

**KNOX COUNTY HEALTH ORDINANCE
ARTICLE II
FOOD SAFETY**

DIVISION I GENERAL

Section A - Enabling Statutes

Powers and Duties of County Boards 55ILCS 5/5-1052 Public Health
Powers and Duties of County Boards 55ILCS 5/5-1115 Retail Food Establishments
Powers and Duties of County Boards 55ILCS 5/25 County and Multi-County Health
Departments
Illinois Food and Drug Cosmetic Act 410 ILCS 620
Food Handling Regulation Enforcement Act 410 ILCS 625
Sanitary Food Preparation Act 410 ILCS 650

Section B - Intent

The purpose of this Ordinance is to prevent factors in the food service operation which are critical to the creation of food borne illness, to promote safe food handling and hygienic practices, and to protect consumers.

Section C - Scope

These regulations provide requirements for licensure, inspections, review of plans, employee restriction, and Permit suspensions for food establishments. Definitions and standards for management, personnel, food operations, equipment, and facilities are also included in this Ordinance.

Section D - Exemptions

This Ordinance shall not apply to establishments exempt by law.

Section E - Adopted by Reference

In addition to those provisions set forth herein, this Ordinance hereby adopts by reference and incorporates the current edition and subsequent revisions of, and shall be interpreted and enforced in accordance with the provisions set forth in the following:

“State of Illinois, Food Code 77 ILL. Adm. Code 750”;
FDA Food Code 2017 Ordinance 8 Sections 103 Variances, 201.13 When a HACCP Plan is required, 201.14 Contents of a HACCP Plan, and 202.10 Trade Secrets
“Bed and Breakfast Act, 50 ILCS 820/1”.

Section F - Definitions

As used in this Ordinance the following terms shall mean as indicated below:

1. *Business days*: Monday through Friday from 8:00 a.m. to 4:30 p.m. excluding Health Department observed holidays.
2. *Caterer*: business involved in the preparation, sale, or distribution of food and/or drink in bulk at one location and served by the same licensed business at a different location that may or may not be under the ownership or control of the operator of such service.
3. *Cease and desist order*: a written order issued by the Health Officer which directs the responsible person to immediately stop doing or allowing a specific action to occur. A cease and desist order may or may not include a direction to completely cease operations at an establishment. A cease and desist order may include a timeframe to achieve compliance as long as there is not an imminent health hazard to public health or safety.
4. *Commissary*: a Permitted food establishment in which food, containers, or supplies are kept, handled, prepared, packaged, washed, and/or stored.
5. *Compliance Conference*: an informal meeting between an establishment owner or a designated representative, and representatives from the Health Officer, for the purpose of reviewing the severity of observed violations, the need for correction, and consequences of allowing violations to continue. In addition, this meeting is intended to clarify expectations for food protection and sanitations, discuss the consequences of non-compliance, review the Permit Holder's plan for addressing the violation(s) that led to this action, and establish a corrective action plan, that, if followed, will result in compliance with the Illinois Food Code and the Knox County Food Safety Ordinance. Compliance conferences precede informal hearings.
6. *Compliance Inspection*: A follow-up inspection of a food service establishment conducted as a result of a compliance plan developed during a compliance conference or hearing. It may or may not be a full inspection.
7. *Embargo*: an order issued by the Health Officer that acts as a temporary isolation or quarantine of food or equipment the Health Officer believes or has reason to believe is in violation of this Ordinance.
8. *Event participant or operator*: any person providing/serving food, with or without charge, at an event at which one or more temporary food service establishments or mobile food units operate.
9. *Farmers' Market Food Establishment*: a farmer who engages in the sale of any of the following products at a Farmers' Market:
 - a. Frozen, potentially hazardous foods that are prepackaged at a licensed or permitted processing facility but have the main ingredient grown or raised on the farmer's farm.
 - b. Meat, poultry, dairy, and eggs raised or grown on the farm of the farmer selling the food product. Nothing in this paragraph shall alter any obligation under the Grade A Pasteurized Milk and Milk Products Act.

10. *Follow-up Inspection:* inspection(s) necessary to ensure corrective actions have been taken to correct Code violations documented during previous inspection(s'). A follow-up inspection may be a charged inspection depending on the nature of the Code violations requiring a follow-up inspection.
11. *Food establishment:* an operation that stores, prepares, packages, serves, and/or vends food directly to the consumer, or otherwise provides food for human consumption, such as a restaurant, pushcart, 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 pantry; and 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.

Food establishment includes any element of the operation such as a transportation vehicle or a central preparation establishment that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority; and an operation that is conducted in a mobile, stationary, temporary, or permanent establishment or location, where consumption is on or off the premises; and regardless of whether there is a charge for the food.

Food establishment does not include an establishment that offers only prepackaged foods that are not time/temperature controlled for safety foods; a produce stand that only offers whole, uncut fresh fruits and vegetables; a food processing plant including those that are located on the premises of a food establishment; a kitchen in a private home, such as a small family daycare provider or a bed and breakfast operation as defined in the Bed and Breakfast Act that prepares and offers food to guests; a private home that receives catered or home delivered food; a closed family function where food is prepared or served for individual family consumption; or a cottage food operation.

12. *Food Service Advisory Committee:* A committee appointed by the Health Officer composed of representatives of the food service industry that serves as a liaison to the Health Department regarding the Food Service Safety Program and its impact on the food service industry.
13. *Hearing:* A meeting requested by the Permit holder or representative to the Health Officer to determine if a food service permit should be suspended or revoked; or to determine whether an order from the Health Officer to deny, suspend, or revoke food safety Permit should be withdrawn.
14. *Imminent health hazard:* 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 to prevent injury, based on:
 - a. The number of potential injuries
 - b. The nature, severity, and duration of the anticipated injury

15. *Major remodel*: any structural or equipment additions or alterations to an existing establishment involving several changes or new pieces of equipment or large areas of the establishment. A major remodel may also include significant changes to the menu or food processes of the establishment.
16. *Minor remodel*: any minimal (one or two) structural or equipment additions or alterations to an existing establishment. Example: adding a handwashing sink; or adding a refrigeration unit; or adding a small beverage area/ server station.
17. *Mobile food unit*: a vehicle-mounted food establishment designed and operated to be readily movable, e.g., mobile truck moving from location to location continuously. The unit shall not have permanent connections to water, wastewater, or electricity. This term includes trailer-mounted kitchens.
18. *Operator*: a person who has been approved by the Permit holder to perform and/or oversee the day-to-day food service operation.
19. *Permit holder*: the entity that is legally responsible for the operation of the food establishment, such as the owner, the owner's agent, or other person, and possesses a valid Permit to operate the food establishment.
20. *Plan review*: an evaluation process conducted by the Health Officer to determine whether or not a food establishment is in compliance with the Food Safety Ordinance.
21. *Public event*: any event open to the public where food is prepared or served. An event that is advertised with fliers, banners, newspaper articles, radio or TV announcements, social media, or by other means is considered a public event and is subject to regulation under this Ordinance. Any event not considered a public event shall be considered private. The Health Officer shall make the final determination as to whether an event shall be considered private or public under this Ordinance.
22. *Pushcart*: is a mobile food establishment that is a cart limited to serving non-potentially hazardous foods or commissary-wrapped food maintained at proper temperatures. Pushcarts must comply with all other requirements in the State of Illinois Food Code for mobile food establishments.
23. *Seasonal food establishment*: a food establishment that operate at a fixed location for a period of time of not more than 8 months.
24. *Temporary food service establishment*: a food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.
25. *Variance*: a written document issued by the Health Officer that authorizes a modification or waiver of one or more requirements of this Ordinance if in the opinion of the Health Officer, a health hazard or nuisance will not result from the modification or waiver.

Section G - Food Service Advisory Group

- a. The Health Officer shall appoint a Food Service Advisory Group. This committee shall be composed of representatives of the food service industry throughout Knox County.
- b. The Food Service Advisory Group is designed to ensure food service operators/owners have the opportunity to provide comments with respect to policies, programs, and ordinance amendments being considered by the Knox County Health Department. The Group is a non-voting body. The Group reviews, evaluates and provides feedback to Health Department staff.

DIVISION II. ADMINISTRATION

Section H - Permits

1. Permit Requirements

- a. It shall be unlawful for any person to operate a food establishment within the scope of this Ordinance, within the County of Knox, State of Illinois without a valid Permit issued by the Health Officer. Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a Permit.
 1. A Permit may not be transferred from one person to another person, from one food establishment to another, or from one type of operation to another, nor be applicable to any location, building, or place other than that for which it was issued.
 2. Any person desiring to operate a food establishment or to renew an expired Permit within the scope of this Ordinance shall make written application for a Permit on forms provided by the Health Department accompanied by the appropriate Permit fee, any late fees, and all other outstanding balances.
- b. If an application for Permit to operate is denied, the Health Officer shall provide the applicant with notice that includes:
 1. The specific reason for Permit denial
 2. The actions, if any, that the applicant must take to qualify for a Permit
 3. Advisement of the applicant's right of appeal and the process and time frames for appeal
- c. Upon acceptance of the Permit issued by the Health Officer, the Permit holder in order to retain the Permit shall:
 1. Comply with the provisions of this Ordinance including the conditions of any granted variance(s)
 2. If a food establishment is required to operate under a HACCP Plan, comply with the plan as approved
 3. Immediately contact the Health Officer to report an illness of an employee or conditional employee

4. Immediately discontinue operations and notify the Health Officer if an imminent health hazard may exist
5. Allow representatives of the Health Officer access to the food establishment
6. Replace existing facilities and equipment with facilities and equipment that comply with this Ordinance if:
 - a. The Health Officer directs the replacement because the facilities and equipment constitute a public health hazard or nuisance or no longer comply with the criteria upon which the facilities and equipment were accepted
 - b. The Health Officer directs the replacement of the facilities and equipment because of a change of ownership
 - c. The facilities and equipment are replaced in the normal course of operation
7. Comply with directives of the Health Officer including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the Health Officer in regard to the Permit Holder's food establishment or in response to community emergencies.
8. Accept notices issued and served by the Health Officer according to law
9. Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this Ordinance or a directive of the Health Officer, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

2. Multiple Food Operations in One Facility

- a. A single owner food service establishment or retail food store may be issued more than one permit for the facility under the following conditions:
 1. All food operations receiving additional permits are independent of each other and have their own:
 - a. Refrigeration space
 - b. Food preparation area
 - c. Dishwashing area
 - d. Cooking area
 2. Each food operation receiving an additional permit pays the appropriate permit fee as assigned by their priority assessment.
 3. Each food operation receiving an additional permit would be responsible for meeting all appropriate rules and regulations set forth in this Ordinance.
- b. The issuance of new permits:
 1. It shall be determined prior to opening as to whether a new establishment meets the qualifications to obtain additional permits. If the establishment meets the criteria for additional permits and is desired by the establishment, the permits shall be issued at the time of opening
 2. Requesting of additional permits is a one-time opportunity and once a decision is made it will be permanent, unless the facility changes owners

3. Permit Term

- a. All Permits shall be valid for one year from the date issued unless otherwise noted in this Ordinance. Permits for all food establishments shall be automatically suspended should the Permit holder or operator cease operation of the food establishment for thirty (30) consecutive days or longer if the Health Officer is not given notice prior to the cessation of operation. Said Permit shall be reinstated upon application to the Health Officer or authorized representative for follow-up inspection of the food establishment to determine if the establishment is in compliance with the applicable requirements of this Ordinance.
- b. Permits issued to seasonal food establishments shall be valid from the date of issue and shall expire 8 months from the issue date.

4. Permit Categories

For every food establishment operating in Knox County, the Health Officer shall assess the relative potential risks of creating a foodborne illness. This classification shall result in the establishment being placed into a Permit category as it relates to food safety.

These Permit categories are not meant to imply that any given establishment is more or less safe than others. The criteria in the *State of Illinois, Food Code 77 ILL. Adm. Code 750* shall be utilized to determine risk.

5. Permit Posting

The Permit holder shall post a valid Permit issued pursuant to this Ordinance in the food establishment so as to be clearly visible to the public or, in the case of any temporary Permit, at the temporary location for which it is issued. In case of vending machines, the name, address, and telephone number of the current vending machine location of operation shall be conspicuously displayed on each vending machine. A valid Permit is one that is not suspended, revoked, or expired.

6. Issuance of Permit

- a. After approval of the plans and upon receipt of a completed application for a Permit, the Health Officer shall conduct an inspection of the premises. If the Health Officer finds the food establishment to have no priority or priority foundation violations of the Food Code and is in compliance with the provisions of this Ordinance, the Health Officer shall approve the food establishment to begin operations once the appropriate Permit fee and all other outstanding balances are paid in full.
- b. For continued operation of the establishment, annual renewal of the Permit shall be required. Any Permit holder desiring to renew his/her Permit shall make proper application on renewal forms provided by the Health Department and pay all outstanding balances owed to the Health Department including, but not limited to, Permit renewal fee, late fees, follow-up inspection fees, and insufficient fund charges before the Permit will be issued.

- c. Those seeking mobile food unit licensure shall provide the Health Officer, prior to licensure, the following:
 1. A completed Plan Review Application form as provided by the Health Officer
 2. Properly prepared plans to scale and specifications, including those illustrating layout, arrangement, location, size and type of fixed equipment, and construction materials
 3. Copies of the proposed menu, hours of preparation, and hours of operation
 4. Proof of access to a commissary
 5. Hours of access to the commissary
 6. A list of all items to be prepared and served during the course of licensure
 7. An itinerary or list of all known events and locations at which the Permit holder or person in charge shall be preparing and serving food during the course of licensure Said itinerary must be updated as new events are scheduled and prior to the events
 8. Restroom agreements for all known events and locations without access to public restrooms. Said restroom agreements must be updated as new events are scheduled and prior to the events
 9. Any other information the Health Officer deems necessary to evaluate the proposal

Section I - Fees

1. General

- a. Pursuant to the Counties Code, 55 ILCS 5/5-1115, the Knox County Board shall establish fees that are reasonable and necessary to provide the services and required activities. A fee schedule shall be maintained in the office of the County Clerk and the Knox County Health Department. The fee schedule shall be available for reviewing and copying by the public and is incorporated herein by reference.
- b. Once a Permit has been issued by the Health Department the fee is non-refundable.
- c. Any failure by the Permit holder to submit the total fee(s) required by the date of Permit expiration will result in an expired Permit. A notice for cessation of food establishment operations will be issued by the Health Officer due to the lack of a valid Permit.
- d. Any failure by the Permit holder to submit the total outstanding balance on a monthly invoice by the invoice due date shall result in an immediate suspension of Permit.
- e. Any person who operates a food establishment prior to the issuance of a Permit from the Health Department, whether it is a new establishment or a change of ownership, will be assessed a penalty fee.
- f. Food establishments shall pay all applicable plan review fees prior to the Health Officer reviewing plans. Once a plan review commences the fee is non-refundable.
- g. All permit fees for the annual renewal of permits are due within fifteen (15) days prior to the permit expiration date. Establishments failing to submit the appropriate

fee and renewal application prior to the permit expiration date shall be assessed a late payment penalty fee in addition to the appropriate permit fee.

2. Re-inspection Fees

- a. A food service establishment, retail food establishment shall be assessed a “non-compliance” penalty for the second and all subsequent re-inspections performed in order to determine compliance with this Ordinance.
- b. For the purpose of this section, re-inspections will include the following:
 1. The second and all subsequent follow-up inspections to determine correction / elimination of risk Priority, Priority Foundation, and Core violations.
 2. All re-inspections and workshops as a result of a compliance conference as defined by the Board of Health’s enforcement policy.
 3. The second and all subsequent follow-up inspections conducted to determine correction / elimination of violations related to a valid request for service.
- c. Re-inspections fees will not be assessed for the following:
 1. Routine operational inspections
 2. Education visits
 3. Constructional surveys
 4. Disaster inspections
 5. Foodborne illness investigations
 6. Complaint investigations except as outlined above
 7. Equipment consultations except as outlined above
- d. The owner of the food establishment shall be billed for all “non-compliance” fees assessed during the month.
- e. The owner of the facility will be responsible for paying the “non-compliance” within 30 days of the billing.
- f. Failure to pay the “non-compliance” penalty fee shall result in the facility’s permit being revoked until such time as the fee is paid in full.

Section J - Food Sources Outside of County

Food from establishments outside the jurisdiction of the Knox County Health Department shall be allowed if such food establishments conform to the provisions of this Ordinance or equivalent provisions and can provide proof of a valid Permit from an appropriate regulatory public Health Officer.

Section K - Plan Reviews

1. Plan Review Required

No food establishment shall be constructed, remodeled, converted, or opened except in accordance with plans and specifications approved by the Health Officer.

1. The Health Officer shall conduct a plan review whenever food establishments:
 - a. Are newly constructed or extensively remodeled
 - b. Are adding a major piece or pieces of equipment
 - c. Are converted for use as a food establishment, other than a temporary food service establishment
 - d. Make changes in the existing menu requiring a change in equipment or operation of an existing food establishment
 - e. Change of Permit Holder: The Health Officer may waive the plan review based on information provided in the Change of Permit Holder application

2. Before such work begins, food establishments shall submit the following to the Health Department for review and approval:
 - a. A completed Plan Review Application form as provided by the Health Officer
 - b. Properly prepared plans to scale and specifications, including those illustrating layout, arrangement, location, size and type of fixed equipment, and construction materials
 - c. Copies of the proposed menu, hours of preparation, and hours of operation
 - d. All required HACCP Plans
 - e. Plan review fee
 - f. Any other information the Health Officer deems necessary to evaluate the proposal

2. Pre-Operational Inspections

Every food establishment shall be inspected by the Health Officer prior to the beginning or resumption of operations to determine compliance with approved plans, specifications, and the requirements of this Ordinance prior to the issuance or reinstatement of a Permit to operate. If the Health Officer finds the food establishment to have no priority or priority foundation violations of the Food Code and is in compliance with the provisions of this Ordinance, the Health Officer shall approve the food establishment to begin operations once the appropriate Permit fee and all other outstanding balances are paid in full.

Section L - Inspections

1. Frequency

- a. At minimum, the Health Officer shall inspect each food establishment within Knox County as follows:
 1. Category I facilities shall receive three (3) inspections annually.
 2. Category II facilities shall receive two (2) inspections annually.
 3. Category III facilities shall receive one (1) inspection annually.

- b. However, all categories and types of food establishments shall be inspected as many times as the Health Officer deems necessary to enforce the provisions of this Ordinance.

2. Performance and Risk Based Inspection Frequency

The Health Officer shall prioritize, and conduct more frequent inspections based upon its assessment of a Food Establishment's history of compliance with this Ordinance and the establishment's potential as a vector of foodborne illness by evaluating:

- a. Past performance, for nonconformance with Code or HACCP plan requirements that are priority items 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
- g. Whether the population served is highly susceptible population

3. Right of Entry

After the Health Officer presents official credentials and provides notice of the purpose of, and an intent to conduct, an inspection, the person in charge shall allow the Health Officer to determine if the food establishment is in compliance with the provisions of this Ordinance by allowing access to the establishment, allowing inspection, and providing information and records specified in this Ordinance and to which the Health Officer is entitled according to law, during the food establishment's hours of operation and other reasonable times.

4. Refusal, Notification of Right to Access, and Final Request for Access

- a. If a person in charge denies access to the Health Officer, the Health Officer shall inform the person in charge that:
 1. Access is a condition of the acceptance and retention of a Permit to operate as specified in this Ordinance
 2. If access is denied, an order issued by the appropriate authority allowing access, hereinafter referred to as an injunction or other legal remedy, may be obtained according to law
 3. Make a final request for access
- b. If after the Health Officer presents credentials and provides notice, explains the authority upon which access is requested, and makes a final request for access, person in charge continues to refuse access, the Health Officer shall provide details of the denial of access on an inspection report form.
- c. If denied access to a Permitted food establishment for an authorized purpose, and after complying with this Ordinance, the Health Officer may issue or apply for an issuance of an injunction or other legal remedy in order to gain access as provided in

law. In addition, the Health Officer may seek a temporary restraining order to cease operations until the inspection is conducted.

5. Examination of Records

The Health Officer may examine the records of food establishments to obtain pertinent information including, but not limited to, food and supplies purchased, food and food supplies received, and persons employed in such establishments.

6. Reports

- a. Whenever an inspection of a food establishment is conducted to determine compliance with this Ordinance, the findings shall be recorded on the inspection report form provided by the Health Officer.
- b. The inspection report form shall indicate where violations of the Food Code exist, correction schedule, an indication if the violation is considered to be priority, priority foundation or core, and an indication if the violation has been repeated from the previous inspection(s).
- c. Said inspection report form shall constitute a legal notice of violations relating to this Ordinance.
- d. One (1) copy of the inspection report form shall be provided to the operator or to the person in charge of the food establishment and one (1) copy shall be placed on file at the Health Department.

7. Refusal to Sign Report

If a person in charge refuses to sign the report, the Health Officer shall inform the person who declines to sign an acknowledgement of receipt of inspectional findings that:

- a. Acknowledgement of receipt does not indicate agreement with the inspection findings
- b. Refusal to sign an acknowledgement of receipt will not affect the Permit holder's obligation to correct the violation(s) noted in the inspection report within the time frames specified
- c. A refusal to sign an acknowledgement of receipt is noted in the inspection report and placed on file at the health department

8. Correction of Violations

- a. The completed inspection report form shall specify the time period for correction of the violations in accordance with the "Knox County Health Department Food Safety Enforcement Procedure" as adopted by the Board of Health.
- b. If an imminent health hazard exists, the food establishment shall immediately cease food service operations until such hazard is corrected, and the Health Officer grants authorization to resume operations.

- c. Failure to comply with any notice regarding violations which pose imminent health hazards or repeat violations issued in accordance with the provisions of this Ordinance may result in the immediate suspension of the Permit.
- d. Whenever a food establishment is required under the provisions of this Ordinance to cease operations, it shall not resume operations until such time as a follow-up inspection determines that conditions responsible for the requirement to cease operations no longer exist. Pursuant to Section L. 11. of this Ordinance, the Health Officer shall offer the opportunity for follow-up inspection within a reasonable amount of time, upon receipt of a written request for follow-up inspection from the food establishment.
- e. When a follow-up inspection of a food establishment is necessary to ensure compliance with the previous inspection, a follow-up inspection fee pursuant to the current Environmental Health fee schedule as adopted by the Board of Health and the Follow-Up Inspection Policy shall be assessed.

9. Examination and Condemnation of Food and Equipment

- b. The Health Officer shall examine and/or take laboratory samples of food as often as it deems necessary for enforcement of this Ordinance.
- c. The Health Officer may, upon written notice to the owner or person in charge, place an embargo on any food or equipment which the Health Officer believes is in violation of this Ordinance. The Health Officer shall tag, label, or otherwise identify any food or equipment subject to the embargo. It shall be unlawful for any person to move or alter an embargo notice or tag placed on food or equipment by the Health Officer.
 1. No food subject to an embargo shall be used, served, or moved from the food establishment. The Health Officer shall permit storage of the food under conditions specified in the embargo, unless storage is not possible without risk to the public health. In such cases the Health Officer shall require the denaturing or destruction of the food.
 2. Where equipment used in the preparation of food products is found to be in a state of disrepair, unsafe, unsuitable for use, or unsanitary, such equipment shall be taken out of use and an embargo placed on said items by the Health Officer. Such equipment shall not be returned to service until written permission is obtained from the Health Officer. Such equipment will not be altered, disposed of, or destroyed without permission of the Health Officer or authorized representative except on an order by a court of competent jurisdiction.
 3. The Permit holder may make a written request to the Health Officer for a hearing within five (5) business days of receiving the embargo. Such requests shall be made directly to the Health Officer. If no such request is made within this time period, the food subject to the embargo shall be destroyed. A hearing shall be held, if so requested. Based on the evidence produced at that hearing the embargo may be vacated, or the owner or person in charge of the food or equipment may be directed by written order to denature or destroy such food or equipment or to bring it into compliance with the provisions of this Ordinance.

10. Imminent Health Hazard

A Permit holder shall immediately discontinue operations and must notify the Health Officer if an imminent health hazard may exist 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, onset of an apparent foodborne illness outbreak, gross unsanitary occurrence or condition, or other circumstances that may endanger public health.

11. Reinstatement of Suspended Permit

Any Permit holder whose Permit has been suspended may make a written request to the Health Officer to conduct a follow-up inspection of the premises for the purpose of reinstating the Permit unless other arrangements have been made with the Health Officer at the time of Permit suspension. Such a request shall include a statement signed by the applicant stating that to the best of the applicant's knowledge the violations have been corrected. Establishments that have had their Permit suspended for reasons other than an unforeseen emergency (i.e. natural disaster, boil order, fire) situation shall be subject to the Permit reinstatement fee instead of a follow-up inspection fee.

12. Resumption of Operations

If operations are discontinued as specified under this Ordinance or otherwise according to law, the Permit holder shall obtain written approval from the Health Officer before resuming operations.

Section M - Variances

- a. The Health Officer may grant a variance by modifying or waiving the requirements of this Ordinance or the Illinois Food Code if in the opinion of the Health Officer a public health hazard will not result from the issuance of the variance. If a variance is granted, the Health Officer shall retain all pertinent information in its records for the establishment.
- b. The person requesting a variance and approved by the Health Officer shall comply with all applicable requirements of the FDA Food Code 2017 Ordinance 8 Sections 103 Variances, 201.13 When a HACCP Plan is Required, 201.14 and Contents of a HACCP Plan.
 1. If the Health Officer grants a variance as provided under this section, the Permit holder shall comply with the plans and procedures that are submitted and approved as a basis for the variance.
 2. Failure to comply with conditions of a variance approval may result in the revocation of the variance approval.

Section N - Additional Requirements

- a. If necessary to protect against public health hazards or nuisances, the Health Officer may impose specific requirements in addition to the requirements contained in this Ordinance.

- b. The Health Officer shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the Permit applicant or Permit holder, and a copy shall be maintained in the Health Department file for the food establishment.

Section O - Temporary Food Service

1. Temporary Food Service Establishment General

The requirements outlined in Section O: Temporary Food Service Establishments apply only to temporary food service establishments as defined by this Ordinance and are in addition to the requirements in other sections of this Ordinance.

2. Temporary Food Service Establishment Permits

- a. A "Temporary Food Licensure Application" and the appropriate fee shall be submitted at least two (2) business days prior to the start of the event at which food will be provided. Each event participant shall pay a Permit fee for each food establishment.
- b. Permits issued to temporary food service establishments shall be valid for the dates stated on the Permit and shall expire no more than fourteen (14) consecutive days after the date of issuance.
- c. Those seeking licensure for a temporary food service establishment shall meet all applicable provisions of this Ordinance and the "Knox City/County Health Department Temporary Food Permit Rules" as adopted by the Board of Health prior to licensure.

3. Temporary Food Service Establishment Fees

- a. Those seeking licensure for a temporary food service establishment who do not submit an application to the Health Officer at least two (2) business days prior to the start of the event shall be assessed a late temporary food establishment fee in addition to the Permit fee.
- b. Any person found to be operating a Temporary Food Establishment without having applied for a Temporary Food Permit may be subject to a penalty fee. Additional Temporary Food Permits will not be issued to any violator until fees are paid.

4. Temporary Food Service Establishment Inspections and Corrections

- a. The Health Officer shall provide consultation and/or on-site inspections for each temporary food establishment as many times as necessary for the enforcement of this Ordinance.
- b. All violations shall be corrected immediately. If violations are not corrected the application for temporary food service establishment Permit may be denied and the food establishment shall immediately cease food service operations.

- c. A proposed temporary food establishment whose Permit has been denied under this section may request a follow-up inspection to show compliance with provisions in the Illinois Food Code, this Ordinance, and Knox County Health Department Temporary Food Permit Rules at the time of the inspection. The requested re-inspection will depend on staff availability, payment of a follow-up inspection fee and compliance with the Illinois Food Code, this Ordinance, and the Knox County Health Department Temporary Food Permit Rules.

Section P – Farmers’ Markets

1. Farmers’ Market Food Service Establishment General

The requirements outlined in Section P: Farmers’ Markets apply only to Farmers’ Market food service establishments as defined by this Ordinance and are in addition to the requirements in other sections of this Ordinance.

2. Farmers’ Market Permit

- a. As part of the permitting process for a Farmers' Market Permit, the following information is required as part of the application.
 1. The address of the applicant's farm.
 2. The owner’s contact information.
 3. A list of products intended for sale.
 4. For meat, dairy, or poultry products that do not require refrigeration, provide a product hazard analysis and critical control point (HACCP) or food safety plan from a licensed facility as evidence of product safety at specific temperatures for the specified duration that they are not refrigerated.
 5. The name, address, and contact information of the licensed or permitted processing facility at which products were processed.
 6. If selling eggs, provide an Illinois Egg License issued by the Department of Agriculture.
- b. A Farmers' Market Permit shall be valid for one year.

3. Farmers’ Market Permit Fee

Any individual who operates a Farmers’ Market Food Service Establishment shall pay the appropriate permit fee as outlined in Appendix A of this Ordinance.

4. Farmers’ Market Inspection

- a. At least one annual inspection. Inspections may occur on site at the farmers market, or the department may require once annually that the farmer applicant go to an alternate location to conduct the inspection.
- b. Effective means to maintain cold food temperatures below 41 degrees Fahrenheit and frozen foods below 32 degrees Fahrenheit must be provided.

- c. A thermometer for each refrigeration unit, including, but not limited to, a refrigerator, fridge, freezer, or cooler, that is accurate to plus or minus 3 degrees Fahrenheit must be provided.
- d. All equipment, utensils, and the like, must be maintained in good condition, meaning that there are no chips, pitting, or other similar wear.

DIVISION III ENFORCEMENT

Section Q - Prevention of Transmission of Disease

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

- a. The immediate exclusion of the employee from all food establishments
- b. The immediate closure of the food establishment concerned until, in the opinion of the Health Officer, 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. Medical and laboratory examinations of the employee and of other employees, including a physical examination and analysis of bodily fluids

Section U - Compliance Conference

The Health Officer shall require a compliance conference in accordance with the Knox County Health Department Food Safety Enforcement Procedure.

The purpose of a compliance conference is an informal meeting to clarify expectations for food protection and sanitation, discuss the consequences of non-compliance, review the Food establishment's plan for addressing the violation(s) that led to this action, establish a corrective action plan, and to set a schedule for compliance, including field verification of the effectiveness of the plan.

Once the corrective action plan has been completed satisfactorily, the establishment will be removed from compliance procedures unless the Food Establishment has agreed to alternate terms in a compliance conference.

Section R - Permit Suspension

At any time, the Health Officer determines that a Permit holder or operator is not in compliance with the provisions of this Ordinance, it shall issue a notice under the provisions of this Ordinance to the Permit holder or operator. Said notice shall state the nature of the violation and a reasonable time in which corrective action must be taken shall be provided to the Permit holder, operator and/or person in charge.

- a. In the event that such violation constitutes an imminent health hazard, the aforesaid notice may also require the immediate suspension of the entire operation of the establishment or portions thereof. Any person to whom such notice is issued shall comply immediately therewith.
- b. Failure to comply with agreed upon outcomes of a compliance conference shall result in immediate Permit suspension until all mandated violations are corrected and for a minimum of twenty-four (24) hours.
- c. If in the opinion of the Health Officer the lack of active managerial control in a food service establishment has resulted in a violation or violations of such severity and/or magnitude that the likelihood of the public welfare is at risk, then the Health Officer shall suspend the Permit in effect until such time as the violation or violations have been corrected. Corrections must be verified by the Health Officer through a compliance inspection and an approval must be issued to reopen.
- d. The Health Officer may immediately suspend a food service Permit for interference with the Health Officer in the performance of his/her duties.
- e. Whenever a Permit holder or operator has failed to comply with any notice issued under the provisions of this Ordinance, the Health Officer may serve said Permit holder or operator with a notice stating his is suspended and operations are to cease immediately or as ordered by the Health Officer.
- f. A Permit may be suspended for cause pending its revocation or a hearing relative thereto.
- g. Any person whose Permit has been suspended may, at any time, make application for a follow-up inspection for the purpose of reinstatement of the Permit. Within five days following receipt of a written request, including a statement signed by the applicant that, in his opinion, the conditions causing suspension of the Permit have been corrected, the Health Officer shall make a follow-up inspection within two (2) business days. If the applicant is in compliance with the requirements of this Ordinance and the Illinois Food Code, the Permit shall be reinstated.

Section S - Revocation

For serious or repeated violations of any provisions of this Ordinance or for interference with the Health Officer in the performance of its duties, the Health Officer may hold a hearing to permanently revoke a Permit. The Permit holder shall be given notice of the revocation and shall be notified of the opportunity to request a hearing before the Health Officer. Prior to such action, the Health Officer shall notify the Permit holder that the Permit is subject to revocation and advise that the Permit shall be permanently revoked at the end of ten (10) business days following service of such notice unless a request for a hearing is filed with the Health Officer by the Permit holder within five (5) business days of when the notice was served.

- a. An establishment who has two (2) compliance conferences during a twelve-consecutive-month period and fails to meet the agreed upon compliance plan shall constitute grounds for permanent revocation.

- b. Two (2) suspensions during a twelve-consecutive-month period shall constitute grounds for permanent revocation.

The Health Officer may refuse to issue a Permit for a period of two years to any applicant who had an interest in ownership or management of a food establishment who's Food Safety Permit has been revoked.

Section T - Hearings

The hearings provided for in this section shall be conducted by Health Officer at a time and place designated by it.

Based upon the record of such hearing, the Health Officer shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing.

Said hearings shall be conducted in accordance with rules adopted by the Health Officer.

All hearings shall be conducted so as to provide the parties with written notice of the hearings, adequate time to prepare, the right to present evidence in support of their position. The Permit holder may attend the hearing with or without benefit of assistance by legal counsel and/or witnesses, or may be represented by legal counsel. All hearings shall be conducted in an informal manner, with consideration to all parties.

The formal rules of evidence shall not apply; however, the hearing body may exclude irrelevant or immaterial evidence. The hearing body may ask questions of any witness to clarify a point or to assist the body in reaching a decision. Written notice of the hearing to a party may be waived by that party.

A written summary of the enforcement proceedings shall be made by the Health Officer and a copy provided to the Permit holder upon request.

The Health Officer 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 Permit holder.

Section U - Appeals

A Permit holder or operator whose Permit has been suspended or revoked may make a written request to the Health Officer for a hearing to contest the conditions of the suspension or revocation within five (5) business days of the notice being served.

Any food establishment for which the Permit has been suspended or revoked shall remain closed during those periods when an appeal and/or a hearing is being sought or under consideration.

The Permit holder may appeal the final decision of the Health Officer to the Knox County Board of Health.

The decision of each appeal body shall be final.

Section V - Notice

1. Service of Notices

Notices provided for under this Ordinance shall be deemed to have been properly served when:

- a. A notice is personally served by the Health Officer, a law enforcement officer, or a person authorized to serve a civil process to the Permit Holder, if a corporation, to any officer thereof, the Person in Charge, or person operating a food establishment without a Permit
- b. The notice is sent by the Health Officer to the last known address of the Permit holder, if a corporation, to any officer thereof, or the person operating a food establishment without a Permit, by registered or certified mail or by other public means so that a written acknowledgment of receipt may be acquired
- d. The notice is provided by the Health Officer in accordance with another manner of service authorized in law
- e. Service is effective at the time of the notice's receipt or if service is made as specified above, at the time of the notice's posting

2. Proof of Proper Service

Proof of proper service may be made by affidavit of the person making service or by admission of the receipt signed by the Permit holder, the person operating a food establishment without a Permit to operate, or an authorized agent.

Section W - Penalties Other Than Suspension and Revocation of Permits

Pursuant to the Board's authority under Section 5-20003 of the Counties Code, 55 ILCS 5/5-20003, any person that violates any provisions of this Ordinance shall be guilty of a class B misdemeanor, and upon conviction thereof, shall be punished by a term of imprisonment for not more than six (6) months, by a fine not to exceed one thousand five hundred dollars (\$1500.00), or by both such term and fine. Each day upon which a violation occurs shall constitute a separate violation.

In addition to suspension, revocation, criminal conviction, or other remedy, the Health Officer may seek an injunction against any Permit holder or person violating this Ordinance, as provided in the Illinois Food Handling Regulation Enforcement Act, 410 ILCS 625/1 et seq.

Section X - Constitutionality

Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

Section Y - Effective Date

Upon adoption, this Article shall be in full force and effective as provided by law on February 1, 2023. Passed and adopted this 25th day of January 2023, by the Knox County Board.

Knox County Environmental Health Fees Food Program

Risk Category:	2020	2021	2022	2023	2024
Category I	\$200.00	\$220.00	\$240.00	\$265.00	\$290.00
Category II	\$175.00	\$190.00	\$210.00	\$230.00	\$255.00
Category III	\$130.00	\$135.00	\$140.00	\$150.00	\$160.00
Vending Machine (Price Per Machine)	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00
Seasonal Permit Fee:	\$110.00	\$115.00	\$120.00	\$125.00	\$131.00
Temporary Permit Fees:					
Temporary Permit 1 Day	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Temporary Permit 2-14 Days	\$35.00	\$40.00	\$40.00	\$45.00	\$50.00
Farmers' Market Permit Fee:					
Farmers' Market Permit Egg Vendor Only	NA	NA	NA	\$75.00	\$75.00
Farmers' Market Permit	NA	NA	NA	\$150.00	\$150.00
Reduced Annual Fees:					
Non-Profit & No Charges Assessed on Behalf of Recipient	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Public or Private Schools	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Local Governmental Units	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Late Fees:					
Annual Permit Late Fee	\$35.00	\$40.00	\$40.00	\$45.00	\$45.00
Temporary Permit Late Fee	\$15.00	\$15.00	\$20.00	\$20.00	\$20.00
Other Fees:					
First Follow-up Inspection	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Second Follow-up Inspection	\$100.00	\$100.00	\$110.00	\$110.00	\$125.00
Third Follow-up Inspection	\$200.00	\$200.00	\$225.00	\$235.00	\$250.00
Compliance Inspection	\$200.00	\$225.00	\$250.00	\$275.00	\$300.00
Permit Reinstatement:					
Category I	\$100.00	\$110.00	\$120.00	\$130.00	\$145.00
Category II	\$90.00	\$95.00	\$105.00	\$115.00	\$130.00
Category III	\$65.00	\$70.00	\$70.00	\$75.00	\$80.00
Penalty Fee	\$50.00	\$75.00	\$75.00	\$100.00	\$100.00
Plan Review Fee:					
New or Major Remodel	\$50.00	\$50.00	\$60.00	\$60.00	\$75.00
Minor Remodel	\$20.00	\$25.00	\$30.00	\$35.00	\$40.00
Prepackaged Food Only	\$25.00	\$30.00	\$35.00	\$40.00	\$45.00