authority.
- c. **SUSPENSION OF PERMITS:** Permits may be suspended temporarily by the Health Authority for failure of the permit holder to comply with the requirements of this ordinance. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of SECTION I of this ordinance, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Health Authority by the permit holder.

Upon suspension of the permit, the permit shall be removed from the establishment by the Health Authority and returned to the Health Department. Notwithstanding the other provisions of this ordinance, whenever the Health Authority finds insanitary or other conditions in the operation of a food-service establishment or retail food store, which, in

his judgment, constitute a substantial or imminent hazard to the public health, he may without warning, notice or hearing, issue a written notice to the permit holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and, if deemed necessary such order shall state that the permit is immediately suspended, and all operations as a food-service establishment or retail food store are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the Health Authority shall be afforded a hearing as soon as possible.

A permit holder temporarily ceasing operations of their own accord is not considered a permit suspension and does not count against a permit holder during a permit revocation proceeding. See Sect. F(9) of this ordinance for instances when self-closure shall be practiced.

- d. **REINSTATEMENT OF SUSPENDED PERMITS:** Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within 10 days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the Health Authority shall make a reinspection. If the applicant is complying with the requirements of this ordinance, the permit shall be reinstated.
- e. **REVOCAION OF PERMITS:** For serious or repeated violations of any of the requirements of this ordinance, or when the permit holder has had two (2) suspensions of their permit during the preceding twelve (12) month period, or for interference with the Health Authority in the performance of his duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Health Authority. Prior to such action, the Health Authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of 5 days following service of such notice, unless a request for a hearing is filed with the Health Authority, by the permit holder, within such 5 day period. A permit may be suspended for a cause pending its revocation or a hearing relative thereto. In lieu of the above procedures, or in addition thereto, the Health Authority may issue the permit holder or operator a citation to appear in Circuit Court for violation of any part of this ordinance.
- f. **HEARING:** The hearings provided for in this section shall be conducted by the Health Authority at a time and place designated by him. Based upon the record of such hearing, the Health Authority shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the Health Authority.
- g. **FEES:** The following fees shall be required for food service establishments and retail food stores.

The annual license fee for a food service establishment shall be determined by seating capacity and risk category. A single mobile food-service establishment, and a catering operation or kitchen that is approved by the health authority shall be included in the 0 to 50 seating capacity category. Establishments are reviewed annually in accordance with Illinois Department of Public Health guidelines to determine if they are a Category I, II, or III establishment as defined in Section 750.100 of the Food Service Sanitation Code

(77 Illinois Administrative Code 750). These definitions may be revised time to time in the Food Service Sanitation Code, but generally indicate that a Category I establishment presents a high relative risk, Category II establishment presents a medium relative risk, and Category III establishment presents a low relative risk of causing foodborne illness. Category I and II establishments require additional inspections since they present a higher relative risk of causing foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks and other factors. The Special High Risk category are establishments where 3 or more additional inspections, or more than 5 recheck inspections, were needed during the previous annual license period. The application fee for a plan review shall be determined by seating capacity. The following fee schedule shall apply:

Seating Capacity	Annual Fees for Category III Establishments	Annual Fees for Category II Establishments	Annual Fees for Category I Establishments	Special High Risk Estab.	Plan Review Application Fees
0 to 50	\$145.00	\$160.00	\$200.00	\$380.00	\$110.00
51 to 75	\$220.00	\$250.00	\$280.00	\$550.00	\$175.00
76 to 100	\$300.00	\$320.00	\$360.00	\$715.00	\$175.00
over 100	\$385.00	\$400.00	\$440.00	\$880.00	\$240.00

The annual license fee for a retail food store shall be determined by square footage and risk category. Establishments are reviewed annually in accordance with Illinois Department of Public Health guidelines to determine if they are a Category I, II, or III establishment as defined in Section 750.100 of the Food Service Sanitation Code (77 Illinois Administrative Code 750). These definitions may be revised time to time in the Food Service Sanitation Code, but generally indicate that a Category I establishment presents a high relative risk, Category II establishment presents a medium relative risk, and Category III establishment presents a low relative risk of causing foodborne illness. Category I and II establishments require additional inspections since they present a higher relative risk of causing foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks and other factors. The Special High Risk category are establishments where 3 or more additional inspections, or more than 5 recheck inspections, were needed during the previous annual license period. The application fee for a plan review shall be determined by square footage. The following fee schedule shall apply:

Square Footage	Annual Fees for Category III Establishments	Annual Fees for Category II Establishments	Annual Fees for Category I Establishments	Special High Risk Estab.	Plan Review Application Fees
1 to 4,999	\$145.00	\$160.00	\$200.00	\$380.00	\$110.00
5,000 to 15,000	\$220.00	\$250.00	\$280.00	\$550.00	\$175.00
Over 15,000	\$385.00	\$400.00	\$440.00	\$880.00	\$240.00

A plan review is required by the Health Authority whenever a licensed food service establishment or retail food store conducts a major remodel of food preparation or cooking areas. A major remodel shall be defined as involving the relocation or replacement of a cooking ventilation system, relocation or replacement of more than one major kitchen apparatus (dish machine, grill, fryer, etc.), or replacement of kitchen floor, wall, or ceiling surfaces.

In addition to the annual license fee, a new permit application fee shall be placed upon all food service establishments and retail food stores which have not previously obtained an annual license from the Health Authority for the facility, or those which have allowed their annual license to expire. The new permit application fee shall be \$150.00.

The annual license fee for a Fleet license shall be determined by the number of vehicles operating in Jackson County at any given time during the year. The following fee schedule shall apply:

Fleet license	Annual Fees
2 to 5 trucks	\$550.00
6 to 10 trucks	\$900.00

The Fleet License category shall include, by definition, only non-fixed mobile retail units where food is sold to the public.

The license fee for a temporary food service establishment shall be \$50.00 for each license. A maximum of 4 licenses for a temporary food service establishment shall be issued per calendar year to the same person or organization. An additional \$25 fee per incident may be billed (payable at time of inspection) if the vendor is not prepared for inspection within 1 hour after the appointed inspection time. A person who has been issued a valid annual license by the health authority to operate as a mobile food-service establishment or catering operation or kitchen shall not be required to obtain a license for a temporary food service establishment when operating in Jackson County.

The annual license fee for schools, religious, voluntary, or non-profit making community organizations or institutions - - \$50.00. However, charitable organizations may apply to the Jackson County Health Department for a waiver of annual or temporary license fees and plan review application fees. A waiver will only be granted if the organization can demonstrate an economic need for the waiver. All fees shall be made payable to the Jackson County Health Department and shall be deposited into the Jackson County Health Department funds.

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

2. INSPECTION OF FOOD-SERVICE ESTABLISHMENTS AND RETAIL FOOD STORES: The Health Authority shall inspect each food-service establishment and retail food store located in the County of Jackson, State of Illinois, at least as frequently as required by the Local Health Protection Grant Code (77 Illinois Administrative Code 615) and shall make as many additional inspections and re-inspections as are necessary for the enforcement of this ordinance.

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



examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received, or used, and persons employed.

- b. INSPECTION RECORDS: Whenever the Health Authority makes an inspection he shall record his findings on an inspection report form provided for this purpose, and shall furnish a copy of such inspection report form to the permit holder or operator. The copy of the current inspection report shall be posted in a conspicuous place in the establishment in view of the consuming public.
- c. ISSUANCE OF NOTICES: Whenever the Health Authority makes an inspection of an establishment and discovers that any of the requirements of this ordinance have been violated, he may notify the permit holder or operator of such violations by means of an inspection report form or other written notice. In such notification, the Health Authority shall:
  - (1) Set forth the specific violations found.
  - (2) Establish a specific and reasonable period of time for the correction of the violations found.
  - (3) State that failure to comply with any notice issued in accordance with the provisions of this ordinance may result in immediate suspension of the permit.
  - (4) State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Health Authority within the period of time established in the notice of correction.
- d. SERVICE OF NOTICES: Notices provided for under this section shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of such notice shall be filed with the records of the Health Authority.
- e. CITATION: In lieu of the above procedures, or in addition thereto, the Health Authority may issue the permit holder or operator a citation to appear in Circuit Court for violation of any part of this ordinance.

3. EXAMINATION AND CONDEMNATION OF FOOD: Food may be examined or sampled by the Health Authority as often as may be necessary to determine freedom from adulteration or misbranding. The Health Authority may, upon written notice to the owner or person in charge, place a hold order on any food which he determines, or has probable cause to believe to be unwholesome, or otherwise, adulterated, or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order notice or tag placed on food by the Health Authority, and neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the Health Authority, except on order by a court of competent jurisdiction. After the Owner or person in charge has had a hearing as provided for in Section I(1)(f) and, on the basis of evidence produced at such hearing, or on the basis of his examination in the event a written request for a hearing is not received, within 10 days, the Health Authority may vacate the hold order, or may by written order direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the

provisions of this ordinance; provided, that such order of the Health Authority to denature or destroy such food or bring it into compliance with the provisions of this ordinance shall be stayed if the order is appealed to a court of competent jurisdiction within 3 days.

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

5. **PLAN REVIEW OF FUTURE CONSTRUCTION:** When a food-service establishment or retail food store is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a food-service establishment or retail food store, properly prepared plans and specifications for such construction, remodeling, or alteration, showing layout, arrangement, and construction materials or work areas, and the location, size, and type of fixed equipment and facilities, shall be submitted to the Health Authority for approval before such work is begun. Fees may be charged to offset the cost of plan reviews. Failure of the permit holder to file a proper plan for review, along with the established fee, may result in approval delays by the Health Authority. In addition, construction performed without approval of the Health Authority will need to be corrected if found to be in non-compliance.

6. **PROCEDURE WHEN INFECTION IS SUSPECTED:** When the Health Authority has reasonable cause to suspect possibility of disease transmission from any food-service establishment or retail food store employee, the Health Authority shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated, and take appropriate action. The Health Authority may require any or all of the following measures: (a) the immediate exclusion of the employee from all food-service establishments and retail food stores; (b) the immediate closure of the establishment concerned until, in the opinion of the Health Authority, no further danger of disease outbreak exists; (c) restriction of the employee's services to some area of establishment where there would be no danger of transmitting disease; and (d) adequate medical and laboratory examination of the employee, of other employees, and of his and their body discharges.

7. **ENFORCEMENT INTERPRETATION -- FOOD SERVICE ESTABLISHMENTS AND RETAIL FOOD STORES:** This ordinance shall be enforced by the Health Authority in accordance with the interpretations thereof contained in the provisions of the 2017 FDA Food Code, or most recent version adopted by the Health Authority, in consultation with the Illinois Department of Public Health when necessary.

8. **PENALTIES:** Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$500. In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

9. **REPEAL AND DATE OF EFFECT:** This ordinance shall be in full force and EFFECT immediately after its adoption and publication as provided by law; and, at that time, all ordinances and part of ordinances in conflict with this ordinance are hereby repealed.

10. **CONFLICT OF ORDINANCE, EFFECT ON PARTIAL VALIDITY:**

- a. In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance, or code of Jackson County existing on the effective date of this ordinance, the provision which, in the judgment of the Health Authority establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of Jackson County existing on the effective date of this ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, the provision so this ordinance shall be deemed to prevail, and such other ordinance or codes are, hereby, declared to be repealed to the extent that they may be found in conflict with this ordinance.
- b. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect and, to this end, the provisions of this ordinance are, hereby, declared to be severable.