

# MACON COUNTY FOOD SANITATION ORDINANCE

An ordinance defining and regulating the inspection of food service establishments, retail food stores, and food or beverage vending machines, providing for the examination and condemnation of food, providing for the enforcement of current and subsequent Illinois Food Sanitation Rules and Regulations, as amended, Illinois Department of Public Health, providing for the enforcement of current and subsequent Illinois Food Stores Rules and Regulations, as amended, Illinois Department of Public Health, providing for the enforcement of current and subsequent Vending of Food and Beverage Rules and Regulations, as amended, Illinois Department of Public Health, and providing for the enforcement of this ordinance and affixing penalties.

Be it ordained by the Macon County Board of Illinois as follows:

---

Adopted

---

Effective

---

Approved

## SECTION I- Rules and Regulations

The current edition and any subsequent amendments or revisions thereto of the rules and regulations promulgated by the Illinois Department of Public Health pertaining to food service establishments, retail food stores, and food and beverage vending operations are hereby adopted by reference. Three copies of each shall be on file in the Macon County Clerk's Office.

## SECTION II- Definitions

In addition to the definitions contained in the above mentioned Rules and Regulations, the following definitions shall apply in the interpretation and enforcement of this ordinance:

**Adulterated** shall mean the condition of any food.

- If it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health.
- If it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation or in excess of such tolerance if one has been established.
- If it consists in whole or part of any filthy, putrid, or decomposed substance or if it is otherwise unfit for human consumption.
- If it has been processed, prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health.
- If it is in whole or part the product of a diseased animal or animal which has died otherwise than by slaughter.
- If its containers are composed in whole or part of any poisonous or deleterious substance which may render the contents injurious to health, (410 ILCS 620/10).

Annual Permit shall mean a valid food license good from January 1 of the current year through December 31 of the current year.

**Health Authority or Health Department** shall mean the Macon County Board of Health, Macon County Health Department, or an authorized representative thereof.

**Food** shall mean any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or sale in whole or in part for human consumption, (77 IL Adm. Code 750 & 760).

**Food Establishment** shall mean any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for food. The term also includes delicatessen type operations that prepare foods intended for individual portion service. The term does not include lodging facilities serving only a continental breakfast, ( a continental breakfast is one limited to only coffee, tea, and/or juice and commercially prepared sweet baked goods), and private homes or a closed family function where food is prepared and served for individual family consumption (77 IL Adm. Code 750 & 760).

**Health Officer** shall mean the Administrator of the Macon County Health Department or his authorized representatives.

**Misbranded** shall mean the presence of any written, printed, or graphic matter upon or accompanying food or containers of food which is false or misleading.

Mobile Food Service shall mean a mobile food unit or pushcart that meets the requirements set forth in the Illinois Department of Public Health Food Service Sanitation Code, Section 750.1500 and shall be licensed per vehicle.

**Potentially Hazardous Foods** shall mean any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms (77 IL Adm. Code 750).

**Permittee shall mean person or persons possessing a valid** permit to operate a food ~~service~~ establishment, retail food store, or temporary food establishment pursuant to this ordinance.

**Person** shall mean an individual, firm, partnership, co-partnership, company, corporation, trustee, lessee, receiver, association, municipality, or any political subdivision or department thereof, or any other entity, or its agent.

**Retail Food Store** means any establishment or section of an establishment where food and food products are offered to the consumer and intended for, though not limited to, off-premises consumption.

**Sanitation Score** shall mean the Illinois Department of Public Health method for determining the number of debit points. This method is patterned after the United States Food Drug Administration Model. A perfect score is 100 points. Each violation is categorized and has a corresponding value which is deducted from the 100 point score. (IL Adm. Code 750.20)

**Seasonal Permit** shall mean a permit issued to a food service establishment that operates only from March 15 through November 30, serving a limited menu for a limited time based on the seasonal needs. Seasonal stands electing to serve potentially hazardous foods shall meet all applicable requirements for a food service establishment. Those standards unable to meet basic food safety requirements, including without limitation, a potable water source under pressure, hot water heating device, proper sewage disposal facilities, required hand washing facilities, and required utensil washing facilities, shall limit their menu to prepackaged foods only.

**Temporary Permit** shall mean a permit issued to any food service establishment that operates at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single special event or celebration.

SECTION III- Enforcement Provisions

A. Permits: It shall be unlawful for any person to operate a food establishment within Macon County, State of Illinois, who does not possess a valid permit issued by the Health Authority. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person to another person or place. A valid permit shall be posted in a conspicuous place in every food service establishment, retail food store or food vending operation. Permits for permanent structures shall expire on December 31 of each year. Seasonal permits are only valid from March 15 through November 30, and those structures must be removed at the end of each season. Permits for temporary food service establishments shall be issued for a period of time not to exceed fourteen (14) days.

1. The Health Authority must be notified within thirty (30) days of any change of information on the permit application or be subject to prosecution pursuant to Section VII of this ordinance.

B. Any person who has not paid their annual fee for their food permit by January 1 of the renewal year shall be considered to be operating a food service establishment without a valid permit. A late penalty fee of \$50.00 shall be assessed for permit renewal payments received after January 15 of the permit renewal year. The late penalty shall be increased to \$100.00 for payments received after February 1 of the renewal year. Any food service establishment operating after February 7 of the permit renewal year without a renewed, valid permit, shall discontinue operation or be subject to prosecution pursuant to Section VII of this ordinance. However, the annual fee for the renewal of a seasonal permit shall be paid at least one week prior to the reopening of the establishment.

1. Issuance of Permits: Any person desiring to operate a food establishment shall make written application for a permit on forms provided by the Health Department. Such application shall include: the applicant's full name and post office address and whether such applicant is an individual, partnership, or corporation, and if a partnership, the names of the partners together with their addresses shall be included; the location and type of proposed food establishment; and the signature of the applicant or applicants. If the application is for a temporary food service establishment, it shall also include the inclusive dates of the proposed operation. Upon receipt of such application, the Health Officer shall make an inspection of the food establishment to determine compliance with the provisions of this ordinance. When the inspection reveals that the applicable requirements of this ordinance have been met, a permit shall be issued to the applicant by the Health Authority.
2. If the applicant, food establishment, or retail food store within Macon County, State of Illinois, proceeds to open services to the public without possessing a valid permit issued by the Health Authority, or if the applicant applies five (5) days or less before the proposed first day of business, thereby rendering an appropriate inspection by the Health Authority difficult or impossible to complete, operations shall cease immediately and the Health Authority may, in its discretion, assess an additional fee of up to but no more than two-hundred fifty dollars (\$250.00) for expedited processing. In addition to the application for a food license, prior to opening, the establishment may be assessed a fine.
3. Suspension of Permits: Permits may be suspended temporarily by the Health Authority for failure of the holder to comply with the requirements of this ordinance. Whenever a permit holder or person apparently in charge has failed to comply with any notice issued under the provisions of Section III (H) of this ordinance, the permit holder or person apparently in charge shall be notified in writing that the permit is, upon service of notice, immediately suspended, and that an opportunity for a hearing will be provided if a written request for a

hearing is filed with the Health Authority within 10 days by the permit holder or person apparently in charge.

a. Notwithstanding the other provisions of this ordinance, whenever the Health Officer finds insanitary or other conditions in the operation of the food establishment which, in its judgment, constitute a substantial hazard to public health, it may without warning, notice or hearing, issue a written notice to the permit holder or person apparently in charge citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and, if deemed necessary, such order shall state that the permit is immediately suspended. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the Health Authority, shall be afforded a hearing as soon as possible.

4. Reinstatement of Suspended Permits: Any person whose permit has been suspended may, at any time, make application for a re-inspection for the purpose of reinstatement of the permit. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that in applicant's opinion the conditions causing the suspension of the permit have been corrected, the Health Officer shall make a re-inspection. If the applicant is in compliance with the requirements of this ordinance, the permit shall be reinstated.
5. Revocation of Permits: For serious or repeated violations of any requirements of this ordinance, or for the interference with the Health Officer in the performance of its duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by Health Authority. Prior to such action, the Health Officer shall notify the permit holder or person apparently in charge in writing, stating the reason for which the permit is subject to revocation and advising that the permit shall permanently be revoked at the end of seven (7) days from date

of the notice. A permit may also be suspended for cause pending its revocation or a hearing relative thereto.

6. Hearings:

- a. The hearings provided for in this section shall be conducted by the Health Authority at a time and place designated by the Health Authority. 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. A written report of the hearing decision shall be furnished to the permit holder or person apparently in charge by the Health Authority.
- b. Any person, firm, or corporation affected by the decisions, rules or regulations of the Health Authority, may have the decisions of said Health Authority, reviewed in the Circuit Court of the Sixth Judicial Circuit, Macon County, Illinois. The provisions of the “Administrative Review Act” of the State of Illinois approved, May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto shall apply to and govern all proceedings for the judicial review of final administrative decisions of the said Health Authority. The term “Administrative Decisions” is defined in Section 1 of said “Administrative Review Act”.

C. Classification of Permits: The Macon County Health Department shall annually conduct a category risk assessment for every food service establishment, retail food store, and food or beverage vending operations operating within Macon County, pursuant to the Local Health Protection Grant Rules established by the Illinois Department of Public Health. This assessment will result in the facility being placed into the appropriate category as it relates to food handling operations. A category shall be deemed an appropriate classification of an establishment when at least one criteria item describes that establishment’s food handling operations, and in all cases, the highest appropriate

category will apply. The following criteria as prescribed in 77 IL Adm. Code Ch. 1, Sec. 615, will be utilized to classify establishments within Macon County:

1. Category I

- a. Whenever cooling of potentially hazardous foods occurs as part of the food handling operations at the facility;
- b. When potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;
- c. If potentially hazardous foods which have been previously cooked and cooled must be reheated;
- d. When preparing potentially hazardous foods for off-premises service for which time-temperature requirements during transportation, holding, and service are relevant;
- e. Whenever complex preparation of foods, or extensive handling or raw ingredients with hand contact for ready to eat foods, occurs as part of the food handling operations at the facility;
- f. If vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level; or
- g. Whenever serving immunocompromised individuals, where these individuals compose the majority of the consuming population.

2. Category II

- a. If hot or cold foods are not maintained at that temperature for more than 12 hours and are restricted to the same day service;
- b. If preparing foods for service from raw ingredients uses only minimal assembly; and
- c. Foods served at an establishment that require complex preparation (whether canned, frozen, or fresh prepared) are obtained from approved food processing plants, (high risk) food service establishments, or retail food stores.

3. Category III

- a. Only pre-packaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved processing plant;
- b. Only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or
- c. Only beverages (alcoholic and non-alcoholic) are served at the facility.

D. Inspections: The Health Authority shall conduct unannounced, routine onsite inspections for each food service establishment, retail food store, and temporary food establishment operating in Macon County in accordance with the Illinois Administrative, Sect. 615, commonly known as the Food Protection Section of Subpart C: Program Standards of the Local Health Protection Grant Rules. Additional inspections and re-inspections, as are necessary for the enforcement of this ordinance, may be made by the Health Authority. Except that the Health Authority shall not perform routine inspections of those food service establishments operated by the State of Illinois. If the agency responsible for routine inspections shall fail to conduct at least one yearly inspection, the Health Authority may perform the routine inspections. Nothing in this section shall prohibit the Health Authority from conducting investigations or inspections of a special or emergency nature or routine inspections at the request of the Illinois Department of Public Health.

E. Frequency of Inspections: The Health Authority shall routinely inspect each food service establishment, retail food store, and food and beverage vending machines located in Macon County, State of Illinois, at a minimum frequency in accordance with the guidelines established by the Illinois Department of Public Health, 77 Ill. Adm. Code Ch. 1, Sec. 615 and shall make as many additional inspections as are necessary for the enforcement :

- 1. Category I Facilities shall receive three inspections per year, or two if either of the following criteria is met:

- a. A certified food handler is present at all times when the facility is in operation; or
    - b. Employees involved in food operations receive a training exercise or in-service training.
  2. Category II Facilities shall receive one (1) inspection per year.
  3. Category III Facilities shall receive one (1) inspection every other year.
- F. Right of Entry: The Health Authority, after proper identification, shall be permitted to enter at any reasonable time any food service establishment or retail food store or any premises containing machines vending food and beverages in Macon County, State of Illinois, for the purpose of making inspections to determine the compliance with this ordinance. The Health Authority shall be permitted to examine those records of the establishment which identify the sources, the quality, and the contents of the food and supplies purchased, received, or used, and which identify the persons employed. Refusal of such right of entry shall result in immediate suspension of the permit.
- G. Report of Inspections: Whenever an inspection of a food establishment is made, the findings shall be recorded on a form that is substantially equivalent to the current or subsequent Illinois Department of Public Health Retail Food Establishment Inspection Report. One copy of the inspection report shall be furnished to the person apparently in charge of the establishment. The complete inspection report form is a public document and shall be made available for public disclosure to any person who requests it. The inspection report shall set forth a weighted point value for each requirement. The rating score of the establishment shall be the total of the weighted point values for all violations subtracted from 100 and shall be shown on all the copies of the report.
- H. Issuance of Notices: Whenever the Health Officer makes an inspection of a food service establishment and discovers that any of the requirements of this ordinance have been violated, it shall notify the permit holder or person apparently in charge, of such violations by means of an inspection report form or other written notice. In such notification, the Health Officer shall:

1. Set forth specific violations found, together with the sanitation score of the establishment.
2. Establish a specific and reasonable period of time for the correction of the violations found. The correction of the violations found shall be accomplished within the period specified by the Health Officer utilizing the following criteria:
  - a. When the rating score of any establishment is 85 or more, all violations of one or two point weighted items shall be corrected as soon as possible, but in any event by the time of the next routine inspection.
  - b. When the rating score of any establishment is at least 60, but not more than 84, all violations on one of two point weighted items shall be corrected as soon as possible, but in any event within a period not to exceed thirty (30) days.
  - c. Regardless of the rating score of an establishment, all violations of four or five point weighted items shall be corrected immediately, or within a period of time not to exceed 10 days.
  - d. Permits may be suspended for a period of three (3) days:
    - i. If an establishment receives a score of 75 or lower on three (3) consecutive routine inspections.
    - ii. If an establishment fails to receive a score of 85 or higher after two (2) re-inspections.
    - iii. If an establishment fails to correct all 4 or 5 point violations after two (2) re-inspections.
    - iv. If the establishment receives a score less than sixty (60).
    - v. Any establishment whose permit is in jeopardy after two (2) routine inspections or one (1) re-inspection will receive a warning letter either delivered in person or via certified mail, return receipt requested and delivered to addressee only, stating that they will be closed and their food permit will be suspended for three (3) days if necessary corrections are not made by the next

inspection or re-inspection. The letter will also mention that a sign will be placed on the front door stating that the establishment has been closed by order of the Macon County Health Department.

vi. In the case of temporary food service establishments, all violations must be corrected within 24 hours or sooner as instructed by the Health Officer. If violations are not corrected, the establishment shall cease food service operations and the permit suspended.

3. State the failure to comply with any notice issued in accordance with the provisions of this ordinance may result in immediate suspension of the permit. If violations are not so corrected, the permit is suspended and the establishment shall cease food service operations immediately.
4. State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Health Authority within ten (10) days. If a request for a hearing is received, a hearing shall be held within twenty (20) days of the receipt of the request.
5. Notices provided for under this section shall be deemed to have been properly served if a copy of the inspection report form or other notice has been delivered in person to the permit holder or person apparently in charge, or such notice has been sent by certified mail, return receipt requested, to the last known address of the permit holder. A copy of such notice shall be filed with the records of the Health Authority.
6. Resumption of Operations: Whenever any establishment is required under the provisions of this section to cease operation, it shall not resume operations until such time as a re-inspection has been conducted confirming that conditions responsible for the requirement to cease operation no longer exist. Opportunity for the re-inspection shall be offered within a reasonable period.

7. All re-inspections of violations of four or five point weighted items shall be assessed a fee set forth by the Health Authority. This fee shall be paid to the Macon County Health Department within 10 days of the date of the inspection.

I. Examination and Condemnations of Food and/or Equipment

1. Food: Food may be examined or sampled by the Health Authority as often as may be necessary to determine freedom from adulteration and misbranding. The Health Authority may, upon written notice to the permit holder or person apparently in charge, place a hold order on any food which it determines or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to move or alter a hold order notice or tag placed on food by the Health Officer. Neither such food nor the containers thereof shall be relabeled, repackaged or reprocessed, altered, disposed of, or destroyed without the permission of the Health Authority, except on an order by a court of competent jurisdiction. After the permit holder or person apparently in charge has had a hearing as provided in Section III(G)(d), and on the basis of evidence produced at such hearing, or on the basis of examination in the event a written request for a hearing is not received within ten (10) days, the Health Authority may vacate the hold order or may, by written order, direct the permit holder or person apparently in charge of food which was placed under the hold order to denature or destroy such food or bring it into compliance with the provisions of this ordinance. Such order shall be stayed if the order is appealed to a court of competent jurisdiction with three (3) days.

2. Equipment: When equipment used in the preparation of food products is found to be in a state of disrepair, unsafe, unsuitable for use or insanitary, such equipment shall be removed from service and a hold order placed on said item by the Health Authority. It shall be unlawful for any person to move or alter a hold order, notice, or tag placed on equipment by the Health Officer. Such equipment shall not be altered, disposed of or destroyed without the permission

of the Health Authority, except on order by a court of competent jurisdiction. Such equipment may not be returned to service unless the hold order is removed by the Health Authority. After the permit holder or person apparently in charge has had a hearing as provided in Section III(G)(d), and on the basis of evidence produced at such hearing, or on the basis of examination in the event a written request is not received within ten (10) days, the Health Authority may vacate the hold order or may, by written order, direct the permit holder or person apparently in charge of the equipment which was placed under the hold order to bring the equipment into compliance with the provisions of this ordinance. Such order shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.

3. Existing Equipment: Equipment which was installed in a food establishment prior to the effective date of this ordinance, and which does not meet fully all of the design and construction requirements of this section, shall be deemed acceptable in that establishment if it is in good repair, capable of being maintained in a sanitary condition and the food contact surfaces are nontoxic. Such equipment shall be so located and installed as to enable reasonable compliance with all of the requirements of this subsection pertaining to equipment installation, and all of the requirements pertaining to food protection.
  - a. Such equipment must maintain the required temperature control, in accordance with Illinois Department of Public Health standards.
  - b. Equipment and facilities which are purchased, rented, or otherwise obtained by a permittee after the date of this ordinance shall come under the full regulation of the Illinois Department of Public Health Food Service Sanitation Code. Such equipment and facilities shall be repaired or replaced to meet the stated requirements of said code.
4. All new or replaced equipment shall meet or be equivalent to applicable National Sanitation Foundation (NSF) standards or, equivalent food equipment standards

of another recognized agency that test to NSF food equipment standards. If NSF food equipment standards do not exist for a piece of equipment, the equipment must be inspected and approved by the Health Authority before being placed into service.

- J. Procedure When Infection is Suspected: When the Health Authority has reasonable cause to suspect the possibility of disease transmission from any food service establishment employee, it shall secure a morbidity history of the suspected employee or make any other investigation as may be indicated, and take appropriate action. The Health Authority may require any or all of the following measures:
1. Immediate exclusion of the employee from any food handling activities.
  2. Immediate closure of the establishment concerned until in the opinion of the Health Authority no further danger of disease outbreak exists.
  3. Restriction of employee's services to some area of the establishment where there will no longer be danger of transmitting disease.
  4. Adequate medical and laboratory examinations of the employee, or other employees, and of his, her or their, body discharges.
- K. Food Handlers Class: The Health Authority may order any food service worker to attend a food sanitation training course when, in the judgment of the Health Authority, the work habits of said food service worker constitute a hazard to public health.
1. Said food handler must attend the required training course approved by the Illinois Department of Public Health within ninety (90) days of the Health Authority order.
  2. The facility must provide documented proof of completion of said training course by the employee to the Health Authority within (90) days of the order to attend such training.
  3. Failure to do so will result in the suspension of permit by the Health Authority.
- L. Initial and Annual Fees: The Health Authority shall set fees for initial applications, for permits and for permit annual renewals and for any second re-inspections as may be

required under this ordinance. All such fees shall be payable in advance of the Health Authority's performance of the requisite inspection or re-inspection.

#### Section IV- Service of Notice

Notices provided for under this ordinance shall be deemed to have been properly served when a copy of the inspection report form, or other notice, has been delivered personally to the permit holder or person apparently in charge, sent by certified or registered mail, return receipt requested, to the last known address of the permit holder or person apparently in charge, or prominently posted on the premises. A copy of such notice shall be filed with the records of the Health Authority.

#### Section V- Food Establishments Outside Jurisdiction of Health Authority

Food from establishments outside the jurisdiction of the Health Authority of the County of Macon, State of Illinois, may be sold or offered for consumption in the County of Macon, State of Illinois, if such establishments conform to the provisions of this ordinance or to substantially equivalent provisions. To determine extent of compliance with such provisions, the Health Authority may accept reports from responsible authorities in other jurisdictions where such food establishments are located.

#### Section VI- Plan Review of Future Construction

- A. When any food service establishment or retail food store is hereafter constructed or extensively remodeled, or whenever existing structures are to be converted for use as a food service establishment or retail food store, properly prepared plans and specifications for such construction, remodeling, or alteration shall be submitted to the Health Authority for approval before such work can begin. Said plans shall indicate layout, arrangement and construction materials or work areas, and the locations, size and type of fixed equipment and facilities. A representative menu of any such establishment shall accompany the plans submitted.

- B. The Health Authority shall advise the owner within fourteen (14) days of the Authority's receipt of the plans and specifications that they are approved or that then specified revisions must be made.

#### Section VII- Penalties

Any person who violates any provision of this ordinance, or any rules and regulations adopted herein shall be punished by a fine of not more than \$500.00. In addition, therefore, such person may be enjoined from continuing such violations. Each day's violation constitutes a separate violation. The State's Attorney of Macon County shall bring such actions in the name of the People of the State of Illinois, or may bring action for an injunction to restrain such violation, or to enjoin the operation of any such food establishment causing such violation.

The Health Authority shall not renew a food permit when the permit holder has failed to remit outstanding fines or corrected violations as issued by or owed to the Health Authority or local government agency or court based upon a violation issued by the Health Authority. In addition, the Health Authority may revoke the current food permit for fines assessed or violations enjoined which remain outstanding for more than 90 days.

#### Section VIII- Repeal and Date Effect

This ordinance shall be in full force and effect thirty (30) days after its adoption as provided by law; and, at that time, all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

### Section IX- Effect of Conflicting Law, Severability in Event of Partial Invalidity

In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of Macon County, State of Illinois, existing on the effective date of this ordinance, the provision which, in the judgment of the Health Authority, establishes 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 ordinance is found to be in conflict with a provision of any other ordinance or code of Macon County, State of Illinois, existing on the effective date of this ordinance which in the judgment of the Health Authority establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this ordinance.

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