

Title 3 HEALTH AND SANITATION
Chapter 1 FOOD REGULATIONS
ARTICLE A. FOOD SERVICE SANITATION

3-1A-1: STATE AND FEDERAL REGULATIONS ADOPTED:

The definitions and the prohibiting of the sale of adulterated or misbranded food or drink shall be regulated in accordance with the most recent edition of the "Illinois Food Service Sanitation Rules And Regulations" and the most recent edition of the "U.S. food and drug administration food service sanitation ordinance"; three (3) certified copies of which shall be on file in the office of the county clerk; provided, that the words "municipality of " in the U.S. food service ordinance shall be understood to refer to Grundy County and that sections 10-104, "Repealer", and 10-601, "Penalties", shall be deleted. (Ord., 11-10-1998; amd. 2004 Code)

3-1A-2: PERMIT, LICENSE AND CERTIFICATE REQUIREMENTS:

A. Permit, License or Certificate Required; Compliance with Provisions: No person shall operate a food service establishment who does not have a valid permit, license, or certificate issued to such person by the county health department. Only a person who complies with the requirements of this article shall be entitled to receive or retain such a permit, license, or certificate. (Ord. 08-012, 6-10-2008)

B. Application for Permit, License or Certificate: Any person desiring to operate a food service establishment shall make written application for a permit, license, or certificate on forms provided by the county health department. Such application shall include the name and address of each applicant, the location and type of the proposed food service establishment, and the signature of each applicant. (Ord., 11-10-1998; amd. 2004 Code)

C. Food Facility Fee Schedule: Required fees are determined by resolution of the Grundy County Board of Health and the Grundy County Board. A facility's Health Permit shall not be renewed until all fees or other money owed to the Grundy County Health Department is received.

D. Inspections: Prior to approval of an application for a permit, license, or certificate, the county health department shall inspect the proposed food service establishment to determine compliance with the requirements of this article.

E. Issuance of Permit, License or Certificate: The county health department shall issue a permit, license, or certificate to the applicant if the inspection reveals that the proposed food service establishment complies with the requirements of this article.

F. Nontransferability and Posting of Permit, License or Certificate: Permits, licenses, or certificates are not transferable. A valid permit, license, or certificate shall be posted in every food service establishment.

G. Suspension of Permit, License or Certificate:

1. Food Service To Stop Immediately: The county health department may, without warning, notice, or hearing, suspend any permit, license, or certificate to operate a food service establishment if the holder of the permit, license, or certificate does not comply with

the requirements of this article, or if the operation of the food service establishment otherwise constitutes a substantial hazard to public health. Suspension is effective upon service of the notice required by subsection G2 of this section. When a permit, license, or certificate is suspended, food service operations shall immediately cease. Whenever a permit, license, or certificate is suspended, the holder of the permit, license, or certificate shall be afforded an opportunity for hearing within twenty (20) days of receipt of a request for hearing.

2. Opportunity For Hearing: Whenever a permit, license, or certificate is suspended, the holder of the permit, license, or certificate, or the person in charge, shall be notified in writing that the permit, license, or certificate is, upon service of the notice, immediately suspended and that an opportunity for hearing will be provided if a written request for hearing is filed with the county health department by the holder of the permit, license, or certificate within ten (10) days. If no written request for hearing is filed within ten (10) days, the suspension is sustained. The county health department may end the suspension at any time if reasons for suspension no longer exist.

H. Revocation of Permit, License, or Certificate:

1. The county health department may, after providing opportunity for hearing, revoke a permit, license, or certificate for serious or repeated violations of any of the requirements of this article or for interference with the county health department in the performance of duty.

2. Prior to revocation, the county health department shall notify, in writing, the holder of the permit, license, or certificate, or the person in charge, of the specific reason(s) for which the permit, license or certificate is to be revoked and that the permit, license, or certificate shall be revoked at the end of the ten (10) days following service of such notice unless a written request for hearing is filed with the county health department by the holder of the permit, license, or certificate within such ten (10) day period. If no request for hearing is filed within the ten (10) day period, the revocation of the permit, license, or certificate becomes final. (Ord., 11-10-1998; amd. 2004 Code)

I. Expiration Of Permit, License Or Certificate:

1. Permits, licenses, or certificates issued by the county health department shall expire annually unless otherwise noted on the permit, license, or certificate. Fees for renewing permits, licenses or certificates issued by the county health department shall be due 30 calendar days prior to the expiration date of the existing permit, license, or certificate.

2. Seasonal Permits shall be valid from May 1 until October 31 of the same calendar year. The fee for a seasonal permit shall be due 14 calendar days prior to the re-opening of the seasonal facility.

3. Temporary food establishment permits shall be valid from the day of issuance until the conclusion of the event or for fourteen (14) consecutive days, whichever is shorter.

3-1A-3: EXAMINATION AND CONDEMNATION OF FOOD:

A. Frequency Of Examination: Food may be examined or sampled by the county health department as often as necessary for enforcement of this article.

B. Notice of Violation; Hold Order:

1. The county health department may, upon written notice to the owner or person in charge, specifying with particularity the reasons therefor, place a hold order on any food which it believes is in violation of this article.

2. The county health department shall tag, label, or otherwise identify any food subject to the hold order.

3. No food subject to a hold order shall be used, served, or moved from the establishment.

4. The county health department shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case, immediate destruction shall be ordered and accomplished. (Ord., 11-10-1998; amd. 2004 Code)

5. The hold order shall state that a request for hearing may be filed within ten (10) days and that if no hearing is requested, the food shall be destroyed.

6. If a request for hearing is received, the hearing shall be held within twenty (20) days after receipt of the request.

7. On the basis of evidence produced at that hearing, the hold order may be vacated or the owner or person in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of this article. (Ord., 11-10-1998)

3-1A-4: FOOD EXPIRATION DATES:

No foods whose expiration date has expired shall be offered to the public. No dates on foods shall be covered or obscured to prevent the consumer from reading said date. (Ord. 08-012, 6-10-2008)

3-1A-5: EMPLOYEES:

A. Hair Restraints Required: Employees shall use effective hair restraints to prevent the contamination of food or food contact surfaces and as required in the technical bulletin approved by the board of health.

B. Diseased Employees: When the county health department has reasonable cause to suspect possible disease transmission by an employee of a food service establishment, said department may secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take appropriate action. The county health department may require any or all of the following measures:

1. The immediate exclusion of the employee from employment in food service establishments.

2. The immediate closing of the food service establishment concerned until, in the opinion of the county health department, no further danger of disease outbreak exists.

3. Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease. (Ord., 11-10-1998; amd. 2004 Code)

4. Adequate medical and laboratory examination of the employee, of other employees, and of the body discharge of such employees. (Ord. 08-012, 6-10-2008)

3-1A-6: ALTERATION OR CONVERSION OF STRUCTURE TO FOOD SERVICE ESTABLISHMENT:

A. Plans Required: Whenever a food service establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the county health department for review and approval before construction, remodeling, or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas and the type and model of proposed fixed equipment and facilities. The county health department shall approve the plans and specifications if they meet the requirements of this article. No food service establishment shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the county health department.

B. Preoperational Inspection: Whenever plans and specifications are required by subsection A of this section to be submitted to the county health department, the county health department shall inspect the food service establishment prior to the start of operations to determine compliance with the approved plans and specifications and with the requirements of this article. (Ord., 11-10-1998; amd. 2004 Code)

C. Floor Covering: Approved floor covering shall be located and maintained in all food preparation, food storage, ware washing, janitorial, restroom, and dressing room areas. In newly constructed or extensively remodeled establishments, or when the floor or floor covering of an existing facility becomes in disrepair, the facility shall provide a floor covering constructed of commercial grade vinyl composition tile, quarry tile, or ceramic tile, or other material approved by the county health department. Sanitary coved base consisting of the same material as the floor covering shall be provided at the juncture of the wall and floor. (Ord. 08-012, 6-10-2008)

3-1A-7: GASOLINE SERVICE STATIONS; RESTROOM REQUIREMENTS:

Gasoline service stations constructed or extensively remodeled after the effective date hereof that provide food service facilities to the public shall provide separate men's and women's restrooms for convenience to the public. The restrooms shall meet construction standards in this article and all other applicable codes. (Ord. 08-012, 6-10-2008)

3-1A-8: INSPECTIONS:

A. Frequency of Inspections: The frequency of inspections shall be determined by risk assessment of the facility, number and type of health violations, progress in correcting health violations and other factors that are appropriate and as required by the rules for local health departments. Additional inspections of the food service establishment shall be performed as often as necessary for the enforcement of this article.

B. Entry Powers: Representatives of the county health department, after proper identification, shall be permitted to enter any food service establishment at any reasonable time for the purpose of making inspections to determine compliance with this article. The representatives shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received, or used.

C. Report of Inspections: Whenever an inspection of a food service establishment or commissary is made, the findings shall be recorded on the inspection report form on file in the office of the county health department. The inspection report form shall summarize the requirements of this article and shall set forth a weighted point value for each requirement. Inspectional remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from one hundred (100). A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law. (Ord., 11-10-1998; amd. 2004 Code)

D. Correction of Violations; Reinspections:

1. The completed inspection report form shall specify a 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:

a. If an imminent health hazard exists, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the county health department.

b. All violations of 4- or 5-point weighted items shall be corrected as soon as possible, but in any event, within ten (10) days following inspection. Within fifteen (15) days after the inspection, the holder of the permit, license or certificate shall submit a written report to the county health department stating that the 4- or 5-point weighted violations have been corrected. A follow up inspection may be conducted to confirm correction. (Ord. 08-012, 6-10-2008)

c. All 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. (Ord., 11-10-1998; amd. 2004 Code)

d. When the rating score of the establishment is less than sixty (60), the establishment shall initiate corrective action on all identified violations within forty eight (48) hours. One or more reinspections may be conducted at reasonable time intervals to assure correction. (Ord. 08-012, 6-10-2008)

e. In the case of temporary food service establishments, all violations shall be corrected within twenty four (24) hours. If violations are not corrected within twenty four (24) hours, the establishment shall immediately cease food service operations until authorized to resume by the county health department.

2. The inspection report shall state that failure to comply with any time limits for corrections may result in cessation of food service operations. An opportunity for hearing on the inspection findings or the time limitations, or both, will be provided if a written request is filed with the county health department within ten (10) days following cessation of operations. If a request for hearing is received, a hearing shall be held within twenty (20) days of receipt of the request.

3. Whenever a food service establishment is required, under this subsection, to cease operations, it shall not resume operations until it is shown on the reinspection that conditions responsible for the order to cease operations no longer exist. Opportunity for reinspection shall be offered within a reasonable time. (Ord., 11-10-1998; amd. 2004 Code)

3-1A-9: SERVICE OF NOTICES:

A notice provided for in this article is properly served when it is delivered to the holder of the permit, license, or certificate, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit, license, or certificate. A copy of the notice shall be filed in the records of the county health department. (Ord., 11-10-1998; amd. 2004 Code)

3-1A-10: HEARINGS:

The hearings provided for in this article shall be conducted by the county health department at a time and place designated by said department. Any oral testimony given at a hearing shall be reported verbatim, and the presiding officer shall make provision for sufficient copies of the transcript. The county health department shall make a final finding based upon the complete hearing record and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit, license, or certificate by the county health department. (Ord., 11-10-1998; amd. 2004 Code)

3-1A-11: EQUIPMENT:

All new or replaced food processing, storage, display, or other equipment used in the operation of a food service establishment shall bear the seal of approval of the National Sanitation Foundation (NSF) or equivalent sanitation standard, and be approved by the county health department. All food processing, storage, display or other equipment used in the operation of a food service establishment shall bear the seal of approval of the National Sanitation Foundation (NSF) or equivalent standard, and be approved by the county health department by March 1, 2013. (Ord. 08-012, 6-10-2008)

3-1A-12: VIOLATION; PENALTIES:

A. Misdemeanor Violation; Penalties: Any person who violates any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in section 1-4-1 of this code. Each day upon which such violation occurs constitutes a separate violation.

B. Injunctions: The county health department may seek injunctive and other appropriate relief for violations of this article. (Ord., 11-10-1998; amd. 2004 Code; Ord. 08-012, 6-10-2008)

3-1B-1: STATE AND FEDERAL REGULATIONS ADOPTED:

The definitions and the prohibiting of the sale of unsound food or drink shall be regulated in accordance with the most recent edition of the "Illinois Department Of Public Health Retail Food Store Rules And Regulations" and the most recent edition of the association of food and drug officials and the U.S. food and drug administration's "retail food store sanitation code", three (3) certified copies of which shall be on file in the office of the county clerk; except, that sections 9-103, "Repealer", and 9-105, "Effective Date", shall be deleted. (Amended Ord., 6-12-1972; amd. 2004 Code)

3-1B-2: PERMIT REQUIREMENTS:

A. Permit Required: No person shall operate a retail food store without a valid permit to operate such retail food store issued to such person by the county health department.

B. Application For Permit: Any person desiring to operate a retail food store shall make written application for a permit to operate such retail food store on forms provided by the county health department. Such application shall include the name and address of each applicant, the location and the type of the proposed retail food store. (Ord., 6-12-1972; amd. 2004 Code)

C. Food Facility Fee Schedule: Required fees are determined by resolution of the Grundy County Board of Health and the Grundy County Board. A facility's Health Permit shall not be renewed until all fees or other money owed to the Grundy County Health Department is received.

D. Inspections: Before approving an application for a permit to operate a retail food store, the county health department shall inspect the proposed retail food store to determine compliance with the provisions of this article.

E. Issuance Of Permit: The county health department shall promptly issue a permit to operate a retail food store if its inspection reveals that the proposed retail food store is designed, constructed, and equipped to be operated in a manner that protects the public health.

F. Nontransferability And Posting Of Permit: The permit is not transferable. A valid permit shall be posted in every store.

G. Suspension Of Permit:

1. Immediate Suspension: The county health department may, upon written notice, or without prior warning, notice, or hearing, suspend any permit to operate a retail food store if the operation of the retail food store constitutes an imminent hazard to the public health, such as an extended loss of water supply, an extended power outage, or sewage backup into the establishment.

2. Opportunity For Hearing: Whenever a permit to operate a retail food store is suspended, the holder of the permit to operate the retail food store, or the person in charge, shall be notified in writing that the permit to operate the retail food store is, upon service of the notice, immediately suspended and then an opportunity for hearing will be provided if a written request for a hearing is filed with the county health department by the holder of the permit within ten (10) days. If a written request is filed within ten (10) days, an opportunity for a hearing with the county health department shall be afforded within twenty (20) days of

the receipt of the request. If no written request for hearing is filed within ten (10) days, the suspension is sustained. The county health department shall end the suspension if the reasons for suspension no longer exist.

H. Revocation Of Permit:

1. The county health department may, after providing opportunity for hearing, revoke a permit for:

- a. Serious violations of this article; or
- b. Repeated violations of this article, found in consecutive inspections; or
- c. Interference with the county health department in the performance of its duty.

2. Before revocation, the county health department shall notify, in writing, the holder of the permit to operate the retail food store, or the person in charge, of the reasons for which the permit is subject to revocation. The permit to operate the retail food store shall be revoked at the end of the ten (10) days following service of such notice unless a written request for a hearing is filed with the county health department by the holder of the permit within such ten (10) day period. If no request for hearing is filed within the ten (10) day period, the revocation of the permit to operate the retail food store becomes final.

I. Application After Revocation: Whenever the revocation of a permit to operate a retail food store has become final, the holder of the revoked permit to operate a retail food store may make written application for a new permit to operate a retail food store as provided in subsection B of this section. (Amended Ord., 6-12-1972; amd. 2004 Code)

J. Expiration Of Permit, License Or Certificate:

1. Permits, licenses, or certificates issued by the county health department shall expire annually unless otherwise noted on the permit, license, or certificate. Fees for renewing permits, licenses or certificates issued by the county health department shall be due 30 calendar days prior to the expiration date of the existing permit, license, or certificate.

2. Seasonal Permits shall be valid from May 1 until October 31 of the same calendar year. The fee for a seasonal permit shall be due 14 calendar days prior to the re-opening of the seasonal facility.

3. Temporary food establishment permits shall be valid from the day of issuance until the conclusion of the event or for fourteen (14) consecutive days, whichever is shorter.

3-1B-3: EXAMINATION AND CONDEMNATION OF FOOD:

A. Examination And Sampling Authorized: Food may be examined or sampled by the county health department for the purpose of determining compliance with this article.

B. Notice Of Violation; Hold Order:

1. The county health department may place a hold order on any food which it has reason to believe is in violation of any provision of this article and may pose a health hazard to the public, provided:

- a. A written notice is issued to the holder of the permit to operate the retail food store, or to the person in charge; and
- b. The notice specifies in detail the reason(s) for the hold order.

2. The county health department shall tag, label, or otherwise identify any food subject to the hold order.
3. No food subject to a hold order shall be used, sold, moved from the establishment, or destroyed without permission from the county health department.
4. The county health department shall permit storage of food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case, immediate destruction shall be ordered and accomplished.
5. The hold order shall state that a request for hearing may be filed with the county health department within ten (10) days, and that if no hearing is requested, the food shall be destroyed.
6. If a request for a hearing is received, the hearing shall be held within twenty (20) days after receipt of the request.
7. On the basis of evidence produced from the hearing, the hold order may be vacated or the holder of the permit to operate the retail food store, or the person in charge, may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of this article.
8. If food is to be denatured or destroyed, such action shall be taken under the supervision of the county health department. (Amended Ord., 6-12-1972; amd. 2004 Code)

3-1B-4: FOOD EXPIRATION DATES:

No foods whose expiration date has expired shall be offered to the public, and no dates on foods shall be covered or obscured to prevent the consumer from reading said date. (Ord. 08-012, 6-10-2008)

3-1B-5: EMPLOYEES:

A. Hair Restraints Required: Employees shall use effective hair restraints to prevent the contamination of food or food contact surfaces and as required in technical bulletin-I approved by the board of health.

B. Diseased Employees: When the county health department has reasonable cause to suspect possible disease transmission from any retail food store employee, said department may secure a morbidity history of the suspected employee, or make any other investigation as indicated, and shall take appropriate action. The county health department may require any or all of the following measures:

1. The immediate exclusion of the employee from employment in retail food stores.
2. The immediate closing of the retail food store concerned until, in the opinion of the county health department, no further danger of disease outbreak exists.

3. Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease. (Amended Ord., 6-12-1972; amd. 2004 Code)

4. Adequate medical and laboratory examination of the employee, of other employees, and of the body discharge of such employees. (Ord. 08-012, 6-10-2008)

3-1B-6: ALTERATION OR CONVERSION OF STRUCTURE TO RETAIL FOOD STORE:

A. Plans Required: Before the construction or major remodeling of a retail food store, and whenever an existing structure is converted to use as a retail food store, properly prepared plans and specifications for such construction, major remodeling, or conversion shall be submitted to the county health department for review and approval. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The county health department shall treat such plans and specifications as confidential or trade secret information in accordance with law and shall approve the plans and specifications if they meet the requirements of this article. No retail food store shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the county health department.

B. Preoperational Inspection: Whenever plans and specifications are required by subsection A of this section, the county health department shall inspect the retail food store prior to the start of operations to determine compliance with the approved plans and specifications and with the requirements of this article. (Amended Ord., 6-12-1972; amd. 2004 Code)

C. Floor Covering: Approved floor covering shall be located and maintained in all food preparation, food storage, ware washing, janitorial, restroom, and dressing room areas. In newly constructed or extensively remodeled establishments, or when the floor or floor covering of an existing facility becomes in disrepair, the facility shall provide a floor covering constructed of commercial grade vinyl composition tile, quarry tile, or ceramic tile, or other material approved by the county health department. Sanitary coved base consisting of the same material as the floor covering shall be provided at the juncture of the wall and floor. (Ord. 08-012, 6-10-2008)

3-1B-7: GASOLINE SERVICE STATIONS; RESTROOM REQUIREMENTS:

Gasoline service stations constructed or extensively remodeled after the effective date hereof that provide retail food to the public shall provide separate men's and women's restrooms for convenience to the public. The restrooms shall meet construction standards in this article and all other applicable codes. (Ord. 08-012, 6-10-2008)

3-1B-8: EQUIPMENT:

All new or replaced food processing, storage, display, or other equipment used in the operation of a retail food store shall bear the seal of approval of the National Sanitation Foundation (NSF) or equivalent sanitation standard, and be approved by the county health department. All food processing, storage, display or other equipment used in the operation of a retail food store shall bear the seal of approval of the National Sanitation Foundation (NSF) or equivalent standard, and be approved by the county health department by March 1, 2013. (Ord. 08-012, 6-10-2008)

3-1B-9: INSPECTIONS:

A. Frequency Of Inspections: The frequency of inspections shall be determined by risk assessment of the facility, number and type of health violations, progress in correction of health violations and other factors that are appropriate and as required by the rules for local health departments. Additional inspections shall be performed as often as necessary for the efficient and effective enforcement of this article.

B. Entry Powers: Representatives of the county health department, after proper identification, shall be permitted to enter any retail food store at any reasonable time for the purpose of making inspections to determine compliance with this article. The representatives shall, upon written notice, be permitted to examine the records maintained in the retail food store (or other location) to obtain information pertaining to the source of food and supplies in the establishment when deemed necessary for the enforcement of this article.

C. Report Of Inspections: Whenever an inspection is made of a retail food store, the findings shall be recorded on the inspection report form on file in the office of the county health department. The inspection report form shall summarize the requirements of this article and shall set forth a weighted point value for each requirement. Inspectional remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from 100. A copy of the completed inspection report form shall be given to the person in charge of the establishment at the conclusion of the inspection. The completed inspection report form constitutes an official notice of inspectional findings. It is a public document that shall be made available for public disclosure to any person who requests it according to law.

D. Correction Of Violations; Reinspections:

1. The completed inspection report form shall specify a 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:

a. If an imminent health hazard exists, such as may be created by an extended loss of water supply, an extended power outage, or a sewage backup into the establishment, the establishment shall immediately cease affected retail food store operations. Such operations shall not be resumed until authorized by the county health department.

b. All violations of 4- or 5-point weighted items shall be corrected within the period of time specified by the county health department, but in any event, not to exceed ten (10) days following inspection. Within fifteen (15) days after the inspection, the holder of the permit to operate the retail food store shall submit a written report to the county health department stating the action taken to correct the 4- or 5-point weighted violations. Purchase orders or work contracts with a work completion date satisfactory to the county health department may be accepted as interim corrective action.

c. All 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. (Amended Ord., 6-12-1972; amd. 2004 Code)

d. When the rating score of the establishment is less than sixty (60), the establishment shall initiate corrective action on all identified violations within forty eight (48) hours. One or more reinspections may be conducted at reasonable time intervals to assure correction. (Ord. 08-012, 6-10-2008)

2. Failure to comply with subsections D1b, D1c and/or D1d of this section may result in revocation of the permit to operate the retail food store.

3. Whenever a retail food store is required, under the provisions of subsection D1 of this section, to suspend operations, it shall not resume operations until it is shown on reinspection that conditions responsible for the order to suspend operations no longer exist. An opportunity for a hearing by the county health department will be provided if a written request for a hearing is filed by the holder of the permit to operate the retail food store with the health department within ten (10) days following suspension of operation. If such a written request for hearing is received, a hearing shall be held within twenty (20) days of receipt of the request. (Amended Ord., 6-12-1972; amd. 2004 Code)

3-1B-10: SERVICE OF NOTICES:

A notice provided for in this article is properly served when it is delivered to the holder of the permit to operate the retail food store, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit to operate a retail food store. A copy of the notice shall be filed in the records of the county health department. (Amended Ord., 6-12-1972; amd. 2004 Code)

3-1B-11: HEARINGS:

The hearings provided for in this article shall be conducted by the county health department at a time and place designated by said department. Any oral testimony given at a hearing shall be reported verbatim, and the presiding officer shall make provision for sufficient copies of the transcript. The county health department shall make a final finding based upon the complete hearing record and shall sustain, modify or rescind any notice of order considered in the hearing. A written report of the hearing decision, including the reason(s) for such decision, shall be furnished to the holder of the permit to operate the retail food store, or the person in charge, by the county health department within ten (10) days after the hearing. (Amended Ord., 6-12-1972; amd. 2004 Code)

3-1B-12: EXEMPTIONS FROM PROVISIONS:

(Rep. by Ord. 08-012, 6-10-2008)

3-1B-13: VIOLATIONS; PENALTIES:

A. Misdemeanor Violation; Penalties: Any person who violates any of the provisions of this article shall be guilty of a misdemeanor.

B. Penalties: Any person (or responsible agent of that person) who is the holder of a permit to operate a retail food store, or who otherwise operates a retail food store, and who creates a public health hazard because of failure to correct: (Amended Ord., 6-12-1972)

1. All 4- or 5-point violations within the time specified by the county health department; or (Amended Ord., 6-12-1972; amd. 2004 Code)
2. Violations of this article within a specified time when the retail food store rating score falls below sixty (60); or
3. Repeated violations of the same provisions of this article is subject to prosecution and, upon conviction, shall be punishable by a fine as provided in section 1-4-1 of this code. Each day upon which such violation occurs constitutes a separate violation. (Amended Ord., 6-12-1972)

C. Injunctions: The county health department may seek injunctive and other appropriate relief for violations of this article. (Amended Ord., 6-12-1972; amd. 2004 Code)