

FOOD AND SANITATION ORDINANCE OF THE CHRISTIAN COUNTY  
DEPARTMENT OF PUBLIC HEALTH IN THE COUNTY OF CHRISTIAN,  
STATE OF ILLINOIS ADOPTED ON AUGUST 21, 2018, AMENDED  
APRIL 18, 2023 AND AMENDED DECEMBER 19, 2023

O 2023 HE 049

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**SECTION I: DEFINITIONS**

**A. 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 it is not safe. Tolerance has been established; (c) if it contains in whole or in 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 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 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 content injurious to health,

**B. ADEQUATE** shall mean acceptable to the Regulatory/Health Authority based on a determination as to conformance with, appropriate standards and good health practices.

**C. APPLICANT:** Any person making application to the Health Authority for a permit.

**D. APPROVED** shall mean acceptable to the Regulatory/Health Authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

**E. AUTHORIZED REPRESENTATIVE** shall mean the legally designated Health Authority of the Christian County Health Department and shall include those persons designated by the Health Authority to enforce the provisions of this ordinance.

**F. BOARD OF HEALTH** shall mean Christian County, Illinois, Board of Health or its authorized representative(s).

**G. BUSINESS DAYS:** Monday through Friday from 8:00 am to 4:30 pm, excluding holidays.

**H. CATEGORY:** A classification based on the Illinois Department of Public Health's local health protection grant standards for conducting a food protection program. Each food establishment will be addressed to determine the relative risks of causing foodborne illness. The minimum number of routine inspections per year is determined by the food establishment's risk classification.

**I. CERTIFIED FOOD PROTECTION MANAGER:** An individual who has completed a minimum of 8 hours of an Illinois Department of Public Health approved training for food service sanitation manger certification, inclusive of the examination, and received a passing score on the examination set by the certification exam provider accredited under standards developed and adopted by the Conference for Food Protection or its successor organization, shall be considered to be a certified food service sanitation manager, and maintains a valid certificate.

**J. CHANGE OF OWNERSHIP:** A change in the permit holder. This means that the entity that is legally responsible for the operation of the food establishment, such as the owner or other person, has changed.

**K. CODE:** The administrative rules adopted by the Illinois Department of Public Health pertaining to food establishments found at 77 ILCS 750 Food Sanitation Code.

**L. CORE ITEM:** A provision in the Code that is not designated as a priority item or a priority foundation item; includes items that usually relate to general sanitation, operational controls, sanitation standard operating procedures, facilities or structures, equipment design, or general maintenance.

**M. CORE ITEM VIOLATION:** A violation of a provision in this Ordinance whose application supports, facilitates, or enables one or more core items.

**N. EMPLOYEE:** Includes the permit holder, person in charge, a food employee, a person having supervisory or management duties, a person on the payroll, a family member, a volunteer, a person performing work under contractual agreement, or other person working in a food establishment.

**P. FOOD:** Any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

**Q. FOOD PREPARATION:** The handling, processing, and/or serving of foods.

**R. COTTAGE FOOD OPERATION** shall mean a person who produces or packages non-potentially hazardous food in compliance with Section 4 of the Food Handling Regulation Enforcement Act.

**S. EXTENSIVELY REMODELED** means conversion of an existing structure for use as a food service establishment or retail food store; any structural additions or alterations to existing establishments; changes, modifications and extensions of plumbing systems, excluding routine maintenance.

**T. PERSON:** An association, corporation, individual, partnership, other legal entity, government, or government subdivision or agency.

**U. PERSON IN CHARGE:** The individual present at a food establishment who is responsible for the operation at the time of inspection.

**V. PLAN REVIEW:** An evaluation process conducted by the Health Authority to determine whether minimum standards are met for sanitary design, facility layout, operational and product flow, menu processes and food handling procedures, construction, operation and maintenance of a food establishment and its premises.

**W. PREMISES:** The physical structure, its contents, and the contiguous land or property under the control of the permit holder.

**X. PRIORITY FOUNDATION ITEM:** A provision in the Code that includes those items 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, and labeling.

**Y. PRIORITY FOUNDATION ITEM VIOLATION:** A violation of a provision in this Ordinance whose application supports, facilitates, or enables one or more priority foundation items.

**Z. PRIORITY ITEM:** A provision in the Code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard; includes items with quantifiable measure to show control of hazards such as cooking, reheating, cooling, and hand washing

**AA. PUBLIC EVENT:** Any event open to the public where food is prepared or served. An event open to the public that is advertised with fliers, banners, newspaper articles, radio or television

announcements, internet postings, social media, or by other means is a public event and subject to regulation under this Ordinance. Any event that is not a public event shall be treated as private. Any determination of whether an event shall be regulated as a public event is at the sole discretion of the Health Authority.

**BB. FOOD ESTABLISHMENT**

1. Food Establishment means an operation that:

a. Stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides FOOD for human consumption such as a restaurant; satellite or catered feeding location; catering operation if the operation provides FOOD directly to a CONSUMER or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or FOOD bank; and

b. Relinquishes possession of FOOD to a CONSUMER directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

2. "Food Establishment" includes:

a. An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the REGULATORY AUTHORITY;

b. and an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the PREMISES; and regardless of whether there is a charge for the FOOD.

**CC. FOODBORNE ILLNESS RISK FACTORS:** shall mean important practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury.

**DD. RISK CATEGORIES:** All establishments that sell food in Christian County are required to hold a valid Christian County Food License. Each establishment is then placed into a category depending on the amount of food preparation that occurs at that establishment.

**Category I high or multi-high risk facility**

A food establishment that presents a high relative risk of causing a foodborne illness based upon the large number of food handling operations typically implicated in foodborne outbreaks and/



or the type of population served by the facility.

**Category II medium risk facility**

A food establishment that presents a moderate relative risk of causing foodborne illness based upon few handling operations typically implicated in foodborne illness outbreaks. Some of the following criteria shall be used to classify facilities as category 2 medium risk facilities:

1. If hot or cold foods are not maintained at that temperature for more than 12 hours and are restricted to same day service;
2. If preparing foods for service from raw ingredients uses only minimal assembly.

**Category III low risk facilities**

A food establishment that presents a low relative risk of causing a foodborne illness based upon few or no food handling operations typically implicated in foodborne illness outbreaks. Some of the following criteria shall be used to classify facilities as category III low risk facilities:

1. Only prepackaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved food 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.

**EE. GOOD RETAIL PRACTICES:** shall mean preventative measures to control the addition of pathogens, chemicals and physical objects into foods

**FF. REGULATORY/HEALTH AUTHORITY:** shall mean that person(s) who have been designated by the Board of health to administer the affairs of the Christian County Health Department.

**GG. SEASONAL FOOD ESTABLISHMENT/LIMITED OPERATION/CONCESSION STANDS:** Is a fixed establishment which is open less than six months in a year, or that prepares or serves food for less than five consecutive days and no more than 60 days in a calendar year.

**HH. MOBILE UNITS WITH COMMISSARY AS BASE OF OPERATIONS:** Is a food establishment that can range from a push cart, trailer, or truck that is subject to all food code provisions. Mobile units may be required to have a base of operations based upon type of operations, menu and available equipment on the unit. If local regulatory authority requires base of operations, documentation

will be required that such facility is licensed and inspected by the local jurisdiction base.

**II. FARMERS' MARKETS:** Is a food market at which local farmers sell fruit and vegetables and often meat, cheese, eggs, and other bakery products directly to consumers. Christian County adopts the Farmers' Market Act: 410 ILCS 625/3.3(b) and (m) (2.10), (2.15), (2.20) and (3) including any future amendments thereof.

**JJ. WHOLESOME:** In sound condition, clean, free from adulteration or contamination, and otherwise suitable for human consumption.

**KK. TEMPORARY FOOD ESTABLISHMENT** shall mean a food establishment that operates for a period of time not more than 14 consecutive days in conjunction with a single event or celebration.

**LL. VARIANCE** means a written document, issued by the Health Authority upon written request of the facility operator, that authorizes a modification or waiver of one or more requirements of the "Food Code" if, in the opinion of the Health Authority, a health hazard or nuisance will not result from the modification or waiver.

**MM. HAZARD ANALYSIS and CRITICAL CONTROL POINT (HACCP):** A systematic approach to identifying, evaluating, and controlling food safety hazards. Food safety hazards are biological, chemical, or physical agents that are reasonably likely to cause illness or injury in the absence of their control.

**NN. IMMINENT HEALTH HAZARD:** Significant threat or danger to health that exists when there is sufficient evidence to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury, based on:

1. The number of potential injuries.
2. The nature, severity, and duration of the anticipated injury.

**OO. REMODEL:** The repair, construction, alteration or installation of new equipment, modification of existing equipment or fixtures, change in floor plan layout, the addition of more seating and/or toilet rooms, extensive changes in surface finishes or lighting, expansion to new space, or significant changes to use of space or equipment.

**PP. REPEAT VIOLATION:** A violation noted on the previous inspection report that is observed again on the next routine inspection on the same piece of equipment, same area of facility, or same practice

**QQ. TIME/TEMPERATURE CONTROL FOR SAFETY FOOD:** (Formerly known as potentially hazardous foods.) A food that requires time/temperature control for safety(TCS) to limit pathogenic microorganism growth or toxin formation.

**SECTION II: COMPLIANCE PROVISIONS AND ADOPTION BY REFERENCE**

1. In addition to those provisions set forth in Sections I through III, this Ordinance shall be interpreted and enforced in accordance with provisions set forth in the unabridged form of the most current State of Illinois, Department of Public Health, Division of Food, Drugs and Dairies, Rules and Regulations titled, "Food Code" and any subsequent revisions.

2. No person holding a permit issued by the Christian County Health Department shall in the conduct of the permitted business or upon the permitted premises:

- a. Violate any Federal law or State statute.
- b. Violate any city, village, town or county ordinance or resolution regulating the preparation, handling, service, or storage of food items.
- c. Suffer or permit a violation of any Federal law or law of the State of Illinois, or of any rule of the Christian County Health Department.
- d. Suffer or permit a violation of the city, village, town or county ordinance or resolution regulating the preparation, handling, service, or storage of food items.

**SECTION III: AUTHORITY, JURISDICTION AND ADMINISTRATION**

**A. AUTHORITY:** By the powers of the Christian County Board; pursuant to Illinois Compiled Statutes, Chapter 55, Section 5/5-25013 to enact regulations which may be necessary or expedient for the promotion of health or the suppression of disease in Christian County, Illinois.

**B. JURISDICTION:** The Health Department shall have jurisdiction throughout Christian County, including all cities, villages, and townships, in tire administration and enforcement of the Health Ordinance including all regulations and amendments hereafter adopted unless otherwise specifically stated. Nothing herein contained shall be construed to restrict or abrogate the authority of any municipality in Christian County to adopt more restrictive Ordinances, or to enforce existing Ordinances, relating to the regulation, control, or issuance of licenses or the renewal or revocation thereof, or to charge and collect a fee therefore; provided, that whenever inspection relating to health or sanitation is required, no such municipality shall issue or renew a license without first

having obtained written approval from the Health Department indicating compliance with the requirements of the Health Ordinance.

**C. INSPECTION OF FOOD ESTABLISHMENTS:** The Health Authority shall inspect each food service establishment located in the County of Christian, State of Illinois, as determined by the Local Health Protection Grant Rules (77 ILL. Adm. Code 615.310), and shall make as many additional inspections and re-inspections as are necessary for the enforcement of this ordinance

**ACCESS TO ESTABLISHMENTS:** The Health Authority, after proper identification, shall be permitted to enter, at any reasonable time, any food establishment within the County of Christian, State of Illinois, for the purpose of making inspections to determine compliance with this ordinance. The inspector 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.

**INSPECTION RECORDS:** Whenever the Health Authority makes an inspection of a food establishment he/she shall record the findings on an inspection report form approved by the Illinois Department of Public Health and provided by the Health Authority and shall furnish a copy of such inspection report to the permit holder or operator at the time of inspection.

Priority items and Priority Foundations item shall be corrected as outlined in the FDA Food Code 2017 Section 8-405.11.

1. Core items shall be corrected at the time of inspection or in the amount of time designated by the Health Authority on the inspection sheet but no later than the next routine inspection.
2. Any violation documented on 4 consecutive inspections shall result in suspension of the food permit.

**D. EXAMINATION AND CONDIMNATION 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 permit holder or person in charge, place a hold order on any food when he determines, or has probable cause to believe to be unwholesome, or otherwise adulterated or misbranded. The hold order notice shall state the reason for placing the food under the hold order, referencing the applicable provisions or potential adverse effects created and completely identify the food subject to the hold order by

the common name, the label information, a container description, the quantity, and the location of the item. Under a hold order, food shall be permitted to be suitably stored. If the Health Authority has reasonable cause to believe that the hold order will be violated, or finds that the order is violated, the food may be removed to a safe location. It shall be unlawful for any person to remove or alter a hold order notice tag placed on food by the Health Authority, and neither 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 permit holder or person in charge has had a hearing as provided for in SECTION 3, Subsection 1 (H), and on the basis of evidence produced at such hearing, or on the basis of its examination in the event a written request for a hearing is not received, within ten (10) days, the Health Authority may vacate the hold order, direct the permit holder or person in charge, of the food which was placed under the hold order, to denature or destroy such food or 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 three (3) days.

#### **SECTION IV: PERMITS**

**A. PERMIT:** It shall be unlawful for any person to operate a food establishment within the County of Christian, State of Illinois, who does not possess a valid permit issued by the Regulatory/ Health Authority. Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a permit. Permits shall not be transferrable from one person to another person or place or address. A valid permit shall be posted in a conspicuous place in every food establishment.

**B. APPLICATION:** Any person desiring to operate a food service establishment or retail foodstore shall make a written application for permits on forms provided by the health authority. Such an application shall include the name and address of each applicant, the location and type of the proposed food service establishment or retail foodstore, and the signature of each applicant.

**C. INSPECTION OF PREMISES; ISSUANCE:** Prior to approval of an application for a permit, the health authority shall inspect the proposed food service establishment to determine compliance with the requirements of this article. The health authority shall issue a permit to the applicant only if its inspection reveals that the proposed food service establishment complies with the requirements of this

article and the applicant has paid the appropriate plan review fee, if the permit is for a new establishment.

**D. POSTING REQUIRED** A valid permit issued under this division shall be posted in every retail foodstore and food service establishment.

**E. TRANSFERABILITY:** Permits issued under this division are not transferable. Change of ownership shall require issuance of a new permit.

**F. DURATION OF PERMITS:** Permits for permanent food establishments shall be issued on a calendar year- basis. Permits expire December 31st of each year, Permits for temporary food establishments shall be issued for a time period not to exceed fourteen (14) days. Temporary permits are not transferable to another person or persons or place or address.

**G. ISSUANCE OF ANNUAL PERMITS:** Any person(s) desiring to operate a food establishment as defined or to renew a permit shall make written application for a permit on forms provided by the Regulatory/Health Authority. Such application shall include: Establishment's name and permanent address of establishment, telephone number, establishment's mailing address; the applicant's full name, post office address, telephone number, whether applicant is an individual, partner, firm or corporation. The names of partners, corporate owners, and residence addresses are also required together with the responsible partner's name and address, type of food establishment, and signature of tire applicant(s). If the application is for a temporary food establishment, it shall also include dates of the proposed operation.

**H. ISSUANCE OF TEMPORARY FOOD PERMITS:** If the application is for a temporary food service vendor, the applicant shall include dates of the proposed operation, name of organization, name of responsible party, location of event, phone number of responsible party and a proposed menu. Temporary food service permit applications shall be requested and approved three (3) days prior to the event. When a temporary permit is not pre- approved and issued in advance, then a \$50 non-compliance fee shall be paid to the local Health Authority. Food served at temporary food stands shall be limited to those food products defined in the Illinois Food Code, and/or potentially hazardous foods that require only limited preparation. Foods that require combinations of potentially hazardous foods or complex preparations are restricted and may only be authorized if pre-approved 30 days in advance by the local Health Authority.

1) A temporary food permit may be issued to a permitted food establishment, provided foods are completely prepared on the premises with minimal preparation or obtained from an approved source. A maximum of one (1) permit may be issued to a permitted food establishment per month not to exceed 14 days of operation per calendar year.

**I. REFUSAL OF PERMIT RENEWAL:** Whenever inspections reveal serious or repeated violations of this ordinance and/or the Illinois Food Code, the permit for renewal 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 ten (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 certified mail, return receipt requested.

**J. SUSPENSION OF PERMITS:** Permits may be suspended temporarily by the Health Authority for failure of the holder of the permit to comply with requirements of this ordinance and/or the Illinois Food Code. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of SECTION 3, 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 unsanitary food establishments which, in its judgment, constitute a substantial hazard to the public health, the Health Authority without warning, notice or hearing, shall issue a written notice to the permit holder or operator citing such conditions, 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 food service operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition within five (5) days to the Health Authority shall be afforded a hearing as soon as possible.

**K. REINSTATEMENT OF SUSPENDED PERMIT:** Any person whose permit has been suspended may,

at any time, make application for a re-inspection for the purpose of reinstatement of the permit. Within ten (10) days following the receipt of a written request, including a statement signed by the applicant that the conditions causing suspension of the permit have been corrected, the Health Authority shall make a re-inspection. If the applicant has completed the required corrections, reinstatement of the suspended permit, on a provisional basis, shall be reviewed for consideration by the local Health Authority. The provisional restriction shall be removed when the facility demonstrates consistent compliance with the requirements of the food code, this ordinance and other food safety stipulations agreed upon by the department and the facility may be reinstated for the remainder of the calendar year.

**L. REVOCATION OF PERMIT:** For serious or repeated violations of any of the requirements of this ordinance, or for interference with the Health Authority in the performance of its 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 reason for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five (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 five (5) day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

**M. APPLICATION FOR PERMIT AFTER REVOCATION:** Whenever revocation of a permit is final, the holder of the revoked permit may make a written application for a new permit. Application shall be made on forms provided by the Health Authority. Upon receipt of such an application, the Regulatory/Health Authority shall make an inspection of the food establishment to determine compliance with the provisions of this Ordinance. When inspection reveals that the applicable requirements of this Ordinance have been met, a permit shall be issued to the applicant(s) by the Regulatory/Health Authority, upon payment of the required fee as set forth in the Fee Schedule that is an Addendum to this Ordinance.



## SECTION V: INSPECTIONS OR RE-INSPECTIONS FOR NEW CONSTRUCTION, RECONSTRUCTION, OWNERSHIP OR REOPENINGS

**A. PLAN REVIEW OF FUTURE CONSTRUCTION:** When a food establishment is hereafter constructed or extensively remodeled or when an existing structure is converted for use as a food establishment, properly prepared plans and specifications for such construction, remodeling or alterations showing layout, arrangement, and construction materials of work areas and the location, size, and type of fixed equipment and facilities shall be submitted to the Regulatory/Health Authority for approval before such work begins and shall receive a pre-operational inspection. Generally a remodel does not include redecorating cosmetic refurbishing; cleaning surfaces; altering seating design; minimal repairs of finished surfaces; "like for like" equipment exchanges; equipment or infrastructure minimal repair, service or maintenance; and/or additions to equipment that require no installation or modification of existing fixtures (such as counter top plug in equipment). A remodel requires a plan review to be performed and approval granted prior to construction and operation of any new or remodeled establishment when one or more of the following criteria, at the sole discretion of the Health Authority are met:

Requires a permit from the building authority having jurisdiction.

Menu item exchange or additions with the need for different processes, preparation methods, equipment or service.

Extensive equipment changes.

Extensive utility changes or repairs.

Extensive repairs after an incident e.g. fire or flood.

Conversion of a building/space/operation from a non-food establishment to a food establishment.

Equipment changes that alter capacity or location that may result in a reduction of the food establishment capabilities.

Change of ownership or complete new ownership in public entity.

Reopen after closure of business.

**B. RE-INSPECTIONS UPON REOPENINGS AND NEW OWNERSHIP:** Whenever a food establishment is closed and reopened at a later date or is subject to a change in ownership, the establishment shall be subject to inspection as a new establishment and shall receive a pre-operational inspection and shall be required to comply with tire regulations set forth in this Ordinance and the Illinois "Food Code.

**SECTION VI: OUTSIDE ESTABLISHMENTS FOOD ESTABLISHMENTS OUTSIDE THE JURISDICTION OF THE REGULATORY/HEALTH AUTHORITY:**

Food from food establishments outside the jurisdiction of the Regulatory/Health Authority of Christian County, State of Illinois, may be sold within the County of Christian; provided, if such food establishments conform to the provisions of this Ordinance or be substantially equivalent to this Ordinance. To determine the extent of compliance with such provisions, the Regulatory/Health Authority may accept reports from responsible authorities in other jurisdictions where such food establishments are located.

**SECTION VII: ENFORCEMENT PROCEDURES**

**A. ENFORCEMENT:** The Christian County Health Authority shall be the enforcing officers and shall be in charge with the enforcement of the Christian County Food and Sanitation Ordinance in accordance with tire Illinois Food Code of which a copy shall be available upon request to the Christian County Health Department. In addition, when they are relative to sanitary practices in food establishments, the "Illinois State Plumbing Code," the "Illinois Private Sewage Disposal Licensing Act and Code," and the "Illinois Water Well Construction Code."

**B. INSPECTIONS:** Inspections will be performed subject to the rules and frequencies set forth in the "Illinois Local Health Protection Grant Rules" and as may be necessary to protect the public.

**C. INSPECTION PROCEDURES:** Inspectors employed by the Christian County Health Department shall perform inspections by the use of the Food Establishment Inspection Report.

**D. INSPECTIONS-FREQUENCY:** An inspection of a food service establishment or retail food store shall be performed at least in accordance with Illinois Department of Public Health requirements. Additional inspections of the food service establishment or retail foodstore shall be performed.

**E. PREOPERATIONAL:** Whenever plans and specifications are required to be submitted to the health authority, the health authority shall inspect the food service establishment or retail foodstore prior to the start of operations to determine compliance with the approved plans and specifications.

**F. HEALTH AUTHORITY'S RIGHT-OF-ENTRY DURING NORMAL BUSINESS HOURS AND ACCESS**

**TO RECORDS:** Representatives of the health authority, after proper identification, shall be

permitted to enter any food service establishment or retail foodstore at any reasonable time for the purpose of making inspections. The representatives 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.

**G. REPORT:** Whenever an inspection of a food service establishment or retail foodstore is made, the findings shall be recorded on the inspection report form. The inspection report form shall summarize the requirements of this article. Inspection remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. A copy of the completed inspection report form shall be provided within 24 hours of the conclusion of the inspection.

**H. CORRECTION OF VIOLATIONS:**

a. The completed inspection report formed 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. An opportunity for hearing on the inspection findings or the time limitations or both will be provided if a written request is filed with the health authority within ten days following cessation of operations. If a request for hearing is received, a hearing shall be held within 20 days of receipt of the request.

b. Whenever a food service establishment or retail foodstore is required under the provisions of this section to cease operations, it shall not resume operations until it is shown on re-inspection that conditions responsible for the order to cease operations no longer exist. Opportunity for re-inspection shall be offered within a reasonable time.

c. When the health authority is required to make a second re-inspection of a food service establishment or retail foodstore for the purpose of verifying the correction of violations noted at an earlier inspection, the permit holder shall pay to the Christian County Health Department the re-inspection fee

**I. INFORMAL HEARINGS:** Informal hearings shall consist of a meeting to be conducted at the Christian County Health Department at a designated time and designated date with the Licensee, the Administrator, and Director of Environmental Health present, An Informal Healing shall give the representatives of the licensed establishment and the representatives of the Health Department an opportunity to discuss violations of this Code. At the conclusion of the meeting, the Department shall send to the Licensee in writing within 48 hours

its determination with respect to the violations of this Code and any violations which remain. The Licensee shall then be notified of its right to a Formal Hearing to reinstate the license before the Christian County Board of Health.

**J. FORMAL HEARINGS:** After an Informal Hearing is conducted, and the Licensee has a continued suspension or revocation, the Licensee shall be allowed to request a Formal Hearing before the Christian County Board of Health, The hearing shall be held at a time and place designated by the Christian County Board of Health upon application by the Licensee, Based upon the record of the hearing, the Christian County Board of Health shall make a finding and sustain modify, or rescind the decision of the Administrator made at the Information Hearing, The representatives of the Licensee and the Department shall have the right to present evidence at the Formal Hearing. All reliable evidence as determined by the President of the Christian County Board of Health shall be considered by the Board. The decision of the Christian County Board of Health shall be a final appealable Order,

#### **K. ENFORCEMENT PROCEDURES**

1. The Christian County Health Department shall take any legal action necessary to ensure the public safety including the right to seek injunctions, fines and other legal remedies to ensure that Food Establishments within the County do not operate at any time when they do not have valid license.
2. The Christian County Health Department shall have the authority to place Hold Orders on food products to prevent their use to the detriment of the general public and shall have the authority to seize and destroy food which is stored in an unsafe manner or food which appeal is based upon inspection to be adulterated or contaminated. The Christian County Health Department Inspector's authority shall extend to, but not be limited to, the following situations:
  - a. The appearance or condition of the food product indicated spoilage or contamination.
  - b. The storage unit is not being maintained at a sufficient temperature, based upon the food product stored, to ensure safety of the food product for human consumption. The lack of proper storage of food products. Suspected illness to the general population caused by contaminated food products.
3. In situations where public health is implicated by the violation, a Christian County Health Department Inspector shall have the authority to close the Food Establishment for up to 24 hours subject to review by the Administrator of the Christian County Health Department who would have the authority to extend the closure. Such situations include, but are not limited to, the following problems being present
  - e. Fire or fire damage.

- f. Sewage back flow or contamination.
- g. Polluted or unsanitary water.
- h. Interrupted water to the establishment.
- i. Sustained power loss.
- j. A suspected food borne illness outbreak.

**L. IMMEDIATE NOTICE OF SUSPENSION:** If upon inspection of a Licensee, an Inspector from the Christian County Health Department determines that violations may cause an immediate health hazard, or where a sickness or illness is traced to the Licensee or in situations where the Licensee refuses an inspection upon request of its establishment, then the Inspector shall have authority upon consultation with the Administrator of the Christian County Health Department to immediately suspend the license until further order of the Administrator. Such notice of immediate suspension shall be presented to the Licensee in writing and advise the Licensee of its right to an informal hearing with the Administrator within 7 days

**M. INSPECTION FEES AND RE-INSPECTION TIMETABLES:** Inspection fees can be found in the Addendum -Fee Schedule to the Food and Sanitation Ordinance.

1. **Good Retail Practices Repeat Violations:** The following procedures shall apply to violations which consist of good retail practices repeat violations:
  - a. Notice shall be given immediately to the Licensee by the Inspector of the violation.
  - b. The Licensee shall pay a re-inspection fee within 30 days or be subject to immediate suspension at the end of that period.
  - c. The Christian County Health Department will reinspect within 24 hours to 30 days from the initial inspection.
  - d. The Christian County Health Department will give immediate notice to the Licensee of the result of the re-inspection and Tire Inspector has the authority to grant additional time to correct the violation or notify the Licensee to close for up to 24 hours which may be extended after consultation with Tire Administrator. If additional time is given for a second re-inspection, the time frames in paragraphs b. and c. above apply but there is a second re-inspection fee.
  - e. Failure to correct the violation after the third re-inspection will result in an immediate suspension of the License to operate and the Licensee shall be advised of his right to air Informal Hearing as described in Section VII, Paragraph D.

- f. A written notice to the Licensee of his/her right to petition for a Formal hearing before the Board for the Christian County Health Department.

#### **PROCEDURE WHEN INFECTION IS SUSPECTED**

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

- a) The immediate exclusion of the employee from employment in food service establishment or retail food stores.
- b) The immediate closing of the food service establishment or retail foodstore 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 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 of his and their body discharges.

#### **SECTION VIII: FEES**

The Addendum - Fee Schedule to the Food and Sanitation Ordinance shall apply to licenses for the Food Establishments in Christian County by the Christian County Health Department. See Christian County Health Department for updated fee schedule.

#### **SECTION IX: PENALTIES**

A violation of this Ordinance shall be a petty offense with a fine not to exceed \$1,500 for each day that a violation exists.

**A. REPEAL AND DATE OF EFFECT:** This ordinance repeals the 2018 Food Service Sanitation Ordinance for the Christian County Health Department, and shall be in full force and in effect immediately after its adoption and publication as provided by law; and, at that time, all ordinances in conflict with this ordinance are hereby repealed. Adopted as of April 18, 2023

**B. CONFLICT OF ORDINANCE, EFFECT ON PARTIAL INVALIDITY:**

- a. In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or law or code of Christian County existing on the effective date of this ordinance, the provision which, in the judgment of the Health Authority, establishes


the higher standard for promotion 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 Christian 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 of this ordinance shall 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.

AMENDED AND APPROVED by the County Board of Christian County, Illinois this 19th day of December 2023

  
\_\_\_\_\_  
Bryan Sharp, Chairman  
Christian County Board

Attest:

  
\_\_\_\_\_  
Jodie Badman, County Clerk  
Christian County



**ADDENDUM TO FOOD AND SANITATION ORDINANCE  
CHRISTIAN COUNTY HEALTH DEPARTMENT  
FOOD ESTABLISHMENTS  
FEE SCHEDULE**

<b>FULL YEAR LICENSES FIXED SITES:</b>	
Multi-High Risk	\$600.00*
High-Risk Establishments	\$450.00*
Medium-Risk Establishments	\$350.00*
Low-Risk Establishments	\$275.00*
<b>If new establishment opens after July 1<sup>st</sup>, reduce by 1/2</b>	
<b>PROGRESSIVE LATE FEE STRUCTURE FOR LICENSE RENEWALS:**</b>	
Late Fee for Annual Licenses Renewed after December 31 <sup>st</sup>	\$65.00
Late fee for Annual licenses renewed between January 1 <sup>st</sup> and January 31 <sup>st</sup>	Accrued \$5.00 per day in additional to fee above
Late fee for Annual Licenses not renewed by February 1 <sup>st</sup> (Facility will be closed until renewal application and payment is received by the Christian County Health Department.)	\$265.00 in addition to other late fees incurred
Late Fee for Invoice Payments Made After Indicated Due Date	\$30.00
<b>SEASONAL LICENSES:</b> (A fixed establishment which is open less than six months in a year, or that prepares or serves food for less than five consecutive days and no more than 60 days in a calendar year.)	
Seasonal High	\$225.00
Seasonal Medium	\$175.00
Seasonal Low	\$140.00
<b>TEMPORARY LICENSES:</b> (A food establishment that operates for a period of time not more than 14 consecutive days in conjunction with a single event or celebration.)	
Temporary High	\$100.00
Temporary Medium	\$50.00
Temporary Low	\$25.00
Temporary Bake Sale License (i.e. Organization's Fundraising Activity, Churches)	No Fee
Late Fee for Temporary Licensing ( License must be acquired 48 before start of event, or you will be assessed a late fee)	\$30.00
<b>MOBILE FOOD TRUCK &amp; COMMISSARY LICENSES:</b>	
Mobile Food Truck High	\$400.00
Mobile Food Truck Medium	\$300.00
Mobile Food Truck Low	\$200.00
Commissary High	\$300.00
Commissary Medium	\$250.00
Commissary Low	\$175.00

<b>COTTAGE FOOD LICENSE</b>	\$50.00
<b>FARMERS MARKET LICENSE - Set by Farmers Market Act 410 ILCS 625/3.3 (b)</b>	\$175.00
<b>FARMERS MARKET (egg only) - Set by Farmers Market Act 410 ILCS 625/3.3 (b)</b>	\$75.00
<b>NON-COMPLIANCE FEES:</b>	
Non-Compliance	\$75.00
2 <sup>nd</sup> Non-Compliance	\$100.00
3 <sup>rd</sup> Non-Compliance	\$200.00
Administrative Hearing Fee	\$200.00
Refusal to Allow Inspection	\$100.00
<b>PLAN REVIEW FEES: Plan Review of New or Existing Establishments</b>	
High Risk Establishment	\$150.00
Medium Risk Establishment	\$100.00
Low Risk Establishment	\$75.00
Pre-Operational Inspection	\$25.00
Second Pre-Operational Inspection	\$100.00
<b>ADMINISTRATIVE FEES:</b>	
Database Maintenance	\$20.00
Credit Card Processing Fee	\$2.50
Returned Check Fee	\$25.00 plus any additional bank fees

\*GOLD STATUS- 10% discount for full year license for fixed sites for being in good standing the previous year with the Health Department

DIAMOND STATUS - 30% discount for full year license for fixed sites for being in good standing 3 or more years in a row with the Health Department

**\*\*Food establishments shall not be allowed to renew their permits, until all fees have been paid in full.**

(Note: The Christian County Health Department is closed on January 1<sup>st</sup> as a Holiday. If Holiday falls on Saturday, office is closed on Friday. If Holiday-falls on Sunday office is closed on Monday. Please contact office for Holiday schedule.)