

Chapter 10 FOOD SAFETY*

- Article I. General, §§ 10-1--10-6
- Article II. Administration, §§ 10-7--10-41
 - Division 1: Licenses, §§ 10-7--10-15
 - Division 2: Inspections and Rating, §§ 10-16--10-29
 - Division 3: Temporary Food Service Establishments, §§ 10-30--10-34
 - Division 4: Multi-Event Temporary Food Service Establishments, §§ 10-35--10-38
 - Division 5: Sidewalk and Street Food Vendor, §§ 10-39--10-41
- Article III. Enforcement, §§ 10-42--10-51

Appendix A Fee Schedule

ARTICLE I. GENERAL

Section 10-1 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 10-2 Intent

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

Section 10-3 Scope

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

Section 10-4 Exemptions

This Chapter shall not apply to establishments exempt by law.

Section 10-5 Adopted by Reference

In addition to those provisions set forth herein, this Chapter 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:

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

Section 10-6 Definitions

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

1. *Applicant*: any person making application to the Health Department for a license.
2. *Approved*: acceptable to the Health Authority based on its determination as to conformance with appropriate standards and good public health practice.
3. *Authorized representative*: those persons designated by the Health Department Administrator to enforce the provisions of this Chapter.
4. *Board*: the Peoria County Board of Health or its authorized representative.
5. *Business days*: Monday through Friday from 8:00 a.m. to 4:30 p.m. excluding Health Department observed holidays.
6. *Cease and desist order*: a written order issued by the Health Authority 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 a 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.
7. *Commissary*: a licensed food establishment in which food, containers, or supplies are kept, handled, prepared, packaged, washed, and/or stored
8. *Compliance Conference*: an informal meeting between an establishment owner or a designated representative, and representatives from the Health Authority, 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 licensee’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 Chapter 10, Food Safety, of the Peoria County Code. Compliance conferences precede informal hearings.
9. *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.

10. *Embargo*: an order issued by the Health Authority that acts as a temporary isolation or quarantine of food or equipment the Health Authority believes or has reason to believe is in violation of this Chapter.
11. *Event coordinator*: any person or organization that is responsible for organizing and planning an event at which three or more temporary food establishments and/or mobile food units operate.
12. *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.
13. *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.
14. *Food establishment*: an operation that: stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides food for human consumption such as a restaurant; sidewalk and street food vending unit; 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 an 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 control 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.

15. *Health Authority*: the Administrator of the Peoria City/County Health Department or its authorized representative.
16. *Health Department*: the Peoria City/County Health Department, an agency of the Peoria County Board of Health.

17. *Hearing*: A meeting requested by the License holder or representative to the Health Authority to determine if a food service license should be suspended or revoked; or to determine whether an order from the Health Authority to deny, suspend, or revoke food safety license should be withdrawn.
18. *Hybrid Inspection*: an inspection combining an onsite component with an offsite component that may include electronic, telephone, or virtual communication prior to the site visit.
19. *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; and
 - b. The nature, severity, and duration of the anticipated injury.
20. *License*: the document issued by the Health Authority that authorizes a person to operate a food establishment.
21. *License holder (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 license to operate the food establishment.
22. *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.
23. *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.
24. *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.
25. *Multi Event Temporary Food Service Establishment License*: A temporary event license for those who qualify, in which the license is valid for an unlimited number of 1-3 day events or celebrations, per vendor, per calendar year. Only one application and fee must be submitted for an annual Multi-Event Temporary Food License.
26. *Operator*: a person who has been approved by the license holder to perform and/or oversee the day-to-day food service operation.
27. *Plan review*: an evaluation process conducted by the Health Authority to determine whether or not a food establishment is in compliance with Chapter 10, Food Safety.
28. *Permit holder*: See License holder

29. *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 Chapter. Any event not considered a public event shall be considered private. The Health Authority shall make the final determination as to whether an event shall be considered private or public under this Chapter.
30. *Pushcart*: Pushcart means and refers to a non-self-propelled vehicle designated to be readily movable which is limited to the serving of non-potentially hazardous foods or commissary-wrapped potentially hazardous foods maintained at proper temperatures. Unpackaged non-potentially hazardous food items approved for sale from a pushcart shall be limited to popcorn, nuts, pretzels and similar bakery products, shaved ice, and snow cones in which the equipment provides adequate protection.
31. *Seasonal food establishment*: a food establishment that is licensed on an annual basis to operate at a fixed location for no more than eight (8) consecutive months within a calendar year.
32. *Sidewalk and street food vending unit*: a non-motorized vending cart (may have cooking and/or hot/cold holding equipment attached) that works out of a commissary; sets up, tears down, and serves food items for no more than four (4) consecutive hours a day during the weekdays; and meets the requirements of this Chapter.
33. *Sidewalk and street food vendor*: a person who owns and/or operates a sidewalk and street food vending unit.
34. *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.
35. *Variance*: a written document issued by the Health Authority that authorizes a modification or waiver of one or more requirements of this Chapter if in the opinion of the Health Authority, a health hazard or nuisance will not result from the modification or waiver.
36. *Virtual Inspection*: an inspection conducted between a food establishment client and the Health Authority by using a video call on a smartphone, tablet, or other electronic device capable of a video call/conference.

ARTICLE II. ADMINISTRATION

DIVISION 1: LICENSES

Section 10-7 License Requirements

It shall be unlawful for any person to operate a food establishment within the scope of this Chapter, within the County of Peoria, State of Illinois without a valid license issued by the Health Authority. Only a person who complies with the requirements of this Chapter shall be entitled to receive and retain such a license.

- A. A license 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.
- B. Any person desiring to operate a food establishment or to renew an expired license within the scope of this Chapter shall make written application for a license on forms provided by the Health Department accompanied by the appropriate license fee, any late fees, and all other outstanding balances.
- C. If an application for license to operate is denied, the Health Authority shall provide the applicant with notice that includes:
 - 1. The specific reason for license denial;
 - 2. The actions, if any, that the applicant must take to qualify for a license; and
 - 3. Advisement of the applicant's right of appeal and the process and time frames for appeal.
- D. Upon acceptance of the license issued by the Health Authority, the License holder in order to retain the license 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 Authority to report an illness of an employee or conditional employee;
 - 4. Immediately discontinue operations and notify the Health Authority if an imminent health hazard may exist;
 - 5. Allow representatives of the Health Authority access to the food establishment;
 - 6. Replace existing facilities and equipment with facilities and equipment that comply with this Code if:
 - a) The Health Authority 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 Authority directs the replacement of the facilities and equipment because of a change of ownership, or
 - c) The facilities and equipment are replaced in the normal course of operation;
 - 7. Comply with directives of the Health Authority including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the Health Authority in regard to the License Holder's food establishment or in response to community emergencies;

8. Accept notices issued and served by the Health Authority according to law; and
9. Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this Code or a directive of the Health Authority, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives.

Section 10-8 License Term

- A. All licenses shall be valid from January 1 through December 31 of each year unless otherwise noted in this Chapter. Licenses for all food establishments shall be automatically suspended should the License holder or operator cease operation of the food establishment for thirty (30) consecutive days or longer, if the Health Authority is not given notice prior to the cessation of operation. Said license shall be reinstated upon application to the Health Authority 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 Chapter.
- B. Licenses issued to seasonal food establishments shall be valid from the date of issue and shall expire within eight (8) months or on December 31 of that calendar year, whichever comes first.

Section 10-9 License Categories

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

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

Section 10-10 License Posting

The license holder shall post a valid license issued pursuant to this Chapter in the food establishment so as to be clearly visible to the public or, in the case of any temporary license, 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 license is one that is not suspended, revoked, or expired.

Section 10-11 Issuance of License

- A. After approval of the plans and upon receipt of a completed application for a license, the Health Authority shall conduct an inspection of the premises. If the Health Authority 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 Chapter, the Health Authority shall approve the food establishment to begin operations once the appropriate license fee and all other outstanding balances are paid in full.

- B. For continued operation of the establishment, annual renewal of the license shall be required. Any license holder desiring to renew his/her license shall make proper application on renewal forms or via an online renewal process provided by the Health Department and pay all outstanding balances owed to the Health Department including, but not limited to, license renewal fee, late fees, follow-up inspection fees, and insufficient fund charges before the license will be issued. License holders subject to the City of Peoria Restaurant Tax must be current on obligations due the City at the time of Renewal of the annual license. If a license holder is delinquent on obligations due the City, the annual renewal license shall be denied and shall not be issued until such time as the license holder becomes current on obligations due the City.
- C. Those seeking mobile food unit licensure shall provide the Health Authority, prior to licensure and license renewal, the following:
1. A completed Plan Review Application form (initial license only, unless establishment closes or changes ownership) as provided by the Health Authority;
 2. Properly prepared plans to scale and specifications, including those illustrating layout, arrangement, location, size and type of fixed equipment, and construction materials (initial license only, unless establishment closes or changes ownership);
 3. Copies of the proposed menu, hours of preparation, and hours of operation (initial license only, unless establishment closes or changes ownership).
 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 license 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; and
 9. Any other information the Health Authority deems necessary to evaluate the proposal.
- D. Any event which has a minimum of three (3) mobile and or temporary food vendors or points of sale must designate an Event Coordinator. The Event Coordinator shall complete and submit an "Event Coordinator Information" sheet. The Event Coordinator Information sheet must be submitted at least fifteen (15) business days before the scheduled event. Any changes to the Event Coordinator Information sheet shall be filed not less than seven (7) business days prior to the event or as soon as possible before the event.

Section 10-12 Fees

- A. Pursuant to the Counties Code, 55 ILCS 5/5-1115, the Peoria 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 Peoria City/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 license has been issued by the Health Department the fee is non-refundable.

- C. Any failure by the License holder to submit the total fee(s) required by the date of license expiration will result in an expired license. A notice for cessation of food establishment operations will be issued by the Health Authority due to the lack of a valid license.
- D. Any failure by the License holder to submit the total outstanding balance on a monthly invoice by the invoice due date may result in an immediate suspension of license.
- E. Any person who operates a food establishment, including a temporary event establishment, prior to the issuance of a license 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 Authority reviewing plans. Once a plan review commences the fee is non-refundable.
- G. Food establishments assessed at a higher risk category within 90 days of initial and or previous risk category will be assessed the difference and pay the higher risk category license fee.
- H. Cottage Food Operators shall pay the maximum registration fee allowed under the statute governing Cottage Food Operations annually prior to starting their operations each year. Once the Cottage Food Registration Application review commences, the fee is non-refundable.

Section 10-13 Food Sources Outside of County

Food from establishments outside the jurisdiction of the Peoria City/County Health Department shall be allowed if such food establishments conform to the provisions of this Chapter or equivalent provisions and can provide proof of a valid license from an appropriate regulatory public health authority.

Section 10-14 Plan Reviews

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

- A. The Health Authority shall conduct a plan review whenever food establishments:
 - 1. Are newly constructed or extensively remodeled;
 - 2. Are adding a major piece or pieces of equipment;
 - 3. Are converted for use as a food establishment, other than a temporary food service establishment; or
 - 4. Make changes in the existing menu requiring a change in equipment or operation of an existing food establishment.
 - 5. Change of License Holder (change of ownership): The Health Authority may waive the plan review based on information provided in the Change of Ownership Packet.
- B. Before such work begins, food establishments shall submit the following to the Health Department for review and approval:
 - 1. A completed Plan Review Application Packet as provided by the Health Authority;

2. Properly prepared plans to scale and specifications, including those illustrating layout, arrangement, location, size and type of fixed equipment, plumbing and construction materials;
3. Copies of the proposed menu, hours of preparation, and hours of operation;
4. All required HACCP Plans;
5. Plan review fee; and
6. Any other information the Health Authority deems necessary to evaluate the proposal.
See Section 10-11 C of this Chapter for additional information required for mobile units.

Section 10-15 Pre-Operational Inspections

Every food establishment shall be inspected by the Health Authority prior to the beginning or resumption of operations to determine compliance with approved plans, specifications, and the requirements of this Chapter prior to the issuance or reinstatement of a license to operate. If the Health Authority 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 Chapter, the Health Authority shall approve the food establishment to begin operations once the appropriate license fee and all other outstanding balances are paid in full.

DIVISION 2: INSPECTIONS

Section 10-16 Frequency

At minimum, the Health Authority, unless special approval is given by the County Board of Health, shall inspect each food establishment within Peoria County as follows:

Category I	three (3) times annually
Category II	two (2) times annually
Category III	one (1) time annually

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

The Health Authority may accept an inspection from another local health department for mobile units with only prepackaged food items, in which the mobile unit's commissary operates under their jurisdiction. The Health Authority when necessary, may also conduct virtual or hybrid inspections to complete inspections and proper follow up.

Section 10-17 Performance and Risk Based Inspection Frequency

The Health Authority shall prioritize, and conduct more frequent inspections based upon 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 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; and
- G. Whether the population served is highly susceptible population.

Section 10-18 Right of Entry

After the Health Authority 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 Authority to determine if the food establishment is in compliance with the provisions of this Chapter by allowing access to the establishment, allowing inspection, and providing information and records specified in this Chapter and to which the Health Authority is entitled according to law, during the food establishment's hours of operation and other reasonable times.

Section 10-19 Refusal, Notification of Right to Access, and Final Request for Access

- A. If a person in charge denies access to the Health Authority, the Health Authority shall inform the person in charge that:
 - 1. Access is a condition of the acceptance and retention of a license to operate as specified in this Chapter, and
 - 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; and
 - 3. Make a final request for access.
- B. If after the Health Authority 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 Authority shall provide details of the denial of access on an inspection report form.
- C. If denied access to a licensed food establishment for an authorized purpose, and after complying with this Chapter, the Health Authority 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 Authority may seek a temporary restraining order to cease operations until the inspection is conducted. Regardless, the Health Authority may consider the license suspended until an inspection is able to be conducted.

Section 10-20 Examination of Records

The Health Authority 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.

Section 10-21 Reports

- A. Whenever an inspection of a food establishment is conducted to determine compliance with this Chapter, the findings shall be recorded on the inspection report form provided by the Health Authority.
- 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 Chapter.
- D. One (1) copy (hard or electronic copy as outlined in the procedure, "Emailing Inspections Procedure") 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.

Section 10-22 Refusal to Sign Report

If a person in charge refuses to sign the report, the Health Authority 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 License 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.

Section 10-23 Correction of Violations

- A. The completed inspection report form shall specify the time period for correction of the violations in accordance with the Peoria City/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 Authority 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 Chapter may result in the immediate suspension of the license.
- D. Whenever a food establishment is required under the provisions of this Chapter 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 10-26 of this Chapter, the Health Authority 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 Fee Policy shall be assessed.

Section 10-24 Examination and Condemnation of Food and Equipment

- A. The Health Authority shall examine and/or take laboratory samples of food as often as it deems necessary for enforcement of this Chapter.
- B. The Health Authority may, upon written notice to the owner or person in charge, place an embargo on any food or equipment which the Health Authority believes is in violation of this Chapter. The Health Authority 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 Authority.
 - 1. No food subject to an embargo shall be used, served, or moved from the food establishment. The Health Authority 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 Authority shall require the denaturing or destruction of the food.
 - 2. Where equipment used in the preparation or storage 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 Authority. Such equipment shall not be returned to service until written permission is obtained from the Health Authority. Such equipment will not be altered, disposed of, or destroyed without permission of the Health Authority or authorized representative except on an order by a court of competent jurisdiction.
 - 3. The license holder may make a written request to the Health Authority for a hearing within five (5) business days of receiving the embargo. Such requests shall be made directly to the Health Authority. 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 Chapter.

Section 10-25 Imminent Health Hazard

A license holder shall immediately discontinue operations and must notify the Health Authority 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.

Section 10-26 Reinstatement of Suspended License

Any License holder whose license has been suspended may make a written request to the Health Authority to conduct a follow-up inspection of the premises for the purpose of reinstating the license unless other arrangements have been made with the Health Authority at the time of license 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 license suspended for reasons other than an unforeseen emergency (i.e. natural disaster, boil order, fire) situation shall be subject to the license reinstatement fee instead of a follow-up inspection fee.

Section 10-27 Resumption of Operations

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

Section 10-28 Variances

The Health Authority may grant a variance by modifying or waiving the requirements of this Chapter or the Illinois Food Code if in the opinion of the Health Authority a public health hazard will not result from the issuance of the variance. If a variance is granted, the Health Authority shall retain all pertinent information in its records for the establishment.

The person requesting a variance shall comply with all applicable requirements of the FDA Food Code 2017 Chapter 8 Sections 103 Variances, 201.13 When a HACCP Plan is Required, 201.14 and Contents of a HACCP Plan.

- A. If the Health Authority grants a variance as provided under this section, the License holder shall comply with the plans and procedures that are submitted and approved as a basis for the variance.
- B. Failure to comply with conditions of a variance approval may result in the revocation of the variance approval.

Section 10- 29 Additional Requirements

- A. If necessary, to protect against public health hazards or nuisances, including, but not limited to communicable disease outbreaks, the Health Authority may impose specific requirements in addition to the requirements contained in this Chapter.
- B. The Health Authority shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the License applicant or License holder, and a copy shall be maintained in the Health Department file for the food establishment.
- C. All new or extensively remodeled food establishments shall have a 3-compartment sink for proper warewashing.
- D. All required Certified Food Protection Managers (CFPM) shall have food allergen training.

- E. Hard copies of all training certificates for CFPM, Food Handler Training, and allergen training must be available for review at time of inspections.
- F. All food establishments connected to an onsite wastewater treatment system shall have an inspection of the system prior to approval to open and operate, and annually to be reviewed at time of inspection or submitted with their license renewal.
- G. All food establishments connected to a water well shall provide an inspection of the water supply system and satisfactory water samples prior to approval to open and operate, and at least annually to be reviewed at time of inspection or submitted with their license renewal. Those establishments part of the non-community public water supply (NCPWS) program will be sampled and inspected as part of the NCPWS program.

DIVISION 3: TEMPORARY FOOD SERVICE ESTABLISHMENTS

Section 10-30 Temporary Food Service Establishment General

The requirements outlined in Division 3: Temporary Food Service Establishments apply only to temporary food service establishments as defined by this Chapter and are in addition to the requirements in other sections of this Chapter.

Section 10-31 Temporary Food Service Event Coordinator:

Any event which has a minimum of three (3) food vendors, including mobile units, or points of sale must designate an Event Coordinator. The Event Coordinator shall complete and submit an "Event Coordinator Information" sheet. Temporary Food Permit applications are required for each temporary food establishment. The Event Coordinator Information sheet must be submitted at least fifteen (15) business days before the scheduled event. Any changes to the Event Coordinator Information sheet shall be filed not less than seven (7) business days prior to the event or as soon as possible before the event.

Section 10-32 Temporary Food Service Establishment Licenses

- A. A "Temporary Food Licensure Application" and the appropriate fee shall be submitted at least five (5) business days prior to the start of the event at which food will be provided. Each event participant shall pay a license fee for each food establishment.
- B. Licenses issued to temporary food service establishments shall be valid for the dates stated on the license 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 Chapter and the Peoria City/County Health Department Temporary Food Permit Rules as adopted by the Board of Health prior to licensure.

Section 10-33 Temporary Food Service Establishment Fees

- A. Those seeking licensure for a temporary food service establishment who do not submit an application to the Health Authority at least five (5) business days prior to the start of the event shall be assessed a late temporary food establishment fee in addition to the license fee.
- B. Any person found to be operating a Temporary Food Establishment without having applied for a Temporary Food License may be subject to a penalty fee. Additional Temporary Food Licenses will not be issued to any violator until fees are paid.

Section 10-34 Temporary Food Service Establishment Inspections and Corrections

- A. The Health Authority shall provide consultation and/or on-site inspections for each temporary food establishment as many times as necessary for the enforcement of this Chapter.
- B. All violations shall be corrected immediately. If violations are not corrected, the application for temporary food service establishment license may be denied and the food establishment shall immediately cease food service operations.
- C. A proposed temporary food establishment whose license has been denied under this section may request a follow-up inspection to show compliance with provisions in the Illinois Food Code, this Chapter, and Peoria City/County Health Department Temporary Food Permit Rules at the time of the inspection. The requested follow-up inspection will depend on staff availability, payment of a follow-up inspection fee and compliance with the Illinois Food Code, this Chapter, and Peoria City/County Health Department Temporary Food Permit Rules.

DIVISION 4: MULTI-EVENT TEMPORARY FOOD SERVICE ESTABLISHMENTS

Section 10-35 Multi-Event Temporary Food Service Establishment General

The requirements outlined in Division 4: Multi-Event Temporary Food Service Establishments apply only to multi-event temporary food service establishments as defined by this Chapter and are in addition to the requirements in other sections of this Chapter.

Section 10-36 Multi-Event Temporary Food Service Establishment Licenses

Those seeking licensure for a multi-event temporary food service establishment shall meet all applicable provisions of this Chapter, including submission of proper applications, payment of fees, and the Peoria City/County Health Department Multi-Event Temporary Food Service Establishment License Rules as adopted by the Board of Health annually prior to licensure, and all of the following requirements prior to and as a condition of ongoing licensure:

1. A completed Multi-Event Temporary Food Service Establishment Plan Review Application Packet as provided by the Health Authority for the applicable type (packaged or non-packaged);
2. Properly prepared plans to scale and specifications, including those illustrating layout, arrangement, location, and size and type of equipment, for all potential set-ups;
3. Copies of the proposed menu items;
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, as well as where items will be prepared, i.e., commissary or at event;
 7. An itinerary or list of all known events and locations at which the License 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; and
 9. Any other information the Health Authority deems necessary to evaluate the proposal.
- A. Licenses issued to multi-event temporary food service establishments shall be valid from the date of issue and shall expire on December 31 of that calendar year.
 - B. A multi-event temporary food service establishment license is only valid at one location at the same time period. Additional licenses are required for more than one location/event during the same time period.
 - C. A license 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 other license type other than that for which it was issued.
 - D. Any License holder desiring to renew his/her license 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, license renewal fee, late fees, follow-up inspection fees, and insufficient fund charges before the license will be issued.

Section 10-37 Multi-Event Temporary Food Service Establishment Fees

- A. Those seeking licensure for a multi-event temporary food service establishment license who do not submit a renewal application to the Health Authority at least two weeks prior to anticipated date of operation shall be assessed a late fee in addition to the license fee.
- B. Any person found to be operating a multi-event temporary food service establishment without having applied for a multi-event temporary food service establishment license and approved to operate may be subject to a penalty fee. Licenses will not be issued to any violator until fees are paid.

Section 10-38 Multi-Event Temporary Food Service Establishment Inspections and Corrections

- A. The Health Authority shall provide consultation and/or on-site inspections for each multi-event temporary food establishment as many times as necessary for the enforcement of this Chapter, but at minimum, one inspection per month of operation.
- B. All violations shall be corrected immediately. If violations are not corrected, the application for multi-event temporary food service establishment license may be denied or suspended and the food establishment shall immediately cease food service operations, until all corrections can be made.

- C. A multi-event temporary food establishment whose license has been denied or suspended under this section may request a follow-up inspection to show compliance with provisions in the Illinois Food Code, this Chapter, and Peoria City/County Health Department Multi-Event Temporary Food Service Establishment License Rules at the time of the inspection. The requested follow-up inspection will depend on staff availability, payment of a follow-up inspection fee and compliance with the Illinois Food Code, this Chapter, and Peoria City/County Health Department Multi-Event Temporary Food Service Establishment License Rules.

DIVISION 5: SIDEWALK AND STREET FOOD VENDOR

Section 10-39 Sidewalk and Street Food Vendor General

The requirements outlined in Division 4: Sidewalk and Street Food Vendor apply only to Sidewalk and Street Food Vendors and are in addition to the requirements in other sections of this Chapter.

Section 10-40 Sidewalk and Street Food Vendor Licenses

- A. Licenses issued to Sidewalk and Street Food Vendors shall be valid from the date of issue, shall expire no later than December 31 of that calendar year, and are valid for only the location on the license.
- B. Sidewalk and Street Food Vendors seeking a license shall provide the following information to the Health Authority, prior to licensure and renewal:
1. Proof of access to a commissary;
 2. Hours of access to the commissary;
 3. A list of all items to be prepared and served during the course of licensure;
 4. Proof of approval from the local governing body to operate in the location for which they have applied;
 5. A list of all equipment to be utilized; and
 6. Hours of operation including set up and tear down.

Section 10-41 Sidewalk and Street Food Vendor Inspections

- A. The Health Authority shall inspect Sidewalk and Street Food Vendors a minimum of once a month. All establishments licensed under this category shall automatically be classified as a Category I establishment unless otherwise determined by the Health Authority.
- B. All violations shall be corrected immediately. If violations are not corrected and/or pose an imminent health hazard, the food establishment shall immediately cease food service operations.

ARTICLE III. ENFORCEMENT

Section 10-42 Prevention of Transmission of Disease

When the Health Authority has reasonable cause to suspect possibility of disease transmission from any food establishment employee, the Health Authority 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 Authority 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 Authority, no further danger of disease outbreak exists;
- c. Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease; and/or
- d. Medical and laboratory examinations of the employee and of other employees, including a physical examination and analysis of bodily fluids.

Section 10-43 Compliance Conference

The Health Authority shall require a compliance conference in accordance with the Peoria City/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 licensee'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 licensee will be removed from compliance procedures unless the licensee has agreed to alternate terms in a compliance conference.

Section 10-44 License Suspension

At any time the Health Authority determines that a license holder or operator is not in compliance with the provisions of this Chapter, it shall issue a notice under the provisions of this Chapter to the license 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 license 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 license suspension until all mandated violations are corrected and for a minimum of twenty-four (24) hours.

- C. If in the opinion of the Health Authority 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 Authority shall suspend the license in effect until such time as the violation or violations have been corrected. Corrections must be verified by the Health Authority through a compliance inspection and an approval must be issued to reopen.
- D. The Health Authority may immediately suspend a food service license for interference with the Health Authority in the performance of his/her duties.
- E. Whenever a license holder or operator has failed to comply with any notice issued under the provisions of this Chapter, the Health Authority may serve said license holder or operator with a notice stating his license is suspended and operations are to cease immediately or as ordered by the Health Authority.
- F. A license may be suspended for cause pending its revocation or a hearing relative thereto.
- G. Any person whose license has been suspended may, at any time, make application for a follow-up inspection for the purpose of reinstatement of the license. 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 license have been corrected, the Health Authority shall make a follow-up inspection within two (2) days which the Health Authority is open to the public. If the applicant is in compliance with the requirements of this Chapter and the Illinois Food Code, the license shall be reinstated.

Section 10-45 Revocation

For serious or repeated violations of any provisions of this Chapter or for interference with the Health Authority in the performance of its duties, the Health Authority may hold a hearing to permanently revoke a license. The license holder shall be given notice of the revocation and shall be notified of the opportunity to request a hearing before the Health Authority. Prior to such action, the Health Authority shall notify the License holder that the license is subject to revocation and advise that the license 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 Authority by the license 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 Authority may refuse to issue a license for a period of two years to any applicant who had an interest in ownership or management of a food establishment whose Food Safety License has been revoked.

Section 10-46 Hearings

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

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

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

All hearings shall be conducted so as to provide the parties with written notice of the hearings, adequate time to prepare, and the right to present evidence in support of their position. The licensee 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 Authority and a copy provided to the licensee upon request.

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.

Section 10-47 Appeals

A License holder or operator whose license has been suspended or revoked may make a written request to the Health Authority 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 license 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 License holder may appeal the final decision of the Health Authority to the Peoria County Board of Health.

The decision of each appeal body shall be final.

Section 10-48 Service of Notices

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

- A. A notice is personally served by the Health Authority, a law enforcement officer, or a person authorized to serve a civil process to the License holder, if a corporation, to any officer thereof, the Person in Charge, or person operating a food establishment without a license;

- B. The notice is sent by the Health Authority to the last known address of the License holder, if a corporation, to any officer thereof, or the person operating a food establishment without a license, by registered or certified mail or by other public means so that a written acknowledgment of receipt may be acquired; or
- C. The notice is provided by the Health Authority in accordance with another manner of service authorized in law.
- D. 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.

Section 10-49 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 License holder, the person operating a food establishment without a license to operate, or an authorized agent.

Section 10-50 Penalties Other Than Suspension and Revocation of Licenses

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 Chapter 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 Authority may seek an injunction against any License holder or person violating this Chapter, as provided in the Illinois Food Handling Regulation Enforcement Act, 410 ILCS 625/1 et seq.

Section 10-51 Conflict of Chapter

In any case where a provision of this Chapter is found to be in conflict with a provision of any Code of Peoria County existing on the effective date of this Chapter, the provision which, in the judgment of the Health Authority or its authorized representative, establishes that the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Chapter is found to be in conflict with a provision of any other Chapter or Code of Peoria County existing on the effective date of the Chapter which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Chapter shall be deemed to prevail.

If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter should be declared invalid by a court of competent jurisdiction for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter which shall remain in full force and effect and, to this end, the provisions of this Chapter are hereby declared to be severable.

Peoria City/County Environmental Health Fees

FOOD PROGRAM

License Fees

Annual

High Risk	\$580
Medium Risk	\$470
Low Risk	\$360

Reduced Annual Fees:

Non-Profit & No charges assessed on behalf of recipient	\$0
Public Schools	\$0
Local Governmental	\$0

Annual and Multi-Event Temporary License Late Fees: \$100

Sidewalk and Street Food Vendor License Fees:

High Risk	\$580
Medium Risk	\$470
Low Risk	\$360

Annual and Sidewalk and Street Vendor License fees shall be prorated by 50% if license is issued after June 30 of the calendar year.

Seasonal License Fees:

High Risk	\$440
Medium Risk	\$360
Low Risk	\$275

Temporary License Fees: (no reduced fee)

Temp Food 4-14 Days	\$150
Temp Food 1-3 Days	\$55
Temp Food 1-3 Days (10 applications*)	\$495

(*Must be paid and submitted at same time)

Temporary License Late Fee: \$50

Those seeking licensure for a temporary food service establishment who do not submit an application to the Health Authority at least five (5) business days prior to the start of the event shall be assessed a late temporary food establishment fee in addition to the license fee.

Multi-Event Temporary Food Service Establishment License Fees:

	Non-Packaged	Packaged
In-County Commissary	\$650	\$325
Out of County Commissary	\$800	\$400

(2021 License fees for Multi-Event Temporary Food Service Establishment License fee will be prorated based on the first month the Ordinance is in effect)

OTHER FEES

First Follow-up Inspection	\$50
Second Follow-up Inspection	\$70
Third & All Subsequent Follow-up Inspection	\$90
Compliance Inspection	\$150
License Reinstatement	\$250
Penalty Fee (For operating without a valid Food Safety License)	\$200

Plan Review Fee:

New or Major Remodel	\$235
Minor Remodel	\$75
Prepackaged Food Only	\$175

Cottage Food

Registration – maximum registration allowable under the statute governing Cottage Food Operations

Cottage Food Operation Foodborne Illness Investigation Fee – once allowed under the statute which governs Cottage Food Operations, a Cottage Food Foodborne Illness Investigation will be assessed to the Cottage Food Operator at the Health Authority’s staff hourly rates not to exceed \$250 per investigation. An investigation is each separate incident requiring an investigation.