

Chapter 10 FOOD SAFETY*

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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 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 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:

- a. Establishments only offering State or Federally-inspected packaged foods that are not potentially hazardous (time/temperature control safety foods);
- b. Produce stands offering only whole, uncut fresh fruits and/or vegetables;
- c. Food processing plants;
- d. Private events;
- e. Establishments housing only food vending machines;
- f. Private group homes where residents prepare shared meals;
- g. Licensed home day-cares; and
- h. All other facilities 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. “State of Illinois, Food Service Sanitation Code 77 ILL. Adm. Code 750”;
- b. “State of Illinois, Retail Food Store Sanitation Code 77 ILL. Adm. Code 760”;
- c. “Bed and Breakfast Act, 50 ILCS 820/1”; and

One copy of each shall be on file in the office of the Peoria County Clerk.

Section 10-6 Definitions

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

1. *Adulterated*: the condition of a food if:
 - a. It bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health;
 - b. It bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation or in excess of such tolerance if one has been established;
 - c. It consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human consumption;
 - d. If it has been processed, prepared, packed, or held under unsanitary conditions, whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;
 - e. It is in whole or in part the product of a diseased animal or an animal which has died otherwise than by slaughter; or
 - f. Its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.
2. *Applicant*: any person making application to the Health Department for a license.
3. *Approved*: acceptable to the Health Authority based on its determination as to conformance with appropriate standards and good public health practice.
4. *Authorized representative*: those persons designated by the Health Department Administrator to enforce the provisions of this Chapter.
5. *Board*: the Peoria County Board of Health or its authorized representative.
6. *Bulk food*: processed or unprocessed food in aggregate containers from which specified quantities desired by the consumer are withdrawn.
7. *Business days*: Monday through Friday from 8:00 a.m. to 4:30 p.m. excluding Health Department observed holidays.
8. *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.

9. *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 facility. 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.
10. *Commissary*: a licensed food establishment in which food, containers, or supplies are kept, handled, prepared, packaged, washed, and/or stored.
11. *Continental Breakfast*: meals providing only non-potentially hazardous beverages, whole fruits/juices, and commercially prepared non-potentially hazardous baked goods.
12. *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.
13. *Event coordinator*: any person or organization that is responsible for organizing and planning an event at which one or more temporary food establishments or mobile food units operate.
14. *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.
15. *Extensive remodel*: any structural additions or alterations to existing establishments; changes, modifications, and extensions of plumbing systems, excluding routine maintenance. Extensive remodeling does not include redecorating, refurbishing, altering seating design, or reducing seating capacity.
16. *Food establishment*: any food service establishment; tavern; bar; nightclub; commissary; catering kitchen; bakery; bed and breakfast establishment; retail food store; mobile food unit; sidewalk and street food vending unit; temporary food establishment; private, public or nonprofit organization or institution routinely serving food; and any other eating or drinking establishment or operation where food or drink is prepared, served, or provided for human consumption with or without charge.
17. *Food preparation*: the handling, processing, and/or serving of foods.
18. *Health Authority*: the Administrator of the Peoria City/County Health Department or its authorized representative.
19. *Health Department*: the Peoria City/County Health Department, an agency of the Peoria County Board of Health.
20. *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.

21. *License*: the document issued by the Health Authority that authorizes a person to operate a food establishment.
22. *License 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.
23. *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.
24. *Operator*: a person who has been approved by the license holder to perform and/or oversee the day-to-day food service operation.
25. *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.
26. *Premises*: the physical facility, its contents, and the contiguous land or property under the control of the permit holder.
27. *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.
28. *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.
29. *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.
30. *Sidewalk and street food vendor*: a person who owns and/or operates a sidewalk and street food vending unit.
31. *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.
32. *Variance*: a written document issued by the Health Authority that authorizes a modification or waiver of one or more requirements of this Chapter.
33. *Wholesome*: in sound condition, clean, free from adulteration or contamination, and otherwise suitable for human consumption.

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. **Transferable:** Licenses shall not be transferable from one person to another person, nor be applicable to any location, building, or place other than that for which it was issued.
- B. **Issuance of Licenses:** 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.

Section 10-8 License Term

- A. **All Licenses:** 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 re-inspection of the food establishment to determine if the establishment is in compliance with the applicable requirements of this Chapter.
- B. **Seasonal Licenses:** 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, which ever 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 facility 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 *State of Illinois, Food Service Sanitation Code 77 ILL. Adm. Code 750* shall be utilized to determine risk.

Section 10-10 License Posting

Operators 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. A valid license is one that is not suspended, revoked, or expired.

Section 10-11 Issuance of License

- A. **Application for License:** 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 in compliance with the provisions of this Chapter, the Health Authority shall approve the food establishment to begin operations.
- B. **Annual Renewal of Licenses:** 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 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, re-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 issue until such time as the license holder becomes current on obligations due the City.
- C. **Mobile Food Unit License:** Operators seeking mobile food unit licensure shall provide the Health Authority, prior to licensure, the following:
 - 1. Proof of access to a commissary;
 - 2. A list of all items to be prepared and served during the course of licensure;
 - 3. A list of all known events and locations at which the operator shall be preparing and serving food during the course of licensure; and
 - 4. A completed plan review.

In addition to the above requirements, the License Holder must notify the Health Authority of any event changes or additions prior to the event.

Section 10-12 License Fees

- A. **Authority to Establish Fees:** 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. **License Fees:** Once a license has been issued by the Health Department the fee is non-refundable.
- C. **Failure to Submit the Total Fee:** 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. **Penalty Fee:** Any person who operates a food establishment prior to the issuance of a license from the Health Department, whether it is a new facility or a change of ownership, will be assessed a penalty fee.
- E. **Plan Review Fee:** Food establishments shall pay all applicable plan review fees prior to the Health Authority reviewing plans.

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 shall be constructed, remodeled, or converted except in accordance with plans and specifications approved by the Health Authority.

- A. **Plan Review:** 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: The Health Authority may waive the plan review based on information provided in the Change of License Holder application.
- B. **Submission of Documents:** Before such work begins, food establishments shall submit the following to the Health Department for review and approval:
1. Plan Review Application form 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;
 3. Copies of the proposed menu, hours of preparation, and hours of operation;
 4. Plan review fee; and
 5. Any other information the Health Authority deems necessary to evaluate the proposal.

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.

DIVISION 2: INSPECTIONS AND RATING

Section 10-16 Frequency

At minimum, the Health Authority 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.

Section 10-17 Right of Entry

The Health Authority shall have the right to enter any food establishment at any reasonable time for the purpose of conducting inspections to determine compliance with this Chapter. The Health Authority representative(s) shall properly identify themselves prior to entering the property and initiating an inspection.

Section 10-18 Refusal of Entry

The Health Authority shall have access to any food establishment at reasonable times during hours of preparation and operation for the purpose of inspection as a condition of the acceptance and retention of a food service license. 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 administrative warrant 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.

Section 10-19 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 10-20 Reports

1. 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.
2. Said inspection report form shall constitute a legal notice of violations relating to this Chapter.
3. One (1) copy of the inspection report form shall be furnished 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 10-21 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. **Receipt:** Acknowledgement of receipt does not indicate agreement with the inspection findings.
- B. **Obligation to Correct:** 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. **Noted:** A refusal to sign an acknowledgement of receipt is noted in the inspection report.

Section 10-22 Correction of Violations

- A. **Inspection Report:** 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. **Imminent Health Hazard:** 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:** 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. **Ceasing Operation:** 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 reinspection determines that conditions responsible for the requirement to cease operations no longer exist. Pursuant to Section 10-25 of this Chapter, the Health Authority shall offer the opportunity for reinspection within a reasonable amount of time, upon receipt of a written request for reinspection from the food establishment.
- E. **Follow-up Inspection:** When a follow-up inspection of a food establishment is necessary to ensure compliance with the previous inspection, a reinspection fee pursuant to the current Environmental Health fee schedule as adopted by the Board of Health shall be assessed.

Section 10-23 Examination and Condemnation of Food and Equipment

- A. **Sampling:** The Health Authority shall examine and/or take laboratory samples of food as often as it deems necessary for enforcement of this Chapter.
- B. **Embargo:** 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 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 10-24 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 10-25 Reinspections

Any license holder whose license has been suspended may make a written request to the Health Authority to reinspect the premises for the purpose of reinstating the license. 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.

Section 10-26 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 10-27 Variances

The Health Authority may grant a variance by modifying or waiving the requirements of this Chapter 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.

A. Documentation of Proposed Variance and Justification: The following information must be provided by the person requesting the variance and approved by the Health Authority before a variance from a requirement of this Chapter is granted:

1. A statement of the proposed variance of the Rules and Regulations citing relevant Chapter section numbers;
2. An analysis of the rationale for how the potential public health hazards addressed by the relevant Chapter sections will be alternatively addressed by the proposal.

B. Conformance with Approved Procedures: 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.

Section 10- 28 Additional Requirements

- A. **Additional Requirements:** If necessary to protect against public health hazards or nuisances, the Health Authority may impose specific requirements in addition to the requirements contained in this Chapter.
- B. **Documentation:** 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.

DIVISION 3: TEMPORARY FOOD SERVICE ESTABLISHMENTS

Section 10-29 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 Code and are in addition to the requirements in other sections of this Chapter.

Section 10-30 Temporary Food Service Event Coordinator:

Any event which has a minimum of five (5) food vendors or points of sale must designate an Event Coordinator. The Event Coordinator shall complete and submit an "Event Coordinator Information" sheet in addition to any required Temporary Food Permit applications. 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.

Section 10-31 Temporary Food Service Establishment Licenses

- A. **Submittal of Application:** 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. **Term:** 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. **Issuance:** Food service operators 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 10-32 Temporary Food Service Establishment Fees

Food service operators 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.

Section 10-33 Temporary Food Service Establishment Inspections and Corrections

- A. **Frequency:** The Health Authority shall provide consultation and/or on-site inspections for each temporary food establishment a minimum of one (1) time for each license issued and shall make as many additional inspections or re-inspections as are necessary for the enforcement of this Chapter.
- B. **Correction of Violations:** All violations shall be corrected immediately. If violations are not corrected and pose an imminent health hazard, the food establishment shall immediately cease food service operations.

DIVISION 4: SIDEWALK AND STREET FOOD VENDOR

Section 10-34 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 10-35 Sidewalk and Street Food Vendor Licenses

- A. **Terms:** 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. **Issuance:** Sidewalk and Street Food Vendors seeking a license shall provide the following information to the Health Authority, prior to licensure:
 - 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 10-36 Sidewalk and Street Food Vendor Inspections

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

ARTICLE III. ENFORCEMENT

Section 10-37 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 10-38 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.

- A. **Imminent Health Hazard:** 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. **Suspension:** Two (2) suspensions during a twelve-consecutive-month period shall constitute grounds for permanent revocation.
- C. **Service of Notice:** 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.
- D. **Cause:** A license may be suspended for cause pending its revocation or a hearing relative thereto.

Section 10-39 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 the ten (10) business day period.

Section 10-40 Hearings

All hearings provided for in this Chapter shall be conducted by the Health Authority at a time and place to be designated by the same. Said hearings shall be conducted in accordance with

rules as may be adopted by the Health Authority. A written report of the hearing decision shall be furnished to the license holder by the Health Authority.

Section 10-41 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. In such cases where a license has been suspended, pursuant to Section 10-25 of this Chapter, such a license holder may additionally or alternatively make a written request to the Health Authority for reinspection.

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 relative to the appropriate license classification of this Chapter to the Peoria County Board of Health or its successor.

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 right to cross-examine, and the right to legal counsel at their expense. 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.

The decision of each appeal body shall be final.

Section 10-42 Service of Notices

Notices provided for under this Chapter shall be deemed to have been properly served when a copy thereof has been delivered personally to the license holder; if a corporation, to any officer thereof; or to the person in charge; or when such notice has been sent by registered or certified mail or delivery service to the address of the license holder as provided on the license application. A copy of such notices shall be filed with the records of the Health Authority.

Section 10-43 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 five hundred dollars (\$500.00), 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.

Peoria City/County Environmental Health Fees

FOOD PROGRAM

License Fees

Annual

High Risk	\$520
Medium Risk	\$350
Low Risk	\$260

Reduced Annual Fees:

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

Annual License Late Fees: \$75

Sidewalk and Street Food Vendor License Fees:

High Risk	\$520
Medium Risk	\$350
Low Risk	\$260

Seasonal License Fees:

High Risk	\$430
Medium Risk	\$300
Low Risk	\$200

Temporary License Fees: (no reduced fee)

Temp Food 8-14 Days	\$120
Temp Food 4-7 Days	\$90
Temp Food 1-3 Days	\$55
Peoria County Licensed Food Service Establishment 1day	\$0
Temp Food 1-3 Days (10 applications*)	\$495

(*Must be paid and submitted at same time)

Temporary License Late Fee: \$25

Temporary food service operators/applicants who fail to apply at least five (5) business days prior to the scheduled temporary event, will be assessed the late fee.

Penalty Fee \$100

(For operating without a valid Food Safety License)

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

OTHER FEES

Recheck Fees:

First Recheck Inspection	\$50
Second Recheck Inspection	\$70
Third & All Subsequent Recheck Inspections	\$90

Plan Review Fee:

New or Major Remodel

\$235

Prepackaged Food Only

\$175