

CLAY COUNTY FOOD ORDINANCE

Whereas, the County Board is authorized to license and regulate and impose license fees on all food service establishments within both the incorporated and unincorporated areas of the county as described under 55 ILCS 5/5-1115(b); and

Whereas, the Public Health Board is authorized to inspect and regulate all food and milk products kept or offered for sale within its jurisdiction under 65 ILCS 5/11-17-5; and

Whereas, the Public Health Board has reviewed this ordinance and recommends passage of such ordinance; and

Whereas, passage of said ordinance has been recommended by the Illinois Department of Health and

Whereas, the prior ordinance had become dated; and

Whereas, it is the sense of this Board that the sale and distribution of unsanitary and adulterated food is a menace to the public's health.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF CLAY, STATE OF ILLINOIS AS FOLLOWS:

SECTION I - Definitions

Public Health Board or Board of Health - Means the Clay County Board of Health

CCHD or Health Department - Means the Clay County Health Department

Department - Means the Illinois Department of Public Health

Extensively Remodeled - Means whenever an existing structure is converted for use as a food establishment or any structural additions or alterations are made to existing establishments; such as, changes, modifications and extensions of plumbing systems, excluding routine maintenance

Food Establishment - Any Food Service Establishment or any Retail Food Store

Food Service Establishment (FSE) - Any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. FSE includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. FSE also includes delicatessen type operations that prepare foods intended for individual portion service. FSE does not include lodging facilities serving only a continental breakfast, (a continental breakfast is one limited to only coffee, tea, and/or juice and commercially prepared sweet baked goods), private homes, or a closed family function where food is prepared or served for individual family consumption, retail food stores, or the location of food vending machines

Health Authority/Health Officer - Shall mean that person or persons who have been designated by the Clay County Board of Health to administer the affairs of the Clay County Health Department (i.e. the Administrator or their representative)

Imminent Health Hazard - Any condition or event which poses a particular, immediate hazard to the public health such as fires, floods, total loss of refrigeration, total loss of potable water supply, backup of sewage in to an establishment, or evidence of recent foodborne illness

Limited Food - An establishment that serves beverages and prepackaged foods only

Mobile Food Unit - A vehicle-mounted food service establishment designed to be readily movable

Person - Includes any individual, partnership, corporation, association, or other legal entity

Retail Food Store - Means any establishment or section of an establishment where food and food products are offered to the consumer and intended for, though not limited to, off-premises consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged spirits; roadside markets that offer only fresh fruits and fresh vegetables for sale; food service establishments; or food and beverage vending machines

Temporary Food Service Establishment - Means food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration

SECTION II

Program Mission

In order to protect the citizens within its jurisdiction from contracting and transmitting foodborne diseases, the Clay County Health Department shall perform a comprehensive food protection program.

Program Conduct

The Clay County Health Department shall undertake activities to identify, reduce, and whenever possible, eliminate factors which may cause foodborne illnesses in order to reduce the incidence of foodborne illnesses.

Programs shall be conducted in accordance with this ordinance that incorporates by reference or includes provisions at least as stringent as the Department's Food Service Sanitation Code and Retail Food Store Sanitation Code (77 Ill Adm. Code 750 and 760) and includes enforcement authority as outlined in the CCHD Food Inspection and Enforcement Procedures.

SECTION III - Permits Required

It shall be unlawful for any person to open for business or otherwise operate any Food Establishment in Clay County who does not possess a valid operating permit for that establishment issued by the Health Authority. Permits must be conspicuously posted. Permits shall be annual except that the Health Authority may issue Temporary Food

Service Establishment permits as may be necessary. All persons complying with this Ordinance shall be entitled to receive such a permit. Permits may not be transferred from one person to another nor from one location to another. Establishments closed for more than three weeks may be required to procure a new permit from the Health Authority. Mobile Food Units need not obtain a new permit after a three week closure. The Board of Health shall have the authority to establish and determine fees for permits.

SECTION IV - Food Establishment Construction or Alteration

Whenever a Food Establishment is to be newly constructed or extensively remodeled, prepared plans for construction or remodeling shall be submitted to the Health Department. Health Department approval must be received before work begins. Such plans shall show the layout and materials to be used as well as the location, size and type of fixed equipment and facilities, insofar as food preparation, storage and restroom facilities are concerned. All newly constructed or extensively remodeled food service establishments will meet the requirements of the 1996 Food Service Sanitation Code, and any subsequent additions or modifications to those regulations. All newly constructed or extensively remodeled retail food stores will meet the requirements of the 1992 Retail Food Store Sanitation Code, and any subsequent additions or modifications to those regulations.

Any food service establishment that changes its intent or re-opens after being closed, will meet the requirements of the 1996 Food Service Sanitation Code, and any subsequent additions or modifications to those regulations. Any retail food store that changes its intent or re-opens after being closed, will meet the requirements of the 1992 Retail Food Store Sanitation Code, and any subsequent additions or modifications to those regulations.

A pre-operational inspection and an employee training seminar shall be conducted for new and extensively remodeled facilities. Plan reviews and additional pre-operational inspections shall be conducted as necessary.

SECTION V - Foodborne Disease Survey

A surveillance and control system shall be established to monitor, identify and record instances of foodborne disease; to detect sources of contamination; to establish factors that contribute to outbreaks; and to recommend preventive and control measures and take appropriate action to prevent further spread of disease. Hazardous food shall be identified and its distribution shall be restricted in accordance with procedures that include the following:

- identification of and prohibition against foods that are unsafe and pose a potential threat to health and safety;
- hold or embargo authority, criteria for destruction of adulterated or contaminated foods, and notification of recalls;

- investigation of facilities upon receipt of complaints, following events such as fire, natural disaster, and other occurrences which may compromise food safety;
- establishment of a system to encourage community reporting of foodborne illness to the local health department, which will notify the Department within 24 hours of occurrence, whenever possible;
- information shall be made available to the general public concerning prevention of foodborne illness and describing proper ways for storing, preparing, canning, preserving, and serving food. Information shall be made available to primary and secondary schools to instruct children regarding food sanitation, personal hygiene and related subjects;

SECTION VI - Inspection Frequency

The Health Authority of Clay County shall inspect each Food Establishment within Clay County based upon the priority of the establishment. Priority will be based upon the following criteria:

For each facility, the Clay County Health Department shall assess the relative risks of causing foodborne illness; classify each facility as high priority, medium priority, or low priority; and annually verify the classification of each facility.

"High priority" means that a facility presents a high relative risk of causing foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks and the type of population served by the facility. The following criteria shall be used to classify high priority facilities:

- whenever cooling of potentially hazardous foods occurs as part of the food handling operations at the facility;
- when potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;
- if potentially hazardous foods which have been previously cooked and cooled must be reheated;
- when preparing potentially hazardous food for off-premises service for which time-temperature requirements during transportation, holding and service are relevant;
- whenever 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;
- if vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level; or
- whenever serving immunocompromised individuals, where these individuals comprise the majority of the consuming population.

"Medium priority" means that a facility presents a medium relative risk of causing foodborne illness based upon few food handling operations typically implicated in foodborne illness outbreaks. The following criteria shall be used to classify medium risk facilities:

- if hot or cold foods are not maintained at that temperature for more than 12 hours and are restricted to same day service;
- if preparing foods for service from raw ingredients uses only minimal assembly; and
- foods served at an establishment that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food processing plants, (high priority) food service establishments or retail food stores.

"Low priority" means a facility presents a low relative risk of causing foodborne illness based upon few or no food handling operations typically implicated in foodborne illness outbreaks. The following criteria shall be used to classify low priority facilities:

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

The Clay County Health Department's experience with a facility is an important factor in assessing the relative risk of foodborne illness for the public. A local health department may reclassify a facility based upon its experience with the facility (e.g., inspection history, number and frequency of violations and their severity, corrective action, etc.) if, in its opinion, a health hazard will not result from such reclassification or such reclassification will provide better protection for the public. The basis for this decision must be documented and be available for Department inspection.

Facilities shall be inspected at least as often as prescribed by the following schedule. Inspections of all facilities shall include Hazard Analysis Critical Control Point (HACCP) concepts in accordance with Section 750.10 of the Food Service Sanitation Code.

High priority facilities shall receive at least three inspections per year, or two inspections per year if one of the following conditions is met:

- a certified food service manager is present at all times the facility is in operation; or

- employees involved in food operations receive a HACCP training exercise, in-service training in another food service sanitation area, or attend an educational conference on food safety or sanitation.

Medium priority facilities shall receive at least one inspection per year.

Low priority facilities shall receive at least one inspection every two years.

The Health Authority shall make reinspections as may be necessary to determine compliance with this Ordinance. Follow-up inspections, consultation and enforcement actions shall be conducted in accordance with the CCHD Food Inspection and Enforcement Procedures as necessary to ensure correction of deficiencies and violations of applicable ordinances, agreements, or rules.

The person in control of the Food Establishment shall permit free access to the building and records of the Food Establishment as needed to perform inspections.

In the event of an Imminent Health Hazard, the Food establishment owner shall immediately notify the Health Authority so that an inspection can be performed.

SECTION VII - Employee Training

All new establishments will be required to have employees attend a short training on basic sanitation and HACCP principles prior to operating.

New establishments include any establishment which changes owners, or establishment which has an employee change of 50% or more within 30 days.

All food service establishments will have at least one employee on staff that have acquired their Illinois Food Certification. This employee's food certification permit must be on display.

SECTION VIII - Rules and Regulations

This ordinance adopts and incorporates herein by reference the 1996 Food Service Sanitation Code and the 1992 Retail Food Store Sanitation Code, and any subsequent additions or modifications to those regulations.

SECTION IX - Permit Suspension

The Health Authority may temporarily suspend the permit of a Food Establishment. Such notices shall be in writing. Suspended permits are not valid. Any Food Establishment permit holder affected by such an order may request, in writing, a reinspection to determine if corrections have been made. Such requests must be signed by the permit holder. Reinspections shall be made within a reasonable time. Suspended permits shall be reinstated when corrections are made or if the Health Department Administrator grants a variance to the requirements.

SECTION X - Permit Revocation

The Health Authority may permanently revoke a permit. The CCHD shall notify the permit holder in writing that the permit is subject to revocation. No permit may be revoked except after an opportunity for a hearing before the Health Authority has been granted. The time and place of the hearing shall be set by the Health Authority. All hearings shall be held within thirty days from the date the Health Department receives a request for hearing. The Health Department Administrator shall notify the Food Establishment permit holder of the results of the hearing within five days after the hearing date.

SECTION XI - Examination and Condemnation of Food and/or Equipment

Food may be examined or sampled by the Health Officer to determine freedom from adulteration or misbranding. The Health Officer may, upon written notice to the permit holder, condemn or embargo any food which he determines or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded. Condemned or embargoed food may be permitted to be suitably stored unless storage is not possible without risk to the public health; in which case immediate destruction shall be ordered and accomplished.

It shall be unlawful for any person to remove or alter a condemnation or embargo order, notice or tag placed on food/or food containers by the Health Officer, and neither such food nor containers thereof shall be relabelled, replaced, reprocessed, altered, disposed of or destroyed without the permission of the Health Officer, except with an order by a Court of competent jurisdiction.

Where equipment used in the preparation of food products is found to be in a state of disrepair, unsafe, unsanitary, or unsuitable for use in the preparation, storage, display or service of food, such equipment shall be taken out of use and a hold order placed on said equipment by the Health Officer. Such equipment may not be put back into service until written permission is obtained from the Health Officer. It shall be unlawful for any person to remove or alter a hold order, notice, or tag placed on equipment by the Health Officer.

SECTION XII - Penalties

Any person who violates any provision of this ordinance shall, upon conviction, be assessed a fine of not less than \$50.00 nor more than \$500.00. Each and every violation of the provisions of the Clay County Food Ordinance shall constitute a separate offense. Each day a particular violation exists shall constitute a separate offense.

SECTION XIII - Repeal of Prior Ordinances and Resolutions

All prior ordinances regulating the sale and distribution of food, excepting those regulating alcohol and tobacco, are hereby repealed as of the effective date of this ordinance.

SECTION XIV - Delegation of Program Responsibility

The County Board hereby delegates the responsibility and authority to conduct the activities under this ordinance to the Clay County Board of Health.

SECTION XV - Effective Date, Partial Invalidity

This Ordinance shall immediately be in full effect upon signature of the Chairman of the Clay County Board of Trustees.

If any part or section of this Ordinance should be declared invalid for any reason, such decision shall not affect the remaining portions of this Ordinance which shall remain in full effect.

The Clay County Board Of The County Of Clay, State Of Illinois

By: _____
Tony Whitehead, Chairman

Date / Time

Attest: _____
Phyllis Miller, County Clerk

Date / Time