

## SUBPART M: ENFORCEMENT PROVISIONS

RULE 750.4000 - PERMITS - It shall be unlawful for any person to operate a food service establishment or retail food store within the municipalities of Champaign and Urbana or its police jurisdiction, who does not possess a valid permit issued to them 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. PERMITS EXPIRE APRIL 30 every year unless otherwise noted. A valid permit, and a copy of the State of Illinois Manager Certification Certificate, shall be PROMINENTLY posted in public view in every food service establishment or retail food store required to have a permit. Permits for temporary food service or temporary retail food stores shall be issued for a period of time not to exceed fourteen (14) days. For purposes of Subpart M, persons shall mean individuals, firms, corporations, and partnerships.

RULE 750.4010 - ISSUANCE OF PERMITS - Any person desiring to operate a food service establishment or retail food store shall make written application for a permit on forms provided by the health authority. Such application shall include:

- 1) The applicant's full name, address, and whether such applicant is an individual, firm or corporation. If a partnership, the names of the partners, and their addresses,
- 2) the full name(s), addresses, State of Illinois food service sanitation certificate I.D. number(s), the State of Illinois food service sanitation certificate expiration date(s), of the full time managerial staff person(s) designated as the certified food handler(s),
- 3) the address of the food service or retail food store,
- 4) the billing address of the food service or retail food store,
- 5) the type of food service or retail food store,
- 6) the signature of the applicant(s),
- 7) whether the facility has changed menu items or food handling practices in the past year,
- 8) and, the appropriate fee(s).

If the application is for a temporary food service establishment or retail food store, it shall also include the inclusive dates of the proposed operation.

Upon receipt of such an application, the health authority shall determine compliance with the provisions of this ordinance.

When satisfied that the applicable requirements of this ordinance have been met, a permit shall be issued to the applicant by the health authority.

RULE 750.4020 - PERMIT FEES - The annual fee for a Health District permit to operate a food service establishment in the jurisdiction of the Champaign-Urbana Public Health District is as follows:

HIGH (PRIORITY) RISK - \$400  
MEDIUM (PRIORITY) RISK - \$300  
LOW (PRIORITY) RISK - \$150

TEMPORARY EVENTS - ONE (1) DAY - \$50

TEMPORARY EVENTS - TWO (2) TO FOURTEEN (14) DAYS - \$75

SEASONAL - UP TO SIX (6) MONTHS - \$125

PERMIT REINSTATEMENT FEE - \$50

LATE FEE - \$25

REINSPECTION FEE - \$25 PER HOUR (minimum charge one (1) hour: Subsequent time in increments of one-quarter (1/4) hour. Charges will be calculated from the beginning of actual inspection, to the completion of the computerized report.

Reinspections shall be conducted when a food service establishment's adjusted score is thirty-five percent (35%) or below (see 750.4100 (5), (9), when Critical, Major, or Repeat Violations have not been remedied as defined in 750.4100(2), (3), (4)

Reinspections will NOT include the following:

- 1) Routine operational inspections,
- 2) inspections requested by the facility management,
- 3) educational visits,
- 4) operational equipment checks (e.g., temperatures, food storage temperatures)
- 5) equipment consultations (e.g., placement, type, approval)
- 6) construction surveys,
- 7) disaster inspections (e.g., fire, flood, power outage),
- 8) foodborne illness investigations, or
- 9) complaint-based investigations.

RULE 750.4030 - 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 operator has failed to comply with any notice issued under the provisions of this ordinance, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended, and that an opportunity for a hearing is filed with the health authority by the permit holder.

Notwithstanding the other provisions of this ordinance, whenever the health authority finds unsanitary or other conditions in the operation of a food service establishment, retail food store, temporary food service establishment, or temporary retail food store which in the health authority's judgment, constitutes a substantial hazard to the 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, if deemed necessary, in consultation with administrative staff, 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.

RULE 750.4040 - REINSTATEMENT OF SUSPENDED PERMITS - Any person whose permit has been suspended may, at any time, make application for a reinspection 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 the conditions causing suspension of the permit have been corrected, the health authority shall make a reinspection. If the applicant is complying with the requirements of this ordinance, the permit shall be reinstated.

RULE 750.4050 - REVOCATION OF PERMITS - For continued Critical or Major violations of this ordinance, or for interference with the health authority in the performance of its duties, the permit may be revoked after an opportunity for a hearing has been provided by the health authority. Prior to such action, the health authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be revoked at the end of five (5) days following service of such notice, unless a request for a hearing is filed with the health authority, by the permit holder, within such five (5) day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

RULE 750.4060 - HEARINGS - The hearings provided for in this section shall be conducted by the health authority at a time and place designated by it. Based upon the record of such hearing, the health authority shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the health authority. An Administrative hearing will be conducted by the Executive Director of the Health District, or its designee, and any staff that may be necessary. The food service or retail food store will be advised to include legal representation at the Administrative hearing. Results of this hearing will be made available to all parties, in writing, within 24 hours. This hearing may result in the closure of the facility and may be used to establish legal action(s) against the facility.

RULE 750.4070 - INSPECTION OF FOOD SERVICE ESTABLISHMENTS OR RETAIL FOOD STORES - High (Priority) Risk food service establishment(s) or retail food store(s) located in the municipalities of Champaign and Urbana, or its police jurisdiction, shall be inspected at least three times per year. One of the inspections of a High (Priority) Risk food service may be substituted by an approved educational contact. Medium (Priority) Risk food service establishments, or retail food stores located in the municipalities of Champaign and Urbana, or its police jurisdiction, shall be inspected at least one time per year. Low (Priority) Risk food service establishments, or retail food stores located in the municipalities of Champaign and Urbana, or its police jurisdiction, shall be inspected at least once every two years. Food service establishments, or retail food stores located in the municipalities of Champaign and Urbana, or its police jurisdiction may request a non-recorded inspection. This inspection would not be the basis for any proceedings under this Subpart. (Priority) Risk ratings for all food service facilities will be re-evaluated each year. Each facility will be informed of any changes in its rating.

RULE 750.4080 - ACCESS TO ESTABLISHMENT - The health authority, after proper identification, shall be permitted to enter, at any reasonable time, any food service establishment or retail food store within the municipalities of Champaign and Urbana or its police jurisdiction, for the purpose of making inspections to determine compliance with this ordinance. The health authority shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased received or used, and persons employed.

RULE 750.4090 - INSPECTION RECORDS - Whenever the health authority makes an inspection of a food service establishment or retail food store, findings shall be recorded, and shall be furnished to the permit holder or operator. Such report shall

summarize the requirements of Rules 750.5-4200 of this ordinance. This report is a public document.

RULE 750.4100 - ISSUANCE OF NOTICES - Whenever the health authority makes an inspection of a food service establishment or retail food store and discovers that any of the requirements of these ordinances has been violated, it shall notify the permit holder or operator of such violations by means of an inspection report or other written notice. These violations will be written to reference section numbers or item numbers, and state what corrections are to be made. The inspection report shall specify a specific and reasonable period of time for the correction of the violations found, and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:

(1) All violations of 1 or 2-point weighted items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection.

(2)\* CRITICAL VIOLATIONS #'s 1,3,4,7,11,12,20,27, and 28 shall be corrected prior to the end of the inspection. The violation will be noted on the inspection report as "corrected during inspection" or "cdi." Critical violations are to be given a further debit weight of five percent (5%). Debits will be maintained. \*See #5, ADJUSTED SCORES.

(3)\* MAJOR VIOLATIONS #'s 30,31,35, 41 and 45 may be corrected prior to the end of the inspection, and if corrected will be noted on the inspection report as "corrected during inspection" or "cdi." Major violations are to be given a further debit weight of five percent (5%). Debits will be maintained. If the violation cannot be remedied in this manner, a "Major Violation Correction Form" (MVCF) will be left with the manager/operator at the time of the inspection. A written method of correction for each of the "Major Violations" shall be made on this form by the manager/operator and returned to the Health Authority within ten (10) days. \* SEE #5, ADJUSTED SCORES.

The MVCF shall be reviewed and initialed by the inspector that conducted the inspection. A log to record and follow the MVCF will be maintained. The log will contain a) the permit number of the food service or the retail food store, b) the date the MVCF was left, c) the name of the facility, and d) the date the MVCF was returned. If the MVCF is found to be satisfactorily completed it will be filed in the facility folder. If the MVCF is not complete or is improper, the facility will be contacted within twenty-four (24) hours to ensure compliance.

If the MVCF is not returned to the Health Authority in the ten (10) working days allocated, a letter, with another MVCF will be sent to the facility. The letter will allow forty-eight (48) hours to return the second MVCF. Failure to return the MVCF the second time will result in an informal hearing regarding the suspension of the facility's permit to operate.

(4)\* REPEAT VIOLATIONS - Repeat violations are to be given a further debit weight of two percent (2%). If documentation indicates that the item has not been corrected properly in a period of two (2) years, the violations will be reclassified as a MAJOR VIOLATION. \*SEE #5, ADJUSTED SCORES.

(5) ADJUSTED SCORES - All Facility ratings shall be determined by using the Score minus the debits created by CRITICAL, MAJOR, and REPEAT violations. This score will be referred to as the ADJUSTED SCORE. The adjusted score shall be determined by using the following method:

a) multiply the total number of CRITICAL and MAJOR Violations times five (5), (SEE #2 & #3)

b) multiply the total number of REPEAT Violations times two (2), (SEE #4)

c) subtract a+b from the Score (eg: Score-(a+b)=ADJUSTED SCORE)

(6) In the case of temporary food service establishments or temporary retail food stores, violations must be corrected within a specified period of time not to exceed twenty-four (24) hours. Failure to comply with such notice shall result in immediate suspension of the permit.

(7) Failure to comply with any notice regarding any violation or repeat violations issued in accordance with the provisions of this ordinance may result in the immediate suspension of the permit.

(8) 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 the period of time established in the notice for correction.

(9) VOLUNTARY CLOSURE - A facility having an adjusted score of zero to 35 percent (0%-35%) shall be counseled by the inspecting officer to voluntarily cease food service operations until such a time that the facility is in general compliance with the applicable Rules and Regulations.

(10) IMMEDIATE CLOSURE - Facilities that have an adjusted score of less than zero percent (0%) shall be classified as an

imminent danger to the public's health and their permit to operate shall be suspended immediately. A hearing shall be scheduled as per 750.4060.

RULE 750.4110 - SERVICES OF NOTICES - Notices provided for under this section shall be deemed to have been properly served when the original of the inspection report form, or other notice, has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or 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.

RULE 750.4120 - EXAMINATION AND CONDEMNATION OF FOOD - Food may be examined or sampled by the health authority as often as may be necessary to determine freedom from adulteration or misbranding.

The health authority may, upon written notice to the owner or person 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; or food contact equipment which it may have reason to believe constitutes a health hazard or violates these rules and regulations. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order, notice, or tag placed on food or food contact equipment by the health authority neither such food nor the container thereof, shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the health authority, except on order by a court of competent jurisdiction. After the owner or person in charge has had a hearing as provided for in subsection 750.4060, and on the basis of evidence produced at such hearing, the health authority may vacate the hold order on the basis of other information satisfactory to the health authority in the event a written request for a hearing is not received within ten (10) days, or may, by written order, direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of this ordinance:

PROVIDED, that such order of the health authority to denature or destroy such food or bring it into compliance with the provisions of this ordinance shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.

RULE 750.4130 - FOOD SERVICE ESTABLISHMENTS OR RETAIL FOOD STORES OUTSIDE JURISDICTION OF THE HEALTH AUTHORITY - Food from food service establishments or retail food stores outside the jurisdiction of the health authority may be sold within Champaign and Urbana if such food service establishments or retail food stores conform to the provisions of this ordinance or to substantially equivalent provisions. To determine the extent of

compliance with such provisions, the health authority may accept reports from responsible authorities in other jurisdictions where such food service establishments or retail food stores are located.

RULE 750.4140-PLAN REVIEW OF FUTURE CONSTRUCTION - When a food service establishment or retail food store is hereafter constructed, extensively remodeled, changes ownership, or when an existing structure is converted for use as a food service establishment or retail food store, one (1) set of properly prepared plans and specifications for such construction, remodeling, or alteration showing layout, arrangement, and construction material of work areas, the location, size, and type of fixed equipment and facilities, a sample menu and an applicable plan review fee shall be submitted to the health authority. Within thirty (30) days of receipt of the required plans and specifications the review process will be completed. Either a Letter of Design Approval or a letter outlining the deficiencies in the plan will be sent to the submitter.

After the Letter of Design Approval has been issued, construction may begin. Pre-operational reviews of the facility will be conducted throughout the construction to ensure adherence to the approved design.

(1) PLAN REVIEW FEES - Plan review fees will be charged as follows:

(a) NEW CONSTRUCTION OR CONVERSION OF EXISTING STRUCTURES:

100 TO 1,000 SQUARE FEET - \$200  
OVER 1,000 TO 10,000 SQUARE FEET - \$300  
OVER 10,000 TO 50,000 SQUARE FEET - \$400  
OVER 50,000 SQUARE FEET AND UP - \$500

(b) EXTENSIVE REMODEL OR CHANGE OF OWNER:

75% OR GREATER OF (a)

100 TO 1,000 SQUARE FEET - \$150  
OVER 1,000 TO 10,000 SQUARE FEET - \$225  
OVER 10,000 TO 50,000 SQUARE FEET - \$300  
OVER 50,000 SQUARE FEET AND UP - \$375

(c) MINOR REMODEL:

LESS THAN 75% OF (a)

100 TO 1,000 SQUARE FEET - \$100  
OVER 1,000 TO 10,000 SQUARE FEET - \$150  
OVER 10,000 TO 50,000 SQUARE FEET - \$200  
OVER 50,000 SQUARE FEET AND UP - \$250



RULE 750.4150 - PROCEDURE WHEN INFECTION IS SUSPECTED - When the health authority has reasonable cause to suspect possibility of disease transmission from any food service establishment or retail food store employee, the health authority shall secure a morbidity history of the suspected employee, or make such other investigations as may be indicated, and 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 service establishments or retail food stores;
- b) the immediate closure of the food service establishment or retail food store 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
- d) adequate medical and laboratory examinations of any employees body discharges.

RULE 750.4160 - UNCONSTITUTIONALITY CLAUSE - Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

\* FROM PAGE 5 - MAJOR AND CRITICAL VIOLATIONS ARE ITEMS THAT REQUIRE IMMEDIATE ATTENTION DUE TO THEIR POTENTIAL FOR CREATING FOOD RELATED ILLNESS OR HAZARD.

SUBPART M: ENFORCEMENT PROVISIONS (pages 1-9) AMENDED AND APPROVED , 1995 BOARD OF HEALTH MEETING.

SIGNED: Linda K. Cross  
LINDA CROSS  
CHAIRPERSON, BOARD OF HEALTH

DATE: 7-18 OF 1995

