

## ARTICLE IV – RETAIL FOOD ESTABLISHMENT SANITATION

**19-4-1 RULES AND REGULATIONS.** The current edition and subsequent revisions of Illinois Department of Public Health Food Service Sanitation Rules and Regulations; known as 77 Illinois Administrative Code, Part 750 along with the most current version of the FDA (Food and Drug Administration) Food Code adopted by Illinois and on file with the Secretary of State, are hereby adopted by reference. In addition to those provisions St. Clair County also adopts by reference the Food Handling Regulation Enforcement Act {410 ILCS 625} and “Bed and Breakfast Act,” 50 ILCS 820.

**19-4-2 SCOPE.** This Chapter shall apply to all food service establishments such as any fixed or mobile restaurant; coffee shop, cafeteria, buffet, short order café; luncheonette; grill; tearoom; sandwich shop, catering kitchen; soda fountain; tavern; bar; cocktail lounge; nightclub; industrial feeding establishment; grocery store; meat market; poultry market; fish market; commissary; mobile food unit; food truck; temporary food service establishment; cottage food; retail food establishment; food pantry; delicatessen; bakery; confectionery; fraternity; school lunchroom; private, public or non-profit organization or institution routinely serving food; and any other eating or drinking establishment or operation where food or drink is prepared, served or provided for human consumption with or without charge within the County townships served by the St. Clair County Health Department, whether or not said establishments are located within the corporate limits of any Municipality. This Chapter shall not apply to the **four (4)** townships served by the East Side Public Health District.

**19-4-3 DEFINITIONS.** In addition to the definitions contained in the above rules and regulations, the following definitions shall apply in the interpretation and enforcement of this Chapter.

(A) **Adulterated** shall mean the condition of any food:

- (1) if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health.
- (2) 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 tolerances if one has been established.
- (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance or if it is otherwise unfit for human consumption.
- (4) if it has been processed, prepared, packed or held under unsanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health.
- (5) if it is in whole or in part the product of a diseased animal or animal which has died otherwise than by slaughter.
- (6) if its containers are composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.

(B) **Approved.** Acceptable to the health authority based on his determination as to conformance with appropriate standards and good public health practice.

(C) **Bed and Breakfast Establishment.** Shall mean an operator occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms for rent, in operation for more than ten (10) nights within a twelve month period; meals may be provided to the guests only as allowed by the Bed and Breakfast Act (50 ILCS 820); this term shall not include motels, hotels, boarding homes, or food service establishments. (50 ILCS 820/2a)

(D) **Board.** The County Board of Health or its authorized representative.

(E) **Closed.** Without openings large enough for the entrance of insects. An opening of 1/32 of an inch or less is closed.

(F) **Employee -** An employee is any person, full or part time, engaged in the operation of the establishment including but not limited to owners/managers, managers, assistant managers, servers, stock clerks, checkers, bus persons, maintenance persons, baggers, bookkeepers, host/hostesses, etc. The owner(s) and his/her family members shall also be considered an employee if they perform any of the functions related to the operation of the facility.

(G) **Extensive Remodel** - shall mean any structural additions or alterations to existing establishments; changes, modifications, and extensions of plumbing, excluding routine maintenance. Extensive remodeling does not include redecorating, altering seating design, or reducing seating capacity.

(H) **Food** - shall mean any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or sale in whole, or in part for human consumption, or chewing gum.

(I) **Food Establishment** - shall mean an operation that stores, prepares, packages, serves or vends food directly to the consumer, or otherwise provides items for human consumption, such as a restaurant, satellite of 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, institution or food pantry, and relinquishes possession of food to a consumer directly, indirectly, or through a delivery service such as home delivery of grocery orders, restaurant takeout orders, or delivery service provided by common carriers.

1.) Food establishment includes an element of the operation, such as a transportation vehicle or a central preparation facility, that supplies a vending location or satellite feeding location, unless the vending or feeding location is permitted by the regulatory authority; and

2.) An operation that is conducted in a mobile, stationary, temporary or permanent facility or location. This inclusion applies regardless of where consumption is, on or off the premises and whether there is a charge for food.

(J) **Food Establishment does not include:**

- 1.) An establishment that offers only prepackaged foods that are not time/temperature control for safety foods.
- 2.) A produce stand that only offers whole, uncut fresh fruits and vegetables.
- 3.) A food processing plant, including those located on the premises of a food establishment when the plant is inspected by another regulatory authority.
- 4.) A kitchen in a private home, such as an in-home daycare provider or a bed and breakfast operation, as defined in the Bed and Breakfast Act, that prepares and offers food to guests.
- 5.) A private home that receives catered or home delivered food; a closed family function where food is prepared or served for individual family consumption.
- 6.) A cottage food operation.

(K) **Food Pantry** - shall mean a public or private non-profit organization that distributes food to low-income and unemployed households, including food from sources other than the Department of Agriculture, to relieve situations of emergency and distress (7 USCS § 7501 (Title 7, Agriculture; Chapter 102, Emergency Food Assistance)).

(L) **Health Department** - shall mean the St. Clair County Health Department

(M) **Highly Susceptible Population** – means persons who are more likely than other persons in the general population to experience foodborne illness because those persons: 1. Are immunocompromised, preschool-age children or older adults; and 2. May obtain food at a facility that provides services such as custodial care, health care or assisted living, including, without limitation, a child or adult day care center, kidney dialysis center, hospital or nursing home, socialization or nutritional services, including a senior center.

(N) **Imminent Health Hazard** – means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation based on 1) The number of potential injuries, and 2) The nature, severity, and duration of the anticipated injury (77 Ill. Adm. Code 750). A license holder shall immediately discontinue operations and must notify the Health Authority if an imminent health hazard exists because of an emergency including but not limited to, fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, an insect infestation, inadequate refrigeration, onset of an apparent foodborne illness outbreak, gross unsanitary occurrence or condition, or other circumstances that may endanger public health.

(O) **License Holder** - shall mean any person or his agents who makes application to license a food service establishment, retail food store, or temporary food establishment pursuant to this ordinance.

(P) **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.

(Q) **Mobile Unit / Food Trucks** – Mobile Food Establishment / Food Truck shall mean any establishment that may be towed from place to place or may be driven from place to place. Mobile units shall have installed plumbing and shall be inspected by the Illinois Department of

Public Health or their designee to verify the mobile unit meets Illinois Plumbing Code. Permits for mobile units shall be issued as annual permits since they have the ability to operate year-round. Mobile units will be inspected a minimum of two times per calendar year, while operating in the jurisdiction of St. Clair County Health Department. Non-plumbed mobile units can be permitted for temporary events only. A commissary agreement may also be required for Mobile Food Units/Food Trucks. A commissary must be a permitted and inspected kitchen. The Regulatory Authority reserves the right to approve modifications.

(R) **Push Cart** – A push cart is a mobile unit a cart or barrow, manually propelled, used to vend food intended for individual portion service. Push carts are usually sized from 4 to 7 feet in length and 2 to 6 feet in width. A pushcart may operate at a larger advertised event and will be inspected a minimum of two times per year. Operation dates are required to be provided to the Regulatory Authority a minimum of 10 days prior to the event.

(S) **Registration Event** – A registration event shall include events where Food Trucks, Food Trailers, Food Carts and Tents where food is prepared and served for a single day or two days, in conjunction with an advertised single event or celebration.

(T) **Regulatory Authority** - shall mean the St. Clair County Health Department or an authorized representative thereof.

(U) **Repeat Violation** – shall mean a violation of a provision in the food code that was written on the previous inspection of the establishment

(V) **Serious Violation** – shall mean a violation of a provision in the food code that contributes directly to hazards associated with foodborne illness or injury.

(W) **Temporary Food Establishment** – A temporary food establishment shall include Food Trucks, Food Trailers, Food Carts and Tents where food is prepared and served. A Temporary event shall be in operation from 3 (three) to 14 (fourteen) days in conjunction with an advertised single event or celebration.

#### **19-4-4 ENFORCEMENT PROVISIONS.**

(A) **Permit.** It shall be unlawful for any person to operate a food-service establishment or retail food store within the County of St. Clair, State of Illinois, who does not possess a valid permit issued to the establishment by the Regulatory Authority. Only a person who complies with the requirements or this Chapter shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person to another person or place. A valid permit shall be posted in a conspicuous place in every food-service establishment, so as to be clearly visible to all customers. A valid permit is one that is not suspended, revoked, or expired. Permits for permanent food-service establishments - shall be effective **January 1** through **December 31** of each calendar year. All permits granted hereunder shall expire on **December 31**, of the year of issuance; except Temporary establishment permits shall expire according to the dates listed on their temporary permit. All establishments must comply with existing state and local laws and zoning provisions.

### **(1) Types of Permits**

- (a) Temporary Events (See Attachment A) must be in conjunction with an advertised single event or celebration.
  - 1. Three-day Event Permit
  - 2. Four to Fourteen Day Event Permit
  - 3. Farmers Market/Flea Market Permit
- (b) Retail Food Establishment Permits
- (c) Other
  - 1. Registration Event – one (1) – two (2) day events

### **(2) Issuance of Permits.**

- (a) Any person desiring to operate a food-service establishment or retail food store or to renew an expired permit shall make written application for a permit on forms provided by the Regulatory Authority. Applicants must have a Plan Review on file with the Regulatory Authority (unless the Regulatory Authority has deemed a Plan Review is not needed) before a permit application will be given to the applicant and a permit is granted. Such application shall include: the applicant's full name and post office address and whether such applicant is an individual firm, corporation, or a partnership; the names and type of proposed food-service establishment or retail food store; the proposed date of opening; and the signature of the applicant or applicants. If the application is for a temporary retail food service establishment, it shall also include the inclusive dates of the proposed operation.
- (b) Upon receipt of such an application, the Regulatory Authority shall make an inspection of the establishment to determine compliance with the provisions of this Chapter. When inspection reveals that the applicable requirements of this Chapter have been met, a permit shall be issued to the applicant by the Regulatory Authority.
- (c) One hard copy of the permit (license) to operate a food service establishment will be mailed to the local establishment to be posted in public view, this is included in the permit fee. Additional copies of the permit (license) may be requested by the establishment or their corporate office. To receive an additional copy of the permit/license the fee must be received prior to the additional copy being released. Electronic copies will be billed at \$10.00 per request. Paper copies that must be mailed will be available at \$20.00 for each copy.
- (d) Any entity who has not paid their annual fee for the renewal of their food permit by January 1<sup>st</sup> of the permit renewal year shall be considered to be operating a food service establishment without a valid permit. Establishments will be subject to late fees and may be subject to permit suspension.

### **(3) Renewal of Permits**

Whenever an inspection for renewal of a permit reveals serious or repeated violations of this Chapter, the permit shall not be renewed. The Regulatory Authority shall notify the applicant immediately

thereof. The notice shall state the reasons for not renewing the permit. The notice shall also state that an opportunity for a hearing shall be provided for the applicant at a time and place designated by the Regulatory Authority. Such hearing shall be scheduled not later than five (5) days from the date of the notice. The notice referred to in this paragraph shall be delivered to the applicant in person by the Regulatory Authority or may be sent by certified mail, return receipt requested. A Permit which has expired shall be removed from the establishment by the Regulatory Authority.

#### **(4) Suspension of Permits.**

(a) Permits may be suspended temporarily by the Regulatory Authority for failure of the permit holder to comply with the requirements of this Ordinance.

(b) Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of **Section 19-4-4** 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 within 72 hours, a written request for a hearing is filed with the Regulatory Authority by the permit holder, a hearing will be scheduled.

(c) Upon suspension of the permit, the permit shall be removed from the establishment by the Regulatory Authority and returned to the Health Department.

(d) Notwithstanding the other provisions of this Chapter, whenever the Regulatory Authority finds unsanitary or other conditions in the operation of a food-service establishment or retail food store which in its judgment, constitute a substantial hazard to the public health, it may without warning, notice, or hearing, issue a written notice to the permit holder or operator citing such conditions, 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 or retail food store are to be immediately discontinued.

(e) Any person to whom such an order is issued shall comply immediately therewith, but upon written petition filed not more than 72 hours after the discontinuance order to the Regulatory Authority may request a hearing for abatement of the order.

(f) The Regulatory Authority shall provide a hearing not later than 5 days from the filing of said petition.

#### **(5) 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 **five (5) days** following receipt of a written request, including a statement signed by the applicant that in their opinion the

conditions causing suspension of the permit have been corrected. the Regulatory Authority shall make a reinspection. If the applicant is complying with the requirements of this Chapter, the permit shall be reinstated.

**(6) Revocation of Permits.**

For serious or repeated violations of any of the requirements of this Chapter, or for interference with the Regulatory Authority in the performance of its duties, the permit may be revoked after an opportunity for a hearing has been provided by the Regulatory Authority. Prior to such action, the Regulatory 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 revoked at the end of **five (5) days** following service of such notice, unless a request for a hearing is filed with the Regulatory Authority, by the permit holder, within the **five (5) day** period. Persons who violate any provisions of this Code, or any rules and regulations adopted herein shall be guilty of a misdemeanor and upon conviction thereof, may be subject to fines per 19-4-6 Penalties. The Regulatory Authority shall provide a hearing not later than **5 days** from the filing of said petition. A permit may be suspended for a cause pending its revocation or a hearing relative hereto. Application for a permit that has been revoked shall comply with the entire plan review and application process.

**(7) Hearing**

All hearings shall be requested in writing (Attachment B). The hearings provided for in this Chapter shall be conducted by the Regulatory Authority at a time and place designated by it. Any oral testimony given at a hearing shall be reported verbatim, and the presiding officer shall make provision for sufficient copies of the transcript. The Regulatory Authority shall make a final finding based upon the complete hearing record and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the Regulatory Authority.

**(8) Application After Revocation.**

Whenever a revocation of a permit has become final, the holder of the revoked permit may make a written application for a new permit, to be issued upon successful and continued compliance with this ordinance. Permit Fees shall be charged for all new Permits.

**(B) Inspections**

**(1) Frequency of Inspection.**

Category 1 facilities shall be inspected **three times annually**. Category 2 facilities shall be inspected at least **2 times annually** and Category 3 facilities shall be inspected at least **once a year annually**. Mobile Units/Food Trucks shall be inspected at least **2 times annually**. Temporary Events establishments will be inspected at the discretion of

the Regulatory Authority. The Regulatory Authority shall inspect each food-service establishment within the County of St. Clair, Illinois, and shall make as many additional inspections and reinspections as are necessary for the enforcement of this Chapter.

The Health Authority shall prioritize, and conduct more frequent inspections based on its assessment of a food establishment's history of compliance with this Chapter and the establishment's potential as a vector of foodborne illness by evaluating:

- (a) Past performance: for non-conformance with Code or HACCP plan requirements that are priority and priority foundation items.
- (b) Past performance: for numerous or repeat violations of Code or HACCP plan requirements that are core items.
- (c) Past performance: for complaints investigated and found to be valid.
- (d) The hazards associated with the particular foods that are prepared, stored or served.
- (e) The type of operation including the methods and extent of food storage, preparation and service.
- (f) The number of people served; and
- (g) Whether the population served is a highly susceptible population.

## **(2) Right of Entry**

The Regulatory Authority, after proper identification, shall be permitted to enter at any reasonable time at any food-service establishment in the County of St. Clair, State of Illinois, for the purpose of making inspections to determine compliance with this Ordinance. It 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.

## **(3) Report of Inspection**

Whenever a routine inspection of a food service establishment is made, the findings shall be recorded on an inspection report that is substantially equivalent to that of the State of Illinois Department of Public Health Retail Food Establishment Inspection Report. **One (1) copy** of the inspection report form shall be furnished to the person in charge of the establishment. The copy of the inspection report form may be either paper or sent to the establishment electronically. The complete inspection report form is a public document and shall be posted online and made available for the public disclosure to any person who requests it. Inspection reports shall be posted in public view in the establishment.

## **(4) Correction of Violations.**



If violations of this Ordinance exist, the inspection report shall serve as official notice to the permit holder that the establishment is in violation of the provisions of this Ordinance. The completed report form shall specify the violations found by the Regulatory Authority and shall establish a reasonable time period within which said violations shall be corrected.

If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the Regulatory Authority.

A permit holder shall at the time of inspection correct a violation of a priority item or priority foundation items and implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit. Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the regulatory authority may agree to or specify a longer time frame, not to exceed:

1. 72 hours after the inspection, for the permit holder to correct violations of a priority item; or
2. 10 calendar days after the inspection, for the permit holder to correct violations of a priority foundation item or HACCP plan deviations.
3. The permit holder shall correct core items by a date and time agreed to or specified by the regulatory authority, but no later than 90 calendar days after the inspection.
4. The regulatory authority shall observe a correction of a violation at the time of inspection (or reinspection) and document the information on an inspection report.
5. The regulatory authority may institute a Risk Control Plan for the establishment at a frequency of the Regulatory Authority's discretion.
6. The regulatory authority may approve a compliance schedule that extends beyond the limits specified in this section if a written schedule of compliance is submitted by the permit holder and no health hazard exists or will result from allowing an extended schedule for compliance.

#### **(5) Embargo and Condemnation**

1. Food may be examined or sampled by the Regulatory Authority to determine freedom from adulteration or misbranding. The Regulatory Authority may condemn or embargo (detain) equipment or food when they have probable cause to believe that any food or piece of equipment may be unwholesome or unfit for use. Such conditions include but are not limited to:

- a. Originate from an unapproved source.
  - b. May be unsafe, adulterated, or not honestly presented.
  - c. Is not labeled according to Law, or, if raw molluscan shellfish, is not tagged or labeled according to Law.
  - d. Anytime time/temperature control for safety food found to be in the optimal temperature range of 42°F to 134°F without proper paperwork (outlining procedures controlling) the growth of pathogenic foodborne bacteria.
  - e. 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, display or service of food.
  - f. In the event that food is contaminated as a result of fire, flood, sewage backup, power outage, or similar events.
2. Condemned or embargoed food, food containers, or equipment may be suitably stored by the permit holder unless said storage would pose a risk to public health. If a risk exists, immediate destruction shall be ordered by the Health Officer, or voluntary destruction may be accomplished by the permit holder. If the permit holder refuses to voluntarily destroy the condemned food, food containers, or equipment, same shall be held under embargo until they have been proved satisfactory for human consumption by a certified laboratory at the expense of the permit holder.
  3. No person shall remove or alter a condemnation of embargo order, notice, or tag placed on food, food containers or equipment by the Health Officer. Said food, food containers or equipment shall not be relabeled, replaced, reprocessed, repackaged, altered, disposed of, destroyed or placed back in service without the permission of the Health Officer, except on order by a Court of competent jurisdiction. If the regulatory authority has reasonable cause to believe that the embargo order will be violated, or finds that the order is violated, the regulatory authority may remove the food that is subject to the order to a place of safekeeping. The permit holder may make a written request for a hearing with the Health Officer before imposition of condemnation according to the procedures set out in the Hearing Procedure section.

## **(6) Pause or Delay of Operations**

If a facility is closed or temporarily closed (resulting in a pause or delay of operations) for a period longer than 14 days, the permit holder shall notify the Regulatory Authority prior to closing. The Regulatory Authority may require an inspection to resume normal business activities.

If a facility is closed or temporarily closed resulting in a pause or delay of operations due to a change of ownership, is new to the address, is considering construction or extensive remodeling and/or whenever an existing structure is converted to use as a food service establishment then a

plan review will be required prior to a reopening inspection. The permit holder shall notify the Regulatory Authority prior to closing and construction.

### **(C) Employee Health**

When the Regulatory Authority has reasonable cause to suspect the possibility of disease transmission from any food-service establishment employee, the Regulatory Authority /Board of Health shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated, and take appropriate action. The Regulatory Authority may require any or all of the following measures:

1. The immediate exclusion of the employee from all food service establishments.
2. the immediate closure of the food-service establishment concerned until, in the opinion of the Regulatory Authority, no further danger of disease outbreak exists.
3. restriction of the employee's services to some areas of the establishment where there would be no danger of transmitting disease; and
4. adequate medical and laboratory examinations of the employee, of other employees, and of his/her or their body discharges.

#### **1. Person In Charge properly trained**

The Regulatory Authority may require a manager or person in charge to attend the food manager certification course and require additional training when, in the judgement of the Regulatory Authority, the work habits and the knowledge base of the person in charge provide an opportunity for a hazard to public health. The permit holder shall designate a person in charge and shall ensure that a person in charge is present at the food establishment during all hours of operation. All Category 1 and Category 2 facilities with two or more separately permitted departments that are the legal responsibility of the same permit holder and are on the same premises, may during specific time periods when food is not being prepared, packaged or served, designate a single Person in Charge (PIC) who is present on the premises during all hours of operation, and who is responsible for each separately permitted food establishment on the premises.

#### **2. Food Handlers Classes.**

The Regulatory Authority may order any food handler to attend an immediate food handler training course when, in the judgment of the Regulatory Authority, the work habits of said food handler constitute a hazard to public health. Fees may be charged by the Regulatory Authority to offset the cost of the course.

### **(D) Permit Classifications**

The St. Clair County Health Department shall annually (at minimum) conduct a category assessment for every food service establishment, mobile food establishment, commissary or retail food store operating in St. Clair County, pursuant to the Local Health Protection Grant Rules established by the Illinois Department of Public Health. This assessment will result in the facility being placed into the appropriate category as

it relates to food handling operations. A category shall be deemed an appropriate classification of an establishment when at least one criteria item describes that establishment's food handling operations, and in all cases, the highest appropriate category will apply. The criteria for the risk assessment is as determined in the Illinois Adm. Code 77, section 615.310 (b)3, and subsequent revisions.

## **(E) Fees.**

Fees may be charged by the Regulatory Authority for permits in amounts sufficient to recover all or part of the cost for regulation and inspection. Fees for various categories of food service establishments may be established by the County Board of Health with the advice and consent of the County Board. Persons desiring the permit shall pay an annual permit fee. This fee shall be collected by the County Health Department and shall be deposited into the Health Department Fund.

**There will be no fee charged to food pantries and schools with food service operations that are self – operated.**

Fees will increase on even numbered years at a rate of 5% rounded to the nearest dollar, See -Attachment C:

### **1. Category Assessment:**

**All Food Establishments shall have an annual category assessment conducted by the Regulatory Authority based on the food handling procedures conducted in the food establishment.**

**A. Category I Establishments** – means a food establishment that presents a high relative risk of causing foodborne illness, based on the large number of food handling operations typically implicated in foodborne outbreaks and or the type of population served by the facility. The standards for regulation of a Category I facility shall be those prescribed in the definitions in the Food Code 77 Ill. Adm. Code 750.100). Category I facilities include those where the following operations occur:

1. Complex preparation including cooking, cooling, and reheating for hot holding involving time/temperature control for safety foods.
2. Extensive menu and handling of raw ingredients
3. Processes requiring hot and cold holding of time temperature for safety foods.
4. Conducting specialized processes as described in 3-502 of the FDA 2022 Food Code.
5. Serving a highly susceptible population as defined in 1-201.10 of the FDA Food Code.

Category 1 establishments will be inspected at least three (3) times per year unless conditions met for two (2) times per year.

**B. Category II Establishments** – means a food establishment that presents a medium relative risk of causing foodborne illness, based on food handling operations typically implicated in foodborne illness outbreaks. The standards for regulation of a Category II facility shall

be those prescribed by the Local Health Protection Grant Code. Category II facilities include those where the following operations occur:

1. Most products are prepared or cooked and served immediately.
2. May involve hot and cold holding of time/temperature control for safety foods after preparation or cooking: or
3. As approved by the regulatory authority, preparation of time/temperature control for safety foods requiring cooking, cooling and reheating for hot holding limited to 2 or few same items or processes with approved procedures. Category 2 facilities will be inspected at least two (2) times per year.

**C. Category III Establishments** – means a food establishment that presents a low relative risk of causing foodborne illness, based on few or no food handling operations typically implicated in foodborne illness outbreaks. The standards for regulation of a Category III facility shall be those prescribed by the Local Health Protection Grant Code. Category III facilities include those where the following operations occur:

1. Heating only commercially processed time/temperature control for safety foods for immediate service with no hot holding or assembly.
2. Only time/temperature control foods commercially prepackaged in an approved processing plant are available or served in the facility.
3. Only limited preparation of non-time/temperature control for safety foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or
- 4.) Only beverages (alcoholic or non-alcoholic) and garnishes that are non- time/temperature control for safety are served at the facility. Category 3 facilities will be inspected at least once per year.

2. **Size of Facility:**

All Food Establishments shall also be classified by the size and/or number of employees in the establishment.

**A. Large Establishments** – Include establishments with a seating capacity of 75 or more, or retail facilities, mini-marts, bakeries, and meat markets with 11 or more employees.

**B. Medium Establishments** - Include establishments with a seating capacity of 41 to 74, retail facilities, mini-markets, bakeries and meat markets with 10 or fewer employees.

**C. Small Establishments** – include establishments with a seating capacity of 40 or less, retail facilities with prepackaged food only, commissaries, food trucks, self-contained push carts, mobile retail vendors, carry-out establishments, drive-in window service.

**3. Miscellaneous:**

- A. If an establishment meets the description of **two (2)** or more categories, the highest fee shall apply.
  - B. Concession Operations are establishments open less than **ninety-five days annually** will have a fee of 50% of the appropriate categories. Concession Operations in conjunction with a permitted location will pay the additional kitchen fee in accordance with the fee schedule annually. Concession Operations will only be available for Category 2 and 3 establishments in conjunction with a larger advertised event.
  - C. Each additional kitchen, additional mobile food establishment or departmental inspection within the same facility will incur a fee.
  - D. Cottage Food Registration - each Cottage Food Operator that registers with the St. Clair County Health Department shall pay a State of Illinois allowable fee (as indicated on a current Cottage Food Registration form provided by the Regulatory Authority). Cottage food operations that are on a private water supply will be required to provide documentation of bi-annual well water testing Total Coliform and Nitrate, to be submitted with their annual registration and during a complaint investigation.
  - E. The fee for new establishments issued permits between **July 1 and December 31** shall be **fifty percent (50%)** of the applicable annual fee. **(Ord. No. 93-426; 11-29-93) (Ord. No. 99-694; 11-29-99)**
4. **Plan Review:** Whenever a food service establishment or retail food store has a change of ownership (in which a pause or delay in operations occurred), is new to the address, is considering construction or extensive remodeling and/or whenever an existing structure is converted to use as a food service establishment, plans and specifications for such construction, remodeling, or conversion shall be submitted to the Regulatory Authority for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall indicate the layout, arrangement, mechanical plans, and construction materials of the work area, and the type and model of proposed fixed equipment and facilities. Copies of the proposed menu, hours of preparation, and hours of operation as well as all required HACCP plans and copies of the current Food Protection Manager Certificates, and copies of current ANSI approved Allergen Training for all required CFPM's shall be submitted with the plans. The food protection manager certificates and the allergen training certificates shall be provided to the Regulatory Authority prior to application for permit being submitted. Each establishment shall have the appropriate number of accessible handwashing sinks, a three-compartment

sink is required, even in the presence of an automatic dishwashing machine. Existing establishments that currently have a two-compartment sink must comply with the items outlined in the food code Section 4-301.12; and subsequent revisions, and will be required to install a three compartment sink at the time of any renovations, or when the Regulatory Authority deems that a routine lack of compliance with the food code has been demonstrated, creating an issue which is a threat to public health. A mop or service sink is also required in compliance with the Illinois Plumbing Code. Should a threat to public health exist, plans to bring the establishment into compliance will be required to commence within 30 days. The Regulatory Authority shall approve the plans and specifications, if they meet the requirements of this Chapter. No food service establishment or retail food store shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the Regulatory Authority. Properly prepared plans and specifications for review shall be for the construction of a food establishment, the conversion of an existing structure for use as a food establishment or the renovation of an existing food establishment. A fee for the review of plans will be charged based on the Risk Category. All fees will increase 5% in even numbered years. (see Attachment D for fee schedule)

- A. All food service establishments that are served by an onsite wastewater treatment system (Private Sewage Disposal System) shall have the wastewater system inspected prior to opening and operation of the establishment. Onsite wastewater systems will be inspected at least annually by regulatory authority staff to verify that they are functioning properly and are being maintained sufficiently.
- B. All food service establishments that are connected to a water well as a source of water, shall provide an inspection of the water supply system, and satisfactory water samples prior to opening and operating. Samples will be submitted at least annually. Those establishments which are part of the non-community public water supply (NCPWS) program will be sampled and inspected as part of the NCPWS program and will be responsible for any fees associated with the sampling.
- C. Pre-Operational Inspection. Whenever plans and specifications are required by this Code to be submitted to the Regulatory Authority, the Regulatory Authority shall inspect the food service establishment prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of this Chapter.

#### 5. **Late Fees.**

Permittees who fail to file their application for renewal accompanied by the appropriate fee shall be assessed a penalty as follows:

- A. The application for renewal is received by the Health Authority after **January 1<sup>st</sup>** but before **February 1<sup>st</sup>** of the following year following the year of expiration: \$100.00.

- B. The application for renewal is received after **February 1<sup>st</sup> but before March 1<sup>st</sup>** of the year following the year of expiration: \$200.00.
- C. Applications and permit fees that are not received by **March 1<sup>st</sup>**, **shall be referred to the States Attorney for enforcement.**

**6. Terms of Permit.**

The annual permit term shall be **January 1** through **December 31** of each calendar year. All permits granted hereunder shall expire on **December 31** of the year of issuance; except Temporary establishment permits shall expire according to the dates listed on their temporary permit. Any event that will provide food to the public will be required to register the event with the Regulatory Authority. Examples include festivals, street fairs, homecomings, business grand openings, fundraisers and any event where food vendors are set up in tents, booths, trailers or food trucks, and push carts. Individual vendors that participate in an event requiring registration shall be required to provide evidence of completed, pre-approved education. Based on the foods being prepared, the Regulatory Authority will decide if the vendor must provide evidence of Food Protection Manager Certification for the individuals operating at the event, Food Handler Certification or complete a training outlined by the Regulatory Authority. Registration is required for any event that is in operation for a period of one (1) or two (2) days at one location. Temporary Event Permits are required for any event in operation for three (3) – fourteen (14) days. The individual vendor will pay a fee to register for the event. (See Attachment A)

**19-4-5 FOOD ESTABLISHMENTS OUTSIDE JURISDICTION OF HEALTH AUTHORITY.**

Food from establishments outside the jurisdiction of the Regulatory Authority of the County may be sold in the County if such food establishments conform to the provisions of this Chapter or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Regulatory Authority may accept reports from responsible authorities in other jurisdictions where such food establishments are located. The information that will be required to allow participation in events in St. Clair County include: a copy of the current, valid permit from the issuing regulatory authority, a copy of the last inspection from the issuing regulatory authority, a copy of the Commissary Agreement or Lease, and a copy of the last commissary inspection. These will be in addition to the Food Protection Manager Certification and a copy of the menu of items to be served.

**19-4-6 PENALTIES.** Any person who violates any provision of this Code, or any rules and regulations adopted herein shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than **Two Hundred Dollars (\$200.00)** and not more than **One Thousand Dollars (\$1000.00)**. In addition, thereto, such person may be enjoined from continuing such violations. Each day upon which such violation occurs shall constitute a separate offense. **(Ord. No. 150A; 08-25-86)**

**19-4-7** Effective – January 1, 2025



## Temporary Event Registration

As stated in 19-4-3 (W) **Temporary food establishment** – The definition of a temporary food establishment is provided. Examples include festivals, street fairs, homecomings, business grand openings, fundraisers, and any event where food vendors are set up in tents, push carts, booths, trailers or food trucks. Registration of the temporary event is required for events in operation for a period of time with an advertised event. Events may range in length from one (1) and two-day registration events or up to fourteen (14) days.

For vendors that operate at an event that is in operation every weekend and/or one weekend per month (farmers markets/flea markets, and those type of events) a Farmers Market/Flea Market permit (for a single location) will be available. Vendors may purchase more than one type of permit. While the Regulatory Authority shall not dictate the number of temporary permits an establishment may purchase within a calendar year, it may at anytime require a vendor to purchase a full retail food establishment permit to protect against health hazards at the Regulatory Authority’s discretion.

Temporary Event establishments will be inspected at the discretion of the Regulatory Authority. At any time, the Regulatory Authority can impose additional requirements for temporary food establishments to protect against health hazards. Evidence of training, certified food protection manager or food handler certificate or other training pre-approved by the Regulatory Authority will be required for vendors operating at temporary events. Food shall be prepared and cooked onsite on the day of the event unless prior approval is provided in writing from the Regulatory Authority. Food must come from an approved source and receipts of same day purchased may be required at the Regulatory Authority’s discretion. A commissary agreement may also be required for vendors operating at temporary events. A commissary must be a permitted and inspected kitchen.

Where hand washing sinks are not easily accessible or available, a temporary hand washing station shall be provided. Temporary hand washing stations shall be able to provide gravity fed water for hand washing. Where ware washing is not easily accessible or available, ware washing station shall be provided consisting of three basins for washing, rinsing, and sanitizing equipment and utensils. The basins shall be large enough to fully immerse the largest piece of equipment used by the temporary food establishment.

Temporary event permit/registration is not transferable or renewable. Each event requires a separate permit/registration.

2024 Temporary event	Permit/Registration fee
Single day or two day registration event	\$ 0.00
Three day event	\$ 77.50
Four to Fourteen day event	\$ 185.00
Farmers Market/Flea Market Permit	\$ 275.00 (per location)

All fees will increase in 5% increments on even number years starting in 2026.

**All vendors** that wish to be included in a single or two day registration event must complete the Temporary Food Event Registration form and provide the following information:

Event Name, location, and date of the event

Copy of the advertisement for the event.

Name of the business, Applicant Name, address, phone number, email address,

Food Protection Managers name, and a copy of their Food Protection Manager Certificate (Allergen when required).

If the business is inspected by an agency other than the St. Clair County Health Department, a copy of the permit from that agency, as well as a copy of the last inspection performed.

Any vendor who is using a commissary that is not licensed to the business will also need to submit a copy of the lease agreement or the commissary agreement, as well as a copy of the last inspection at the commissary.

A copy of the menu that will be provided at the event will be required.

A booth drawing outlining the location of the stand set up for the event.

Failure to comply will result in permit revocation.



### Request for Hearing

In the event that the Health Authority (St. Clair County Health Department) notifies a license holder that the Food Service Establishment License is suspended or subject to permanent revocation, the license holder shall have the right to request a hearing before the Health Authority. A License holder or operator may make a written request to the Health Authority for a hearing to contest the conditions of the suspension or revocation **within three (3) business days of the notice being served.** A license shall be permanently revoked at the end of five (5) business days following service of such notice unless the request for hearing is filed within the parameters outlined above. As a courtesy, this Department has drafted a request for hearing template form that you may use to request a hearing. Requests will be considered filed on the date they are received by the St. Clair County Health Department.

**Mail to:**

Environmental Health  
c/o St. Clair Health Department  
19 Public Square, Suite 150  
Belleville IL 62220

**Email to:**

Health.Info@co.st-clair.il.us

.....  
To the St. Clair County Health Department:

My name is \_\_\_\_\_ (licensee name). I am the license holder of the food service establishment known as \_\_\_\_\_ (establishment name) located at \_\_\_\_\_ (establishment address).

I am writing in response to notification that the food service establishment license issued to the above listed establishment is suspended and/or subject to permanent revocation. I would like to request a hearing before the Health Authority. I understand that the establishment shall remained closed during those periods when an appeal and/or hearing is being sought or under consideration. The Health Authority shall make a decision based upon the complete hearing record and shall sustain, modify, or rescind any notice or order considered in the hearing. A written copy of such decision shall be furnished to the licensee.

**Contact Information**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Mailing City: \_\_\_\_\_ Mailing State: \_\_\_\_\_ Mailing Zip Code: \_\_\_\_\_

Email/s (Please include **all** email addresses where copies of documents should be sent):  
\_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_  
\_\_\_\_\_

*Signature of License Holder*

*Date*

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*Office Use Only: Received by* \_\_\_\_\_ *Date Received* \_\_\_\_\_

*Fee Schedule – For Profit Establishments*

2024	<u>Size</u>	Category 1	Category 2	Category 3
	Large	\$ 584.00	\$ 557.00	\$ 530.00
	Medium	\$ 372.00	\$ 345.00	\$ 318.00
	Small	\$ 212.00	\$ 185.00	\$ 160.00

2026	<u>Size</u>	Category 1	Category 2	Category 3
	Large	\$ 613.00	\$ 602.00	\$ 573.00
	Medium	\$ 390.00	\$ 362.00	\$ 344.00
	Small	\$ 223.00	\$ 194.00	\$ 168.00

2028	<u>Size</u>	Category 1	Category 2	Category 3
	Large	\$ 644.00	\$ 632.00	\$ 602.00
	Medium	\$ 410.00	\$ 380.00	\$ 351.00
	Small	\$ 234.00	\$ 204.00	\$ 176.00

2030	<u>Size</u>	Category 1	Category 2	Category 3
	Large	\$ 676.00	\$ 664.00	\$ 632.00
	Medium	\$ 430.00	\$ 399.00	\$ 369.00
	Small	\$ 246.00	\$ 214.00	\$ 185.00

**Note: Fees will increase 5% every even numbered year beginning in 2026**

**Fee Schedule- Concession Operations and Not-for-Profit - fee is fifty percent (50%) of the appropriate category. Concession Operation in conjunction with a permitted kitchen is an additional kitchen.**

**Additional Kitchen and department inspections**

	2024	2026	2028	2030
Additional	\$ 80.00	\$ 84.00	\$ 88.00	\$ 92.50

## Plan Review Fees

*Risk Category assigned for proposed establishment*

Risk Category	Fee
Category I	\$ 300.00
Category II	\$ 200.00
Category III	\$ 100.00