

# MACON COUNTY MOBILE FOOD UNIT ORDINANCE

Whereas the Macon County Board, having received be considered a recommendation of the Board of Health of Macon County, deems it desirable and necessary to conduct a comprehensive retail food protection program to protect the citizens of Macon County from contracting foodborne diseases and to prevent disease transmission.

## Section 1: Purpose

The purpose of this Ordinance is to prevent foodborne illnesses, to promote safe food handling and hygienic practices, and to protect consumers.

## Section 2: Scope

This Ordinance provides requirements for the issuance; suspension and revocation of permits; inspections; review of plans; prohibiting the sale of unsound or mislabeled food; employee restrictions; and enforcement of this Ordinance by the Macon County Health Department. Definitions and standards for management, personnel, food operations, equipment, and facilities are also included in this Ordinance.

## Section 3: Application

This Ordinance applies to those mobile food units that are required to have permits that are issued by the Health Authority, as set forth herein.

## Section 4: Adoptions by Reference

The provisions set forth in the 77 Illinois Administrative Code 750, and the rules and laws incorporated therein, as now in force or as may hereafter be revised or amended, are hereby adopted by reference and incorporated herein.

In addition, food establishments are also subject to all other applicable ordinances of the Health Authority, such as the Macon County Food Sanitation Ordinance.

## Section 5: Public Health Protection

The Health Authority shall promote its underlying purpose of safeguarding public health and ensuring that food is safe, unadulterated, and honestly presented when offered to the consumer.

## Section 6: Definitions

In addition to the definitions contained in the laws, rules, and regulations referenced in Section 4, the following definitions shall apply in the interpretation and enforcement of this Ordinance.

**ADULTERATED:** The condition of any food:

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

**APPLICANT:** Any person making application to the Health Authority for a permit.

**APPROVED:** Accepted by the Health Authority based on its determination as to conformance with principles, practices, and generally recognized standards that protect public health.

**AUTHORIZED REPRESENTATIVE:** Those persons designated by the Health Authority to enforce the provisions of this Ordinance.

**BOARD:** The Macon County Board of Health.

**BUSINESS DAYS:** Monday through Friday from 8:00 am to 4:00 pm, excluding holidays.

**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 if there is not an imminent health hazard to public health and safety.

**CERTIFIED FOOD PROTECTION MANAGER:** An individual who has completed a minimum of 8 hours of an Illinois Department of Public Health-approved training program for food service sanitation manager certification, inclusive of the examination, and received a passing score on the examination set by the certification exam provider accredited under standards developed and adopted by the Conference for Food Protection or its successor organization, shall be considered to be a certified food service sanitation manager, and maintains a valid certificate.

**CODE or FOOD CODE:** The administrative rules adopted by the Illinois Department of Public Health pertaining to food establishments. Found at 77 Illinois Administrative Code 750.

**COMMISSARY:** A licensed food establishment used for preparing, fabricating, packaging, and storage of food or food products for distribution and sale through the food establishment's own food establishment outlets.

**EMPLOYEE:** Includes the permit holder, person in charge, a food employee, a person having supervisory or management duties, a person on the payroll, a family member, a volunteer, a person performing work under contractual agreement, or other person working in a food establishment.

**FOOD:** Any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

**FOOD HANDLER / FOOD EMPLOYEE:** An individual working with unpackaged food, food equipment or utensils, or food contact surfaces. Does not include unpaid volunteers in a food establishment, whether permanent or temporary.

**FOOD PREPARATION:** The handling, processing, and/or serving of foods.

**HAZARD ANALYSIS and CRITICAL CONTROL POINT (HACCP):** A systematic approach to identifying, evaluating, and controlling food safety hazards. Food safety hazards are biological, chemical, or physical agents that are reasonably likely to cause illness or injury in the absence of their control.

**HEALTH AUTHORITY:** The Public Health Administrator of the Macon County Health Department or his/her authorized representative.

**HEALTH DEPARTMENT:** The Macon County Health Department.

**HOLD ORDER/EMBARGO:** An order issued by the Health Authority that acts as a temporary isolation or quarantine of food or equipment that the Health Authority believes, or has reason to believe, is in violation of this Ordinance.

**HOME BASE OF OPERATION:** Where the licensed mobile unit will be stored when not in operation.

**IMMINENT HEALTH HAZARD:** Significant threat or danger to health that exists when there is sufficient evidence to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury.

**MOBILE FOOD UNIT:** Annually licensed food establishment that is a readily movable vehicle (on wheels) that is self-propelled (driven) or can be pulled or pushed down a sidewalk or street. Designed for service of food from the interior of the unit. Cannot sit at one physical address for more than one (1) week without a variance being issued by the Health Authority.

**PERMIT:** The document issued by the Regulatory Authority that authorizes a person to operate a food establishment.

**PERSON:** An association, corporation, individual, partnership, other legal entity, government, or government subdivision or agency.

**PERSON IN CHARGE:** The individual present at a food establishment who is responsible for the operation at the time of inspection.

**PLAN REVIEW:** An evaluation process conducted by the Health Authority to determine whether minimum standards are met for sanitary design, facility layout, operational and product flow, menu processes and food handling procedures, construction, operation and maintenance of a food establishment and its premises.

**PREMISES:** The physical structure, its contents, and the contiguous land or property under the control of the permit holder.

**PUBLIC EVENT:** Any event open to the public where food is prepared or served. An event open to the public that is advertised with fliers, banners, newspaper articles, radio or television announcements, internet postings, social media, or by other means is a public event and subject to regulation under this Ordinance. Any event that is not a public event shall be treated as private. The determination of whether an event shall be regulated as a public event is at the sole discretion of the Health Authority.

**PUSHCART:** A non-self-propelled vehicle food establishment limited to serving non-potentially hazardous foods or commissary wrapped foods maintained at proper temperatures or precooked foods that require limited assembly, such as frankfurters.

**TIME/TEMPERATURE CONTROL FOR SAFETY FOOD:** (Formerly known as potentially hazardous foods.) A food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

**WHOLESOME:** In sound condition, clean, free from adulteration or contamination, and otherwise suitable for human consumption.

## Section 7: Administration

### 7.1 General Permit Requirements

It shall be unlawful for any person to operate a mobile food unit within the jurisdiction of Macon County who does not possess a valid permit issued to that person. Only a person who complies with the requirement of this Ordinance shall be entitled to receive and retain such a permit.

Permits shall not be transferrable from person to person; permits shall not be applicable to any location, building, or place other than that for which the permit was originally issued.

Changes may occur after a food establishment is permitted. Changes that invalidate a permit include change of ownership of the permit holder, a change in the physical location of the establishment, a change in the type of operation, a change in menu that requires the addition of equipment and/or structural modifications of the food establishment, a change in menu that requires a food preparation process that was not contemplated when the permit was issued, or a change in menu where animal meat is to be served raw or undercooked.

The Health Authority must be notified within thirty (30) days of any change of information on the permit application, or the permit holder will be subject to prosecution pursuant to Section 91.20 of the Macon County Food Sanitation Ordinance. Additionally, a permit may be subject to suspension or revocation pursuant to Section 91.25 and/or 91.26 of the Macon County Food Sanitation Ordinance.

The Health Authority shall solely determine if a change invalidates a valid permit.

### 7.2 Permit Categories

The Health Authority shall assess the risks of a foodborne illness for every mobile food unit operating within Macon County. The Health Authority shall use this assessment in classifying a mobile food unit for purposes of a category.

The Health Authority shall apply the criteria in the Illinois Food Service Sanitation Code to determine the category for a mobile food unit. If a health hazard will not result from reclassification or if reclassification will provide better protection for the public, the Health Authority may reclassify a mobile food unit based on inspection history; the number, frequency and severity of violations; and corrective action. The basis for this decision shall be documented, and a copy will be retained in the food establishment's file.

1. "Category 1" means a mobile food unit that presents a high relative risk of causing a foodborne illness based upon the large number of food handling operations typically implicated in foodborne outbreaks and/or the type of population served by the facility.
  - a. These mobile food units MUST have a commissary on files demonstrating means of cooling and reheating.
2. "Category 2" means a mobile food unit that presents a moderate relative risk of causing foodborne illness based upon few handling operations typically implicated in foodborne illness outbreaks.
3. "Category 3" means a mobile food unit that presents a low relative risk of causing a foodborne illness based upon few or no food handling operations typically implicated in foodborne illness outbreaks.

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 Service Sanitation Code shall be utilized to determine risk.

### 7.3 Permit Posting

Every mobile food unit shall prominently and conspicuously post a valid permit for public view.

#### 7.4 Issuance

Any person desiring to operate a mobile food unit or to renew an expired permit Macon County shall make written application for a permit on forms provided by the Macon County Health Department, accompanied by a permit fee in an amount set forth by the Macon County Board of Health.

1. When Plans are Required: A permit applicant or permit holder shall submit to the Health Authority properly prepared plans and specifications for review and approval before any of the following can occur:
  - a. The construction of a mobile food unit;
  - b. A change of type of food operation if the Health Authority determines that plans and specifications are necessary to ensure compliance with this Ordinance.
  - c. Change of Ownership
2. Application for Permit: After approval of the plans proposed for the permit by a food establishment, the Health Authority shall conduct an inspection of the premises. If the Health Authority finds that the mobile food unit is in compliance with the provisions of this Ordinance, and upon receipt of a completed application, and associated fee, the Health Authority shall issue a permit authorizing the mobile food unit to operate.
3. Annual Renewal of Permits: For continued operation of the mobile food unit, annual renewal of the permit is required. Any permit holder desiring to renew a permit shall apply on the renewal forms provided by the Macon County Health Department and pay all money due. A renewal permit is not renewable if the permit holder has failed to remit outstanding fines owed to the Macon County Health Department, a local agency, or by a court.
  - a. Any permit holder who has not paid their annual fee for their annual renewal of permit by January 1 of the renewal year shall be considered to be operating a mobile food service unit without a valid permit. A late penalty fee of \$50 shall be assessed for permit renewal payments received after January 1 of the permit renewal year. The late penalty shall be increased to \$100 for payments received after January 15 of the permit renewal year. Any mobile food unit operating on or after February 1 of the renewal year without a renewed, valid permit shall discontinue operation or be subject to prosecution pursuant to Section 11 of the Macon County Food Sanitation Ordinance. The late fee penalty beginning February 1 shall be increased to \$200.
  - b. All permits shall be automatically suspended should the permit holder cease operation of the mobile food unit for thirty (30) consecutive days or longer if the Health Authority is not given written notice prior to the cessation of operation.
  - c. The Health Authority will assess an additional fee, in an amount set by the Macon County Board of Health, for expedited processing of permit and renewal applications.
4. Denial of Application of Permits: If an application for a permit to operate is denied, the Health Authority shall provide the application with a written notice that includes:
  - a. The specific reasons and code citations for the permit denial; and
  - b. The actions, if any, that the applicant must take to qualify for a permit.
5. No mobile food unit shall be located within 200 feet of a permanent (i.e.- brick and mortar) facility, unless both facilities are owned by the same person.
6. Mobile food unit hours shall be limited to operational hours of 7 a.m. to 10 p.m.
7. Any documentation provided to the City of Decatur must be provided to the Health Authority.
8. A list of proposed locations and hours of operation for each location.

#### 7.5 Fees

Pursuant to the Counties Code, 55 ILCS 5/5-1115, the Macon County Board of Health shall establish fees and amounts that are reasonable and necessary to provide the services and required activities of the Health Department

in enforcing this Ordinance. A fee schedule shall be forwarded to the County Board for approval and may not be increased without the approval of the County Board.

All fees are non-refundable and non-transferrable.

#### 7.6 Plan Reviews

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

1. Plan review: The Health Authority shall conduct a plan review whenever a food establishment:
  - a. Is newly constructed or remodeled;
  - b. Undergoes change of ownership.
2. The Health Authority shall advise the mobile food unit within fourteen (14) business days of the Health Authority's receipt of plans with specifications that they are approved or that specified revisions must be made.
  - a. An opening inspection cannot be requested until final approval of construction has been given.
3. The Health Authority, at its sole discretion, may waive a plan review based on the information provided in the application for a new permit.

#### 7.7 Construction

The requirements below will be required for all mobile food units in Macon County. Certain requirements may be waived at the discretion of the Health Department in cases where no potential hazard would result. Such waivers will be considered on a case by case basis. Any mobile food unit not meeting these requirements, shall be limited to prepackaged products only.

1. Exterior surfaces shall be constructed of weather resistant materials.
2. Windows, doors, and vents shall be protected by:
  - a. Mesh screens,
  - b. Properly designed and installed air curtains, or
  - c. Other effective means approved by the Health Department.
3. Indoor floor, walls, and ceiling construction shall be smooth, nonabsorbent, and easily cleanable.
4. Food contact surfaces shall be smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections. They shall be constructed with safe, durable, corrosion-resistant, and nonabsorbent materials.
5. Non-food contact surfaces shall be free of unnecessary ledges, projections, and crevices. These should also be designed and constructed to allow for easy cleaning.
6. Manual ware washing sinks shall meet the following requirements:
  - a. A 3-compartment sink shall be provided for washing, rinsing, and sanitizing equipment and utensils.
  - b. A 3-compartment sink shall be required that meets NSF or equivalent approval, with sink compartments large enough to immerse at least half of the largest piece of equipment or utensil.
  - c. The sink system shall be made of equipment and materials intended for the use of ware washing. The sink system shall be designed and installed so the ware washing of utensils cannot be contaminated by hand washing.
7. A separate hand sink, and sufficient in number, shall be required. It must always be readily accessible and used for no other purpose. Distance or a partition shall separate the hand sink from the 3-

compartment sink and food contact surfaces/equipment. Sink shall be installed so that hand washing cannot contaminate utensil washing. Soap and paper towel must always be available.

8. Lighting shall be shielded.
9. Outer doors shall be self-closing and tight fitting.
10. Carpeting shall not be allowed.
11. Ventilation hood systems shall be easily cleanable. Fire suppression systems may be required.
12. Equipment for cooling and heating food, and holding hot and cold food, shall meet NSF or equivalent approval and be sufficient in number and capacity for the operation.
  - a. Residential cooling units will not be permitted.
13. Equipment shall be spaced or sealed to allow for easy cleaning.
14. Wood shall not be used as a food contact surfaces.
15. All equipment must be commercial grade equipment. No residential equipment will be allowed.
16. A Class K fire extinguisher must always be present.
17. Surfaces and barriers for any equipment outside (i.e.- smokers, grills, etc.) must be approved.
  - a. These items must be a minimum of 10 feet from the mobile food unit.
  - b. These items must have a physical barrier around them.

#### Water, Plumbing, and Wastewater Systems

1. Water used shall come from an approved source.
2. The water source and system shall be of sufficient capacity to meet the water demands of the mobile food unit.
3. A potable water tank shall be designed so that water can be flushed and in a way that permits complete drainage of the tank.
4. A minimum of at least 10 gallons capacity shall be required.
  - a. Water tanks must be fixed to the mobile food unit.
5. Water under pressure shall be provided to all fixtures, equipment, and non-food equipment that are required to use water.
6. Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands.
7. Only food grade hoses shall be used to fill or transfer drinking water to or within a mobile food unit.
  - a. Hose ends must be capped, connected, or otherwise fully protected when not in use.
8. Water systems must be flushed and disinfected prior to use if the mobile food unit is not in daily use.
9. A mobile food unit must have a wastewater tank.
10. The wastewater tank must be 15% larger than the clean water tank.
11. Liquid waste must be discharged from the retention tank to an approved sewage disposal system and flushed as often as necessary to maintain sanitary conditions.
  - a. Waste tanks shall be fixed to the unit.
  - b. Discharge onto the surface of the ground, or into storm sewers, is strictly prohibited.
  - c. A list of approved disposal site that will be used may be asked for.

#### Storage and Preparation

1. No food that is sold or served from a mobile food unit may be stored or prepared in a residential home.
2. All food must be from an approved source.
3. Packaged foods shall be labeled appropriately.
4. Food packages shall be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration and potential contaminants.

#### Commissary

1. All foods and single service articles must be stored at an approved, permitted commissary. The owner of the commissary must send an agreement letter to the Health Department.
  - a. It is at the discretion of the Health Department if a facility is adequate to act as a commissary.
2. No foods may be cooled and reheated for next day consumption without a commissary.

3. If a mobile food unit wishes to operate without reporting to a commissary daily, all items that would be used at the commissary must be on the unit including, but not limited to: mop sink, food preparation sinks, 3-compartment sink, adequate cooking equipment and storage, and the cooling and reheating of foods will be prohibited.

#### 7.8 Pre-Operational Inspections

Prior to the issuance, or reinstatement, of a permit to operate, every mobile food unit shall be inspected by or obtain approval from the Health Authority before beginning or resuming operations in order to determine compliance with approved plans, specifications, corrective actions, and the requirements of this Ordinance and the Macon County Food Sanitation Ordinance.

#### 7.9 Permit Suspension

If at any time the Health Authority determines that a permit holder or operator is not in compliance with the provisions of this Ordinance and/or the Macon County Food Sanitation Ordinance, the Health Authority shall issue a notice to the permit holder or operator. The notice shall state the nature of the violation and a reasonable timeframe in which corrective action must be taken.

Whenever a permit holder has failed to comply with any notice issued under the provisions of this Ordinance and/or the Macon County Food Sanitation Ordinance, the Health Authority may serve the permit holder or operator with a notice stating that the permit is suspended and operations are to cease immediately or as otherwise ordered by the Health Authority.

Notwithstanding the other provisions of this Ordinance, whenever the Health Authority finds unsanitary or other conditions in the operation of a mobile food unit, which in the Health Authority's judgment, constitutes a substantial hazard to public health, it may, without warning, notice, or hearing, issue a written notice to the permit holder or operator citing such condition, specifying the corrective action to be taken, and stating 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. Hearing information can be found in the Macon County Food Sanitation Ordinance Section 91.25.

A permit holder whose permit has been suspended may at any time during the suspension of said permit make a signed, written request for an inspection for the purpose of the reinstatement of the permit, stating how the conditions leading up to the suspension were corrected. Within 24 hours following receipt of said written request, the Health Authority shall inspect the premises, and shall reinstate the permit if the permit holder is in compliance with this Ordinance.

A fee set forth by the Macon County Board of Health for permit reinstatement shall be applied to all mobile food units required to cease food service operations. The reinstatement fee shall be paid in full to the Health Authority prior to resuming operations.

Two suspensions during a period of twelve (12) consecutive months shall constitute grounds for revocation of a permit.

#### 7.10 Permit Revocation

The Health Authority may permanently revoke a permit for serious or repeated violations of this Ordinance and/or the Macon County Food Sanitation Ordinance, or for interference with the Health Authority in the performance of



its duties. The Health Authority shall notify the permit holder of its intent to revoke the permit, stating the reason for the action and that the permit shall be revoked at the end of five (5) business days following the serving of the notice. Said revocation shall remain valid pending a hearing request submitted by the permit holder in writing to the Health Authority within the five (5) day period.

## Section 8: Inspections

### 8.1 Frequency

At a minimum, the Health Authority shall inspect each mobile food unit within the jurisdiction of the Macon County Health Department as determined in 77 Illinois Administrative Code 615.310.

All categories and types of mobile food unit shall be inspected as many times as the Health Authority deems necessary.

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 Illinois Department of Public Health.

### 8.2 Right of Entry

The Health Authority shall have the right to enter any mobile food unit at any reasonable time for the purpose of conducting inspections to determine compliance with this Ordinance and the Macon County Food Sanitation Ordinance. The Health Authority shall properly identify themselves prior to initiating an inspection.

### 8.3 Refusal of Entry

If a person denies access to the Health Authority, the Health Authority shall inform the person that:

1. The permit holder is required to allow access to the Health Authority;
2. Access is a condition of acceptance and retention of a permit to operate; and
3. If access is denied, the Health Authority will take such legal action as required.

If the person in charge denies the Health Authority access to a permitted mobile food unit pursuant to 8.2 of this Ordinance, the Health Authority may gain access in a manner provided by law. In addition, the Health Authority may issue a cease and desist order, or seek a temporary restraining order, or other relief, to cease the mobile food unit operations until the inspection is conducted.

### 8.4 Examination of Records

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

### 8.5 Inspection Report

Whenever an inspection of a mobile food unit is conducted to determine compliance with the Ordinance, the findings shall be recorded on the inspection report form provided by the Health Authority.

The inspection report form shall constitute a legal notice of violations of this Ordinance.

One (1) copy of the inspection report shall be furnished to the operator or person in charge of the food establishment and a copy of the inspection report will be available in the food establishment's file at the Health Authority.

The inspection report is a public document, subject to the Illinois Freedom of Information Act (5 ILCS 140/1, et seq.).

#### 8.6 Determining the Status of the Food Service Establishment

At the conclusion of the inspection, the status of the mobile food unit shall be determined, and it shall be placed into one of the following categories:

1. No Follow-Up Required: No uncorrected priority or priority foundation violations exist. Core violations may exist, but the quantity does not warrant enforcement review. A limited number of repeat violations may have been observed during the inspection.
2. Follow-Up Required: A follow-up visit shall be completed at a date noted on the report to verify the timely correction of the outstanding priority or priority foundation violations.
3. Enforcement Action Required: Violations observed during the routine inspection warrant further review or enforcement action by the Health Authority. Enforcement action may include, but is not limited to, a follow-up inspection, a warning letter from the Health Authority, a scheduled formal hearing, a completed long-term plan of action by the permit holder, or the immediate suspension of food operations.
4. Closure: Immediate closure of the mobile food unit will occur if an imminent health hazard exists to the public health.

It is at the discretion of the Health Authority to establish the severity of enforcement protocol based upon observations and violations noted during the inspection.

#### 8.7 Correction of Violations

The Health Authority shall establish a specific and reasonable time for the correction of observed violations. The permit holder shall correct the violations within the period specified in accordance with the following provisions:

1. Core Violations: Must be corrected in a time frame agreed upon by the Health Authority but no later than the next routine inspection.
2. Priority Foundation Violations: Must be corrected immediately, within 5 business days of inspection, or other specified time frame designated by the Health Authority.
3. Priority Violations: Must be corrected immediately, within forty-eight (48) hours, or other specified time frame designated by the Health Authority.

A mobile food unit may be required under the provisions of this Ordinance to cease all or a portion of its operations. A mobile food unit shall not resume operations until such time as the Health Authority grants authorization to resume operations.

Approval of a compliance schedule that extends beyond the time limits specified under this Section may be approved by the Health Authority so long as no imminent public health hazard exists or may result from the extension of the compliance schedule.

For any follow-up inspections due to priority violations, a fee set forth by the Macon County Board of Health will be assessed.

Failure to comply with any time limits for correction will require the permit holder to immediately cease operations at the mobile food unit. Whenever a permit holder is required under the provisions of this Section to cease operations, the permit holder shall not resume operations until such time that a follow-up inspection has been made

and the Health Authority confirms that the conditions responsible for the cessation of operations no longer exist. Receipts indicating work completed as well as pictures or videos showing correction may be used as documentation of correction. Provisions from Section 7.9 of this Ordinance must be followed to request a follow-up inspection.

If an imminent health hazard exists, the mobile food unit shall immediately cease food preparation operations until such hazard is corrected, and the Health Authority grants authorization to resume operations.

#### 8.8 Refusal to Sign

If the person in charge refuses to sign an acknowledgment of receipt of an inspection report, the Health Authority shall inform the person who declines to sign the acknowledgement that:

1. Acknowledgement of receipt does not indicate agreement with the inspection findings;
2. Refusal to sign an acknowledgment of receipt will not affect the permit holder's obligation to correct the violation(s) noted in the inspection report within the timeframes specified; and
3. A refusal to sign an acknowledgment of receipt will be noted on the inspection report.

#### 8.9 Imminent Health Hazard

A permit 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, disease transmission from an employee, or other circumstances that may endanger public health.

#### 8.10 When Disease Transmission is Suspected

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

1. Immediate exclusion of the employee from the mobile food unit;
2. Immediate closure of the mobile food unit 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 mobile food unit where there will be no danger of transmitting disease; or
4. Adequate medical and laboratory examinations of the employee(s) and of his/her/their bodily discharges.

#### 8.11 Food Handler and Certified Food Manager Classes

All mobile food units shall always have at least one person onsite that holds a Certified Food Protection Manager certification.

The Health Authority may order any food handler to attend certified food manager or food handler training course, when in the judgment of the Health Authority, the work habits of said food handler constitute a hazard to public health. The Health Authority may impose a time period for the completion of the training.

Someone in the mobile food unit must be in charge during all hours of operation. This person is responsible for knowing the food sanitation rules and procedures within the unit. The Person-In-Charge (PIC) is required to demonstrate knowledge of rules applicable to the food service operation. The person in charge shall ensure that workers are effectively cleaning their hands, that potentially hazardous food is adequately cooked and held, and that all multiuse equipment or utensils are adequately washed, rinsed, and sanitized.

## 8.12 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 or nuisance will not result from the issuance of the variance. If a variance is granted, the Health Authority shall retain all pertinent information in the food establishment's file. A variance is non-transferable between owners.

Variances can be applied for by following the steps listed in Section 91.52 of the Macon County Food Sanitation Ordinance.

## 8.13 Hazard Analysis Critical Control Point Plan (HACCP)

As required in the Food Code, or before engaging in food preparation that requires a HACCP plan, a permit holder or person in charge shall submit to the Health Authority for approval a properly prepared HACCP plan.

Contents of a HACCP Plan shall include:

1. A categorization of the types of time/temperature control for safety foods that are specified in the menu such as soups and sauces, salads, and bulk, solid foods such as meat roasts, or of other foods that are specified by the Health Authority.
2. A flow diagram by specific food or category of food type indentifying critical control points and providing information on the following:
  - a. Ingredients, materials, and equipment used in the preparation of that food;
  - b. Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;
  - c. Food employee and supervisory training plan that addresses the food safety concerns involved;
  - d. A statement of operating procedures for the plan under consideration including clearly identifying:
    - i. Each critical control point;
    - ii. The critical limits for each critical control point;
    - iii. The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge;
    - iv. The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points;
    - v. Action to be taken by the person in charge if the critical limits for each critical control point are not met;
    - vi. Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed; and
  - e. Additional scientific data or other information, as required by the Health Authority, supporting determination of the food safety is not compromised by the proposal.

The HACCP plan and procedures that are submitted and approved shall be maintained and provided to the Health Authority, upon request. This includes all records that demonstrate compliance.

#### 8.14 Menu Limitation

The Health Authority may determine that menu limitation at a food establishment is necessary for food safety. The food establishment will comply with any notice of menu limitation issued by the Health Authority.

#### 8.15 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 Ordinance. The Health Authority shall document the conditions that necessitate the imposition of the additional requirements and the underlying public health rationale. The documentation shall be provided to the applicant or permit holder and shall be maintained by the Macon County Health Department in the food establishment's file.

### Section 9: Service of Notice

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

### Section 10: Enforcement

The Health Authority may seek administrative or judicial remedy to achieve compliance with the provisions of this Ordinance if a person operating a food establishment or employee:

1. Fails to obtain or have a valid permit to operate a food establishment;
2. Violates any term or condition of a permit;
3. Allows a priority item violation, or a priority foundation item violation, or a repeat violation to remain uncorrected beyond the timeframes for correction that was approved, directed, or ordered by the Health Authority;
4. Fails to comply with a Health Authority order concerning an employee suspected of having a disease transmissible through food by infected persons;
5. Fails to comply with a hold order;
6. Fails to comply with an order issued because of a hearing for an administrative remedy; or
7. Fails to comply with a summary suspension order issued by the Health Authority.

### Section 11: 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 County of Macon, Illinois, and 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 if a permit holder has failed to pay any outstanding fees or fines pursuant to the Health Authority's fee schedule or to any enforcement decision of the Health Authority or any levy imposed by a court of competent jurisdiction based upon a violation issued by the Health Authority. In addition, the Health Authority may revoke the current food permit of a permit holder if the permit holder has fees or fines that have been outstanding for more than 90 days. The Health Authority shall not renew and may revoke a food permit if the permit holder is subject to any active injunction related to this Ordinance.

Section 12: Repeal and Date Effect

This Ordinance shall be effective January 1, 2022. This Ordinance shall preempt and supersede any previous Ordinance with which it conflicts.

Section 13: Effect of Conflicting Law, Severability in Event of Partial Invalidity

The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional, that declaration shall not affect the part which remains.