

**COLES COUNTY BOARD**  
**Regular Meeting**  
**March 12, 2019**

The regular meeting of the Coles County Board was called to order at 7:00 p.m. with the following members present Juan Barron, Brandon Bell, Travis Coffey, Denise Corray, Paul Daily, John Doty, Jeremy Doughty, Brian Marvin, Stan Metzger, Nancy Purdy, Rick Shook, with Chairman Mike Zuhone presiding.

Invocation was given by Chairman, Mike Zuhone followed by a Moment of Silent Reflection and then the Pledge to the Flag.

**APPROVAL OF MINUTES**

Motion by Shook, seconded by Doty to approve the February 12, 2019 County Board Minutes with the consent of the County Board.

AYES: Barron, Bell, Coffey, Corray, Daily, Doty, Doughty,  
Marvin, Metzger, Purdy, Shook, Zuhone (12)  
NAYS: None (0)  
ABSENT: None (0)

**RESOLUTION AUTHORIZING EXECUTION FOR  
GAS/ELECTRIC SUPPLY (GOOD ENERGY)**

For a copy of the resolution see page 4079

Motion by Coffey, seconded by Shook

AYES: Barron, Bell, Coffey, Corray, Daily, Doty, Doughty,  
Marvin, Metzger, Purdy, Shook, Zuhone (12)  
NAYS: None (0)  
ABSENT: None (0)

**ACCEPTANCE AGREEMENT FOR VOTER REGISTRATION GRANT**

For a copy of the agreement see pages 4080 - 4081

Motion by Metzger, seconded by Coffey

AYES: Barron, Bell, Coffey, Corray, Daily, Doty, Doughty,  
Marvin, Metzger, Purdy, Shook, Zuhone (12)  
NAYS: None (0)  
ABSENT: None (0)

## **AMEND FOOD SANITATION ORDINANCE**

For a copy of the ordinance see pages 4082 - 4097

Motion by Metzger, seconded by Purdy

AYES: Barron, Bell, Coffey, Corray, Daily, Doty, Doughty,  
Marvin, Metzger, Purdy, Shook, Zuhone (12)  
NAYS: None (0)  
ABSENT: None (0)

## **RESOLUTION TO AWARD CONTRACT Ashmore Township - Depew and Owen Builders**

For a copy of the contract see page 4098

Motion by Daily, seconded by Doughty

AYES: Barron, Bell, Coffey, Corray, Daily, Doty, Doughty,  
Marvin, Metzger, Purdy, Shook, Zuhone (12)  
NAYS: None (0)  
ABSENT: None (0)

## **APPROVAL FOR PAYMENT OF COUNTY BILLS**

Upon motion by Marvin, seconded by Bell to authorize payment for the county bills with the consent of the County Board.

AYES: Barron, Bell, Coffey, Corray, Daily, Doty, Doughty,  
Marvin, Metzger, Purdy, Shook, Zuhone (12)  
NAYS: None (0)  
ABSENT: None (0)

## **APPOINTMENTS**

1. One appointment to Sheriff's Merit Commission
2. One appointment to Seven Hickory/Morgan Fire Protection District

## **PUBLIC COMMENTS**

Public comments were heard from the following:

John Kraft	Don Haifley	Rob Perry	James DiNaso
Audrey Edwards	Rex Dukeman	Annalisa Switzer	Samuel Stodden
Les Combs	Charles Stodden	Kirk Allen	

**ADJOURNED**

Upon motion by Metzger, seconded by Coffey, the Coles County Board was adjourned at 8:45 p.m. with the consent of the County Board.

AYES: Barron, Bell, Coffey, Corray, Daily, Doty, Doughty,  
Marvin, Metzger, Purdy, Shook, Zuhone (12)

NAYS: None (0)

ABSENT: None (0)

ATTEST:

  
\_\_\_\_\_ County Clerk

**RESOLUTION**

**WHEREAS**, Good Energy, L.P., serves as agent and consultant for the County of Coles with regard to purchasing utility supply (electric and natural gas supply) for the County of Coles in the performance of its municipal responsibilities; and

**WHEREAS**, Good Energy, L.P., has previously acted and continues to act as the broker for the supply portion of electric and natural gas supply; and

**WHEREAS**, Good Energy, L.P., electric and natural gas supply is a commodity and prices change daily and to capture the best rates must be acted on within a minimal timeframe; and

**WHEREAS**, Good Energy, L.P., has expert knowledge and awareness of such prices and has previously worked with other numerous municipalities; and

**WHEREAS**, Good Energy, L.P., has negotiated the best utility rates and terms for electrical and natural gas supplies for the County of Coles.

**NOW THEREFORE BE IT RESOLVED BY THE COUNTY BOARD OF THE COUNTY OF COLES**, that the Chairman and/or the Regional Planning Commission Executive Director are hereby authorized and directed to execute on behalf of the County an Electric Supply Agreement with a supplier for gas/electric supply for County accounts as recommended by Good Energy L.P. as long as substantial savings are realized.

\_\_\_\_\_  
**Motion by**

**Yes** \_\_\_\_\_

\_\_\_\_\_  
**Date**

**No** \_\_\_\_\_



Illinois State Board of Elections  
Voter Registration State Grant 2019  
Acceptance Agreement



You are receiving a grant from the Illinois State Board of Elections. Generally stated; the purpose of this grant is to assist in the maintenance and other costs associated with your voter registration system in order for it to communicate with the Centralized Statewide Voter Registration System as required by Title III Section 303 of the Help America Vote Act of 2002. Your election jurisdiction received previous information regarding the amount your jurisdiction is entitled to, which will be distributed in a lump sum payment after the Illinois State Board of Elections has received copies of all current documented expenditures. It is important to note that only documented expenditures and/or obligations to expend are eligible for reimbursement. Your election jurisdiction, Coles County, is eligible to receive an amount of **\$27,470.00**, which will be distributed in a lump sum payment. If your expenses exceed this amount and funding is available, you may be able to take advantage of a second reimbursement which may be sent in a second payment.

The State Board of Elections and you, the Election Authority, have responsibilities both as to spending the monies for the intended purposes and tracking expenditures not previously covered or reimbursed by the HAVA funded VR Grant or other grant monies. By accepting this money, you agree to send copies of all future documented expenditures and/or obligations to expend for audit purposes in accordance with generally accepted auditing standards.

Purchases made from this fund shall become the responsibility and property of the Election Authority, not the State Board of Elections. All property control and custody responsibilities will be assumed by the Election Authority. Likewise, the Election Authority agrees that all future costs related to maintenance, repairs, and upgrades to equipment or property purchased with these grant funds shall be the sole responsibility of the Election Authority, not the State Board of Elections. While future maintenance funds have been requested by the State Board of Elections for this purpose, there are no guarantees as to the availability of said funding.

As a condition of receipt of this grant, the Election Authority agrees to comply with the provisions of the Business Enterprise for Minorities, Females, and Persons with Disabilities Act (30 ILCS 575/) and the equal employment practices of the Illinois Human Rights Act (775 ILCS 5/2-105).

**THIS GRANT IS SUBJECT TO THE ILLINOIS GRANT FUNDS RECOVERY ACT (30 ILCS 705/1, et seq.). THEREFORE, ANY UNSPENT PORTION OF THE GRANT THAT REMAINS AFTER 30 DAYS MUST BE RETURNED WITH INTEREST TO THE STATE BOARD OF ELECTIONS IMMEDIATELY. ANY MISSPENT OR IMPROPERLY HELD GRANT FUNDS ARE SUBJECT TO RECOVERY BY THE STATE BOARD OF ELECTIONS.**

**Election authorities that fail to pay their vendors for qualifying expenses within the 30-day time period as specified by the terms of this Agreement and underlying federal rule shall become liable to the State Board of Elections for interest penalties for failing to meet the 30-day interval (unless the applicable grant amount, or any unused portion thereof, is returned to the State before the 30-day period has elapsed). An election authority failing to meet this 30-day requirement will be liable for interest at the rate applicable to the State's payments to its vendors under the terms of the State Prompt Payment Act (30ILCS 540). The interest calculation for this mandatory reimbursement is based on the historical interest rates earned by the State HAVA fund and paid by the State Treasurer during the specific time periods the money was improperly held by the local jurisdiction. The election authority assessed this interest penalty must remit the penalty amount to the State Board of Elections within 30 days of receipt of notice from SBE. Such interest payment shall be identified separately from any grant returns or other refunds.**

By signing this document, you certify that you agree to use the grant funds provided for the purposes articulated above and certify that you understand and agree to the record keeping and documentation requirements set forth above. **Further, you certify that you will return to the SBE any of the unspent funds remaining within thirty days after receipt of such funds as noted above.** For purposes of this paragraph, the unspent funds shall be considered timely returned if it is actually received in either of the SBE offices (Chicago or Springfield) within 30 days of receipt or, if received beyond such 30-day period, the envelope containing the unspent funds is postmarked within such 30-day

Voter Registration State Grant 2019  
Acceptance Agreement

period. If the postmark on the envelope containing the unspent funds is missing or illegible, the return of the unspent funds will be considered timely if such envelope is received by the SBE no later than 5 business days following the end of such 30-day period.

Any violations of this agreement may be reported to appropriate legal authorities for review and appropriate action.

**Chairman of County Board or Board of Election  
Commissioners Authorized Agent**

**Election Authority Authorized Agent**

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

**Illinois State Board of Elections**

Signature \_\_\_\_\_

Printed Name Steven S. Sandvoss, Executive Director

Date \_\_\_\_\_

# COLES COUNTY FOOD SANITATION ORDINANCE

An ordinance defining and regulating the inspection of food service establishments, and retail food stores, and vending of food and beverages; providing for the examination and condemnation of food; providing for the enforcement of current and subsequent Illinois Food Service Sanitation Rules and Regulations, Illinois Department of Public Health; ~~providing for the enforcement of current and subsequent Illinois Food Stores Rules and Regulations, Illinois Department of Public Health~~; and providing for the enforcement of this ordinance and affixing of penalties.

Whereas, 55 ICS 5/5-1052 of the Illinois Compiled Statutes grants to Illinois counties the power to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

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

February 14, 1995

AMENDED

January 12, 2016

AMENDED

September 13, 1977

ADOPTED

Chairman - Coles County Board

APPROVED

## **SECTION A - RULES AND REGULATIONS**

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

## **SECTION B - DEFINITIONS**

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

1. Adulterated shall mean the condition of any food if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health.
  - a. 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.
  - b. if it consists in whole or in part of any filthy, putrid, or decomposed substance or if it is otherwise unfit for human consumption.
  - c. 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.
  - d. if it is in whole or in part the product of a diseased animal or animal which has died otherwise than by slaughter.
  - e. if its containers are composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.
2. Category I facility shall mean a food establishment or retail food store that presents a high risk of causing 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. Category I facilities include those where the following operations occur: potentially hazardous foods are cooled, as part of the food handling operation at the facility; potentially hazardous foods are prepared hot or cold and held



hot or cold for more than 12 hours before serving; potentially hazardous cooked and cooled foods must be reheated; complex preparation of foods or extensive handling of raw ingredients with bare hand contact for ready-to-eat foods occurs as part of the food handling operations at the facility; vacuum packaging, other forms of reduced oxygen packaging, or other special processes that require a Hazard Analysis Critical Control Point (HACCP) plan; or immunocompromised individuals, such as the elderly, young children under age four and pregnant women are served, in a facility in which these individuals compose the majority of the consuming population.

3. Category II facility shall mean a food establishment or retail food store that presents a medium relative risk of causing foodborne illness, based upon few food handling operations typically implicated in foodborne illness outbreaks. Category II facilities include those where the following operations occur: hot or cold foods are held at required temperatures for no more than 12 hours and are restricted to same-day services; foods are prepared from raw ingredients, using only minimal assembly; and foods that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food-processing plants, high-risk food service establishments or retail food stores.
4. Category III facility shall mean a food establishment or retail food store that presents a low relative risk of causing foodborne illness, based upon few or no food handling operations typically implicated in foodborne illness outbreaks. Category III facilities include those where the following operations occur: only potentially hazardous foods commercially prepackaged in an approved processing plant are available or served at the facility; only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or only beverages (alcoholic and non-alcoholic) are served at the facility.
5. Concession stand: any tent, trailer, or other food operation that is not designed to remain at a permanent location, and is designed to be relocated using a truck, tractor, or similar vehicle.
6. Core item shall mean a provision in the Code that is not designated as a priority item or a priority foundation item. Core item includes an item that usually relates to general sanitation, operation controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.

7. Food establishment shall mean a food service establishment, or a retail food store as defined in the Rules and Regulations adopted herein.
8. Food truck shall mean a unit that is a mobile unit designed to prepare and sell food. Food trucks are designed to be driven from one location to the next as opposed to hauled or towed.
9. Health Authority shall mean the Coles County Health Department or an authorized representative thereof.
10. Mobile unit shall mean any food service establishment capable of being moved from location to location without a fixed location, but does not include vending machines.
11. Potentially hazardous food shall mean any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other food capable of supporting the growth of infections or toxigenic microorganisms.
12. Temporary food service establishment shall mean any food service establishment which operates at a fixed location for a temporary period of time not to exceed to weeks in connection with a fair, carnival, circus, auction sale, flea market, public exhibition, or similar transitory event.
13. Vending machine shall mean any self-service device which, upon insertion of coins, or tokens, or by other similar means, dispenses unit-servings of food, either in bulk or in packages, without the necessity of replenishing the device between each vending operation. A vending machine dispensing potentially hazardous foods shall mean a machine which dispenses in part any perishable food which consists in whole or in part milk or milk products, eggs, meat, poultry, fish, shellfish, or other food capable of supporting growth of toxigenic microorganisms.
14. Priority item shall mean a provision in the Code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard. Priority item includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, or handwashing. Priority item is an item that is denoted in the Code with a superscript P – <sup>P</sup>.
15. Priority foundation item shall mean a provision in the Code whose application supports, facilitates, or enables on or more PRIORITY ITEMS. Priority foundation item includes an

item that requires the purposeful incorporation of specific actions, equipment, or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling. Priority foundation item is an item that is denoted in the Code with a superscript Pf – Pf.

### **SECTION C - ENFORCEMENT PROVISIONS**

**1. PERMITS:** It shall be unlawful for any person to operate a food establishment within the County of Coles, State of Illinois, who does not possess a valid permit issued to him by the Health Authority. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person to another person or place. A valid permit shall be posted in a conspicuous place in every food establishment.

Permits for permanent food establishments shall expire on September 30 of each year. Permits for temporary food establishments shall be issued for a period of time not to exceed 14 days.

- a. **FEES:** The Coles County Board of Health shall set fees to be collected annually by the Coles County Health Department to offset the cost of administering the program pursuant to this Ordinance. This fee is collected by the Coles County Health Department at the time of application for permit is submitted and shall be deposited into the Health Department fund. The Coles County Board of Health shall establish a late fee of \$100.00 for permit renewal applications submitted after the expiration date. If the permit application and fees are not received within seven (7) days past the expiration date a notice shall be issued in writing stating that all operations as a food establishment are to be immediately discontinued. The notice shall also state that an opportunity for a hearing shall be provided for the applicant at a time and place designated by the Health Authority upon written request as provided in Section C1h .
- b. **ISSUANCE OF PERMITS:** Any person desiring to operate a food establishment or to renew an expired permit shall make written application for a permit on forms provided by the Health Authority. Such application shall be developed and

distributed by the Coles County Health Department including, but not limited to: the applicant's full name and post office address and whether such applicant is an individual, firm, or corporation, and, if a partnership, the names of the partners, together with their addresses; the location, names and type of the proposed food establishment; and the signature of the applicant or applicants. If the application is for a temporary food establishment, it shall also include the inclusive dates of the proposed operation. Upon receipt of such application, the Health Authority shall make an inspection of the food establishment to determine compliance with the provisions of this ordinance. When inspection reveals that the applicable requirements of this Ordinance have been met, a permit shall be issued to the applicant by the Health Authority.

- c. **RENEWAL OF PERMITS:** Whenever the inspection for renewal of a permit reveals serious or repeated violations of this Ordinance, the permit will not be issued and the Health Authority shall notify the applicant immediately thereof. Such notice shall state the reason(s) for not renewing the permit. Such notice shall also state that an opportunity for a hearing shall be provided for the applicant at a time and place designated by the Health Authority. Such hearing shall be scheduled not later than 10 days from the date of notice. The notice referred to in this paragraph shall be delivered to the applicant in person by the Health Authority or may be sent registered mail, return receipt requested. A permit which has expired shall be removed from the food establishment by the Health Authority.
- d. **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 Section C 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 will be provided if a written request 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 insanitary or other conditions in the operation of a food establishment which, in its judgement, constitute 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 specifying the time period within which such action shall be taken; and, if deemed necessary, such order shall state that the permit is immediately suspended, and all operations as a food establishment are to be immediately discontinued. 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.

- e. **SERVICE OF NOTICES:** A notice provided for in the Ordinance is properly served when it is personally delivered to the holder of the permit or 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. A copy of such notice shall be filed with the records of the Health Authority.
- f. **REINSTATEMENT OF SUSPENDED PERMITS:** Any person whose permit has been suspended may, at any time, make application for a re-inspection for the purpose of reinstatement of the permit. Within 10 days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the Health Authority shall make a re-inspection. If the applicant is in compliance with the requirements of this Ordinance, the permit shall be reinstated.
- g. **REVOCAION OF PERMITS:** For serious or repeated violation(s) of any of the requirements of this Ordinance, or for interference with the Health Authority in the performance of its duties, the permit may be permanently 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 permanently revoked at the end of 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 5 day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.
- h. **HEARING:** The hearing 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.

- i. **ADMINISTRATIVE REVIEW:** Any person, firm, or corporation affected by the decisions of the Health Authority may have the decisions of said Health Authority, reviewed in the Circuit Court of Coles County. The provisions of the "Administrative Review Act" of the State of Illinois, approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Health Authority. The term "Administrative Decisions" is defined in Section 1 of said "Administrative Review Act."

## **2. INSPECTION**

- a. **FREQUENCY OF INSPECTION:** The Health Authority shall inspect each food establishment within the County of Coles, State of Illinois, in accordance with the Illinois Administrative Code 615.30 commonly known as the Food Protection and Program Standards. Additional inspections and/or re-inspections as are necessary for the enforcement of this Ordinance may be made by the Health Authority. Except that the Health Authority shall not perform routine inspections of those food service establishments which are inspected by qualified personnel of the Illinois Department of Public health, provided that the inspections are conducted according to the current and subsequent Illinois Food Service Sanitation Rules and Regulations, as amended, Illinois Department of Public Health. If the agency responsible for routine inspections shall fail to conduct at least one yearly inspection, the Health Authority may perform the routine inspections. Nothing in this section shall prohibit the Health Authority from conducting investigations or inspections of a special or emergency nature or routine inspections at the request of the Illinois Department of Public Health.
- b. **RIGHT OF ENTRY:** The Health Authority, after proper identification, shall be permitted to enter at any reasonable time any food establishment in the County of Coles, State of Illinois, 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.

e. **REPORT OF INSPECTION:** Whenever an inspection of a food establishment is made, the findings shall be recorded on a form that is substantially equivalent to the current or subsequent Illinois Department of Public Health Retail Food Establishment Inspection Report. One copy of the inspection report form shall be furnished to the persons in charge of the establishment. The complete inspection report form is a public document and shall be made available for public disclosure to any person who requests it. The inspection report form shall: ~~set forth a weighted point value for each requirement. The rating score of the establishment shall be the total of the weighted point values for all violations subtracted from 100 and shall be shown on all copies of the report.~~

i. Set forth the specific violations found.

ii. Establish a specific and reasonable period of time for the correction of violations found:

1. Priority Items – All Priority item violations noted on the inspection report will require immediate or twenty-four (24) hour corrections, and follow-up inspections will be conducted within one working day.
2. Priority Foundation Items – All Priority Foundation item violations noted on the inspection report will require correction within five (5) working days, and follow-up inspections will be conducted within five (5) working days.
3. Core Item and Other Violations – All core item and other violations noted on the inspection report shall be corrected according to a compliance schedule as determined by the Health Officer.
4. Alternative Timeline for Corrections – In the event that the correction of the violations would require the installation of new equipment or structural changes, the owner can request an alternative timeline for correction. The request for the alternative

timeline for correction shall be in writing and received prior to the expiration of the initial timeline for correction. The request shall include:

- a. Date of proposed violation correction.
- b. Explanation of why original timeline for correction cannot be met, and
- c. Documentation on how the public health will be protected during the alternative correction timeline.

The Health Authority shall review each request for alternative correction timelines to insure that the public health is being protected and notify the requestor in writing as to whether the alternative timeline for correction has been approved or denied. Alternative timelines shall not apply to new construction and/or remodeling.

- iii. State that the failure to comply with any notice issued in accordance with the provisions of this Ordinance may result in immediate suspension of the permit.
- iv. State that an opportunity for appeal from any notice or inspection finding will be provided if a written request for a hearing is filed with the Public Health Department within the period of time established in notice of correction.

d. **ISSUANCE OF NOTICES:** Whenever the Health Authority makes an inspection of a food service establishment and discovers that any of the requirements of this Ordinance have been violated, it shall notify the permit holder or operator of such violations by means of an inspection report form or other written notice. In such notification, the Health Authority shall:

- i. Set forth the specific violations found, and, if a complete inspection is conducted the sanitation score of the establishment.



ii. **Correction of Violations:** The inspection report form and/or notice shall establish a specific and reasonable period of time for the correction of the violations found. The correction of the violations found shall be accomplished within the period specified by the Health Authority utilizing the following guidelines:

- e. When the rating score of any food establishment is 75 or more, all violations of one or two point weighted items shall be corrected as soon as possible, but in any event by the time of the next routine inspection.
- f. When the rating score of any food establishment is at least 60 but not more than 74, all violations of one and two point weighted items shall be corrected as soon as possible, but in any event within a period not exceeding 30 days.
- g. When the rating score of a food establishment is less than 60, or if an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, then operations may be suspended. Operations shall not be resumed until authorized by the Health Authority.
- h. Regardless of the rating score of a food establishment, all violations of four and five point weighted items shall be corrected immediately.
- i. In case of temporary food establishments, all violations shall be corrected immediately if four or five point weighted items and within 24 hours if one and two point weighted items. If violations are not so corrected, operations shall immediately cease and the permit suspended.

1. The report of inspection shall state that the failure to comply with any time limits for correction will require that the food establishment immediately cease operations and the permit suspended. An opportunity for appeal from the inspection findings will be provided if a request for a hearing is filed with the Health Authority within 10 days. If a request for a hearing is received, a hearing shall be held within 20 days of the receipt of the request.

2. Whenever any food establishment is required under provisions of this section to cease operation, it shall not resume operations until such time that a re-inspection has been made and confirms that conditions responsible for the requirement to cease operation no longer exists. Opportunity for a re-inspection shall be offered within a reasonable time.

1) **EXAMINATION AND CONDEMNATIONS OF FOOD AND/OR EQUIPMENT:**

- (a) 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 he determines or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to move or alter a hold order notice or tag placed on food by the Health Authority.
- (i)** Neither such food nor the containers thereof shall be relabeled, repackaged, or reprocessed, altered, disposed of, or destroyed without the permission of the Health Authority, except on an order by a court of competent jurisdiction. After the owner or person in charge has had a hearing as provided in Section C1h, and on the basis of evidence produced at such hearing, or on the basis of examination in the event a written request for a hearing is not received within ten (10) days, the Health Authority may vacate the hold order or may, by written order, direct the owner or person in charge of food which was placed under the hold order to denature or destroy such food or bring it into compliance with the provisions of this Ordinance. Such order shall be stayed if the order is appealed to a court of competent jurisdiction within 3 days.
- (b) EQUIPMENT:** When equipment used in the preparation of food products is found to be in a state of disrepair, unsafe, unsuitable for use, or insanitary, such equipment shall be taken out of use and a hold order placed on the said items by the Health Authority. Such equipment may not be put back into service until written permission is obtained from the Health Authority. It shall be unlawful for any person to move or alter a hold order notice or tag placed on equipment by the Health Authority. Such equipment shall not be altered, disposed of, or destroyed without the permission of the Health Authority except on order by a court of competent jurisdiction. Such equipment may not be returned to service unless the hold order is removed by the Health Authority. After the owner or person in charge has had a hearing as provided in Section C1h, and on the basis of the evidence produced at such hearing, or

on the basis of examination in the event a written request for a hearing is not received within 10 days, the Health Authority may vacate the hold order or may, by written notice, direct the owner or person in charge of the equipment which was placed under the hold order to remove such equipment or bring it into compliance with the provisions of this Ordinance. Such order shall be stayed if the order is appealed to a court of competent jurisdiction within 3 days.

(c) **EXISTING EQUIPMENT:** Equipment which was installed in a food establishment prior to the effective date of this Ordinance, and which does not meet fully all of the design and construction requirements of this Ordinance, shall be deemed acceptable in that food establishment if it is in good repair, capable of being maintained in a sanitary condition and the food contact surfaces are nontoxic. Such equipment shall also be so located and installed as to enable reasonable compliance with all of the requirements pertaining to food protection.

b) **PROCEDURE WHEN INFECTION IS SUSPECTED:**

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

- (a) Immediate exclusion of the employee from any food handling activities.
- (b) Immediate closure of the food establishment until in the opinion of the Health Authority, no further danger of disease outbreak exists.
- (c) Restriction of employee's services to some area of the food establishment where there will be no danger of transmitting disease.
- (d) Adequate medical and laboratory examinations of the employee or other employees and of his or their body discharges.

2) **FOOD HANDLERS CLASSES:**

The Health Authority may order any food handler to attend an immediate food handler training

course when, in the judgement of the Health Authority, the work habits of said food handler constitute a hazard to public health. Fees may be charged by the Health Authority to offset the cost of the course.

**SECTION D- FOOD SERVICE ESTABLISHMENTS AND RETAIL FOOD STORES OUTSIDE JURISDICTION OF HEALTH AUTHORITY**

Food from food establishments outside the jurisdiction of the Health Authority of the County of Coles, State of Illinois may be sold in the County of Coles, State of Illinois, if such food establishments conform to the provisions of this Ordinance or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Health Authority, prior to issuing a food permit, may accept reports from responsible authorities in other jurisdictions where such food establishments are located.

**SECTION E - PLAN REVIEW OF FUTURE CONSTRUCTION**

When any food establishment is hereafter constructed or extensively remodeled or whenever existing structures are to be converted for use as a food establishment, properly prepared plans and specifications for such construction, remodeling, or alteration shall be submitted to the Health Authority for approval before such work is begun. Said plans shall indicate layout, arrangement and construction materials of work areas, and the locations, size and type of fixed equipment and facilities. The Health Authority will provide recommendations and consultation to the owner to prevent any misunderstanding by the owner as to what is required to prevent errors which may result in additional cost to the owner. Consultation shall not be provided prior to submission of the plan review. The Health Authority shall establish fees to be collected by the Coles County Health Department to offset the cost of reviewing plans pursuant to this Ordinance. Plan review fees for units of government or school districts are waived.

**SECTION F – VARIANCES**

The Health Authority may grant a variance modifying or waiving requirements of the Ordinance or Illinois Food Code if, in the opinion of the Health Authority, a health hazard or nuisance condition will not result from the variance. If a variance is granted, the Health Authority shall retain the information in its records for the food establishment. Variances are not transferable to new owners or locations.

1. Documentation of Proposed Variance and Justification.

Before a variance from a requirement of the Ordinance or Illinois Food Code is approved, the information that shall be provided by the person requesting the variance and retained in the Public Health Department's file on the food establishment or the retail food store shall include:

- a. A statement of the proposed variance of the Ordinance or Code requirement citing relevant Ordinance or Code section numbers;
- b. An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant Ordinance or Code sections will be alternatively addressed by the proposal; and
- c. A HACCP plan, if required as specified under Part 3, Section 7, that includes the information specified as it is relevant to the variance requested.

2. Conformance with Approved Procedures

If the Health Authority grants a variance as specified or a HACCP plan is otherwise required, the permit holder shall:

- a. Comply with the HACCP plans and/or procedures that are submitted as specified and approved as a basis for the variance and
- b. Maintain, and provide to the health department upon request, records specified that demonstrate that the following are routinely employed:
  - i. Procedures for monitoring the critical control points.
  - ii. Monitoring of the critical control points.
  - iii. Verification of the effectiveness of the operation or process, and
  - iv. Necessary corrective actions if there is failure at a critical control point.

**SECTION F - PENALTIES**

**Any person who violates any provision of this Ordinance, or any rules and regulations adopted**

herein shall be guilty of a Petty Offense and, upon conviction thereof, shall be punished by a fine not less than \$100.00. In addition thereto, such person may be enjoined from continuing such violations. Each day upon which such violation occurs constitutes a separate offense. The State's Attorney of Coles County shall bring such actions in the name of the People of the State of Illinois or may bring action for an injunction to restrain such violation or to enjoin the operation of any such food establishment causing such violation.

**SECTION G - REPEAL AND DATE OF EFFECT**

This ordinance shall be in full force and effect 10 days after its adoption as provided by law, and, at that time, all Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

**SECTION H - 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.

Passed and adopted this 13th day of September, 19 77 by the Coles County

Board

Passed and amended this \_\_\_\_\_ ,

\_\_\_\_\_  
Chairman

**RESOLUTION TO AWARD**

Sections 16-01137-00-BR

WHEREAS, a letting was held at the Coles County Courthouse on February 19, 2019 at the hour of 10:00 A.M. for a structure replacement along TR 137 in Ashmore Township, and

WHEREAS, said section was advertised in the Journal Gazette & Times Courier on February 5 and February 12, 2019; and the State's "Notice to Contractors Bulletin" on February 7 and February 14, 2019, and

WHEREAS, bids were received from 3 qualified contractors, and

WHEREAS, Depew and Owen Builders Inc., 301 North Oak Street, Centralia, IL 62801, submitted the low bid in the amount of \$ 294,888.00, and

WHEREAS, the engineer's estimate for said section was \$299,860.50.

NOW, THEREFORE BE IT RESOLVED, that the County Board of Coles County award a contract for said section to Depew and Owen Builders Inc., 301 North Oak Street, Centralia, IL, 62801.

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STATE OF ILLINOIS  
COUNTY OF COLES

I, being properly authorized, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the County Board of Coles County on this 12<sup>th</sup> day of March 2019.

\_\_\_\_\_  
Julie Coe, County Clerk (SEAL)