

Food Program Administrative Procedures and Policies

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I. INSPECTIONS

- a. **Educational Presentations:** Lake County Code of Ordinances Chapter 173 states that employees that handle or prepare time/temperature control for safety (TCS) food in permitted food facilities shall attend at least one training session annually, provided or approved by the Lake County Health Department. To meet the requirements of Chapter 173, and to maintain compliance with the Illinois Department of Public Health (IDPH) Local Health Protection Grant Code, education must take place during all facility visits, must include a discussion of principles of HACCP (Hazard Analysis Critical Control Point), and must be noted in the inspection report.
 - i. **Formal Educational Presentations:** Appointments are to be made for a minimum of one routine inspection per year at all Category 1 and Category 2 facilities. Appointments shall be made to allow the operator to schedule staff to attend the educational presentations. The appointment shall be scheduled at a time when the greatest number of food handlers is available, most probably at a time when shifts are changing. The type of presentation and number of participants shall be noted in the inspection report. Additionally, a quiz shall be given to all participants as part of the presentation as outlined in the Educational Presentation Guide. Appointments and formal educational presentations are not required at Category 3 facilities.
 - ii. **Unannounced Inspections/Educational Presentations:** In addition to the formal educational presentations at Category 1 and Category 2 facilities, unannounced visits shall also be conducted. The inspection portion of the unannounced visits shall focus on monitoring and assessing the food handling and sanitation practices of the facility. The educational presentation portion of the visit shall consist of hands-on training/education to address any deficiencies the observed practices and/or the provision of other food safety/sanitation information needed by the facility. It shall be noted in the inspection report that an educational presentation/HACCP (Hazard Analysis Critical Control Point) topic was conducted during the visit.

For Category 1 facilities, one unannounced inspection shall occur in the morning (if food prep is occurring at this time), and one in the afternoon to attempt to educate as many food handlers as possible. If no morning prep occurs, an

evening inspection must be conducted. Additionally, weekend and/or evening inspections may be necessary.

- iii. **Additional Training Sessions/Educational Opportunities:** LCHD/CHC staff shall provide training classes for food handlers (such as 3rd shift workers) who are not able to attend a routine educational session. Additionally, an educational packet may be given to a facility's certified manager to be given to food handlers who are unable to attend an LCHD/CHC session. This packet shall consist of educational materials such as videos, and quizzes. Environmental health practitioners must assure to the best of their ability that all food handlers receive training.

- iv. **Exceptions/Restrictions**

- 1. **Exceptions:** Appointments are not necessary for other types of food inspections such as re-inspections, foodborne illness investigations, request for services, etc.
 - 2. **Restrictions:** Staff shall make every effort to not conduct unannounced routine inspections between 11:30 a.m. and 1:00 p.m. as a courtesy to the operators, and to assure that food handlers are available to receive educational information. Staff must adhere to this restriction unless inspecting a facility or providing education to food handlers is not possible or practical outside of the 11:30 a.m. to 1:00 p.m. window (e.g., schools or corporate cafeterias), or if there are operational issues that can only be monitored during that time frame. Announced inspections/educational presentations may take place during this time frame in cooperation with the operator.

- b. **Facility Operator Responsibilities/Obligations**

- i. **Access:** Lake County Code of Ordinances Chapter 173 states that "Representatives of the Regulatory Authority, after proper identification, shall be permitted to enter any food service facility at any reasonable time for the purpose of conducting inspections to determine compliance with this subchapter." Thus, food facilities are subject to inspection at any time they are operating or preparing food. An operator **does not** have the right to refuse entry to an environmental health practitioner if the facility is operating. If an operator refuses entry it is considered "interference with the Health Officer in the performance of its duty," and the permit will be subject to revocation. **If a food operator refuses an environmental health practitioner entry, contact the Food Program Coordinator immediately.**

If an operator fails to appropriately schedule staff when appointments have been made to conduct educational presentations, a presentation shall still be given to staff that is available. If an operator refuses to allow the presentation, it is considered "interference with the Health Officer in the performance of its duty," and he or she shall be required to attend an office compliance hearing immediately (see Section IV).

II. TIME/TEMPERATURE CONTROL

- a. **Citation of Time/Temperature Violations:** A time/temperature violation exists and shall be cited for TCS food ($\pm 2^{\circ}\text{F}$ variation shall be allowed on temperature readings based on the manufacturer's accuracy statement for digital thermometers) when:
- i. In cold storage, TCS food is held above 41°F ($\pm 2^{\circ}\text{F}$).
 - ii. In hot holding, TCS food is held below 135°F ($\pm 2^{\circ}\text{F}$).
 - iii. When TCS food is held between 41°F and 135°F ($\pm 2^{\circ}\text{F}$) and is not under necessary periods of preparation. This includes food that is being transported.
 - iv. When TCS food is not cooked or reheated to the proper minimum temperatures.
 - v. When cooked TCS food is not cooled from 135°F to 70°F within 2 hours and then from 70°F to 41°F within 4 more hours (total time 6 hrs.). Food prepared from ambient temperature must be cooled to 41°F within 4 hours.
 - vi. Frozen food is not maintained frozen.
- b. **Correction of Time/Temperature Violations:** Lake County Code of Ordinances Chapter 173, states: "all time-temperature violations shall be **corrected immediately** in a manner acceptable to the Health Officer." Therefore, all temperature violations must be corrected on site when they are found. **The environmental health practitioner may not leave a food service facility without correction of a temperature violation (which includes observing and documenting the initiation of proper cooling where cooling of the food is the appropriate method of correction).** Time-temperature violations shall be corrected in the following manner:
- i. **Immediate Cooling or Reheating:** Food that has been in the "danger zone" fewer than 4 hours may be cooled down quickly to 41°F or below and then placed in a properly functioning refrigeration or freezer unit. The food may also be reheated quickly to 165°F or above and placed in a properly functioning hot holding unit.
 - ii. **Food Discarded:** Food that has been held out of temperature control (between 41°F and 135°F) for more than 4 hours, must be either discarded by the operator, or placed on a hold order. When the food operator discards food, it shall be noted on the inspection report, listing the specific items of food discarded. If an operator refuses to discard the food, the food shall be placed on a hold order.
 - iii. **Hold Order:** When food is placed on a hold order, the environmental health practitioner must provide written notice to the operator specifying the reasons for the hold order, and the food involved. The food subject to the hold order must be labeled or tagged. Food placed on a hold order may NOT be used, sold, moved or destroyed without permission from the Health Officer, and any food denatured or destroyed must be done so under the supervision of the Health Officer. The food may be stored under conditions specified in the hold order, unless storage is not possible without risk to the public health.

Within 10 days of the issuance of the hold order, the operator may request a hearing pursuant to the provisions in Lake County Code of Ordinances Chapter 173. If the Department receives a request, the hearing shall be held within 35 days of the receipt of the request. On the basis of the evidence produced at the hearing, the hold order may be lifted, or the food subject to the hold order may be ordered to be denatured or destroyed. If an operator fails to comply with the requirements of a hold order, the food service facility permit will be subject to suspension and/or revocation. ~~A Food Program Specialist or the~~ The Food Program Coordinator or their designee must be contacted immediately if food is to be placed on a hold order.

- c. **Use of Periodic Cooking Equipment and/or Methods:** Facilities that use cooking methods or equipment such as gyro cookers/vertical broilers must either control the temperature of the TCS food being prepared, or employ time as a public health control as described in this section.
 - i. If the temperature of the TCS food is to be used as a control, the temperature must be controlled by:
 - 1. holding the TCS food at or below 41°F, placing it on the cooking unit to cook the outer portion to the required temperature, and then removing the uncooked portion of the TCS food and storing it at or below 41°F; or
 - 2. cooking the TCS food to the required temperature and then holding the internal temperature of the TCS food on the cooking equipment at or above 135°F.

III. **INSPECTIONS / REINSPECTIONS**

- a. **Cause for Re-inspection:** A re-inspection may be required at a facility for the following reasons, where the possibility of a foodborne illness exists (see also Lake County Code of Ordinances Chapter 173).
 - i. **Imminent Health Hazard (as described in Lake County Code of Ordinances Chapter 173):** Examples of an imminent health hazard include, but are not limited to, a sewage backup (inside the facility), a fire, no electricity, no water under pressure, no hot water, and serious pest infestation. Where the Food Program Coordinator or ~~a Food Program Specialist~~ their designee makes the determination that the conditions present an imminent health hazard, the food permit shall be suspended until corrections are made (see Lake County Code of Ordinances Chapter 173 – Suspension of Permit, and Administrative Procedures and Policies, Section VI). Where the Food Program Coordinator or their designee ~~a Food Program Specialist~~ makes the determination that the conditions present an imminent health hazard, the operator may also choose to voluntarily cease his or her operation with the understanding that the facility may not resume food service until given LCHD/CHC approval.
 - ii. **Repeat Time/temperature, Cross-contamination, and/or Handwashing/Employee Hygiene Violations:** A re-inspection shall be required at a food service facility if it has two (or more) subsequent or recent inspections in which

there were time/temperature control violations, cross-contamination violations, and/or handwashing/employee hygiene violations, or has a single inspection with multiple instances of any of these violations. Although these types of violations should be corrected immediately at the inspection (**time/temperature control violations must be corrected at the time of the inspection**), a re-inspection shall be required at the facility if these violations are observed at two inspections in a row, or on a routine basis. **All of these types of violations must be cited if observed, regardless of the fact that they are corrected immediately.** Further action may also be necessary (see Section IV).

- iii. **Other Serious Priority or Priority Foundation Violations and Multiple Priority or Priority Foundation Violations:** Examples of other serious violations include, but are not limited to: a lack of a certified manager, serious pest control problems, backflow/back-siphonage violations, and a failing onsite wastewater disposal system at the time of inspection. When these violations cannot be corrected immediately (or where procedural changes cannot easily correct the violation), a re-inspection shall be required as the ongoing presence of these violations presents the potential for the occurrence of a foodborne illness. Further action may also be necessary (see Sections IV and VI). Where there are multiple priority or priority foundation violations that are not repeat violations (as described above), a re-inspection shall be required if the presence of these violations presents the potential for the occurrence of a foodborne illness.
 - iv. **Serious Repeat Core Violations:** If there are serious repeated core violations that the operator has not corrected, a re-inspection shall be required when the ongoing presence of these violations presents the potential for the occurrence of a foodborne illness. Examples include damaged food or non-food contact surfaces that may cause physical contamination of food, damaged or poorly maintained structures that may lead to or exacerbate a pest control problem, an overall lack of sanitation that may lead to or exacerbate a pest control problem. Further action may also be necessary (see Section IV).
- b. **Re-inspections:** Re-inspections must be conducted in a timely manner, and in all cases, unless otherwise approved by the Food Program Coordinator or ~~their designee~~ **Food Program Specialist**, within the timeframe as set forth by Chapter 8 (Compliance and Enforcement) of the current and subsequent versions of the U.S. Food and Drug Administration Food Code. Professional judgment must be used in determining the correction timeframe so that the facility has time to comply, while at the same time, public health is protected. In general, re-inspections shall be made for the reasons listed below, though environmental health practitioners have discretion and may use professional judgment to determine if a re-inspection is required in other situations. **A re-inspection shall be conducted:**
- i. Follow-up visits to investigate failing onsite wastewater disposal systems at food service facilities shall be conducted as part of a request-for-service/complaint investigation rather than as a food service facility inspection.
 - ii. When priority or priority foundation violations (other than for time/temperature control) were cited during a routine inspection, and were not corrected during the inspection.

- iii. When multiple, serious, or repeat priority or priority foundation violations are cited during a routine inspection, especially time/temperature, cross-contamination or handwashing/employee hygiene. A re-inspection must be made, even if these items are corrected during the inspection.
 - iv. When multiple, serious, or repeat core violations are cited during a routine inspection, and/or the environmental health practitioner determines that a potential for a foodborne illness exists as a result of these violations.
 - v. When, during a re-inspection, the above indicated conditions exist.
- c. **Re-inspection fees, reports:** Lake County Code of Ordinances Chapter 173 allows **one** re-inspection after each routine inspection without the assessment of a re-inspection fee. Any subsequent re-inspections, **conducted as a result of the citation of PRIORITY VIOLATION(S) ON A ROUTINE INSPECTION** are subject to the re-inspection fee set in the Environmental Health Fees Schedule as codified in Chapter 178.
- i. **ROUTINE INSPECTION:** If a **re-inspection is required** to follow up on PRIORITY VIOLATIONS cited during a ROUTINE INSPECTION (regardless of whether or not the violations were corrected on site), the inspection report shall indicate that a re-inspection fee will be assessed if priority violations are cited during the follow-up inspection.
 - ii. **RE-INSPECTIONS:** If a PRIORITY VIOLATION (or violations) cited during a ROUTINE INSPECTION is not corrected during the first RE-INSPECTION, or if additional priority violations are cited during the first re-inspection (regardless of whether or not the priority violations were corrected on site), **and an additional re-inspection is required**, the inspection report shall indicate that a re-inspection fee will be assessed for the 2nd re-inspection. The re-inspection fee shall also be assessed for all subsequent re-inspections if the priority violations remain uncorrected.

All reports on which there is either a warning or assessment of a re-inspection fee must be signed by the owner or operator, and by the environmental health practitioner. If the owner or operator refuses to sign the form, the environmental health practitioner shall note it as such. All re-inspections that result in the assessment of a fee will be reviewed and approved by the Food Program ~~Specialist~~ **Coordinator or their designee.**

IV. ENFORCEMENT ACTIVITIES

- a. **OFFICE COMPLIANCE HEARINGS**
When a food ~~service~~ facility operator repeatedly or seriously fails to comply with the requirements in the Illinois Food Code and/or Lake County Code of Ordinances Chapter 173, the operator shall be required in writing to attend an office compliance hearing with the Food Program Coordinator or ~~a Food Program Specialist~~ **their designee**. If a facility operator fails to attend a scheduled office compliance hearing without prior notice, the facility's permit to operate may be suspended, or revocation procedures may be initiated (see Section VII). The following conditions would warrant an office compliance hearing, though this list is not all inclusive:

- i. Repeated time/temperature, cross-contamination or handwashing/employee hygiene violations. Repeat violations are those found at two or more consecutive inspections (whether or not these violations were corrected at the time of the inspection). This standard also applies to other repeat priority violations, such as pest control violations. The permit shall be suspended immediately if an imminent health hazard exists (see Section VI).
- ii. If an operator refuses access or entry to an environmental health practitioner or becomes belligerent, aggressive or threatening. The environmental health practitioner must also complete an incident report describing the encounter.
- iii. Serious repeat core violations that have not been corrected when ample time for correction has been given where a potential for foodborne illness exists as a result of these violations.
- iv. Serious disregard of sanitation or food safety principles, such as continuing to operate during a sewage back-up, without hot water, or without water or electric power.
- v. If a permit is suspended or if a facility operator voluntarily closes due to an imminent health threat, an office compliance hearing must be held **prior to allowing the facility to re-open**. The hearing, which will be conducted by ~~a Food Program Specialist or~~ the Food Program Coordinator or their designee, may take place either at the facility, or in the office. Staff shall be accommodating in scheduling the hearing to minimize the time the facility is out of operation. The result of the hearing shall be documented as for any hearing.

If the suspension/voluntary closure occurs on a weekend, an office compliance hearing shall be held by the second business day of the next work week (Tuesday unless there is a Monday holiday). If the suspension/voluntary closure occurs after business hours, an office compliance hearing shall be held within the next two business days. These hearings must take place in the office or at the facility. This “weekend/off-hours” rule shall also apply if ~~a Food Program Specialist or~~ the Food Program Coordinator or their designee is not available for a problem occurring during business hours.

b. **RESTRICTION OF PERMITS**

Food permits may be restricted for the following reasons in the following manner:

- i. **Unsatisfactory Non-community Water Samples:** Restrictions will be imposed on the facility for unsatisfactory **check (repeat) samples** only. When a routine sample result is unsatisfactory due to the presence of total coliform bacteria, the restrictions listed below should be ***recommended*** to the facility owner/operator. The food operation is restricted from using the water (until 4 satisfactory sample results are obtained) for:
 1. Direct human consumption.
 2. Washing any ready-to-eat food such as fruits and vegetables.
 3. Use in any equipment that is connected to the water supply, such as ice machines, soda dispensers, etc.

4. Employee hand washing (use of hand sanitizer after washing is advised if bottled is used) – employees should, however, use warm tap water for handwashing after using the restroom, followed by a hand sanitizer that is approved for use in a food service facility unless fecal coliform bacteria or *E. coli* are present in the water.

Depending on the condition of the water well, or if fecal coliform bacteria, *E. coli* or other contaminants are present, the food permit may be suspended (along with the non-community water supply permit) if an imminent health threat exists (See Lake County Code of Ordinances Chapter 173).

When a food operation is restricted due to unsatisfactory water, the facility shall be given written notification as described in the Water Well Procedure Guide and on a food service facility inspection report form. To continue to operate, the food service facility must provide water from an approved source such as a municipal source, bottled water, etc. Bagged ice from an approved source must also be used. Other restrictions, such as doubling the sanitizer level for dishwashing, may also be imposed.

- ii. **After a Boil Water Order Has Been Issued:** After a boil water order has been issued by a Public Water Supplier, or if an extended interruption of water service occurs, **LCHD/CHC staff shall make site visits to all affected Food Service Facilities, and shall restrict water use as outlined in the guidelines (in the Water Well Procedure Guide).** Where the community water supply area is extremely large, the Food Program Coordinator may make the determination that all facilities cannot be visited. In these instances, facilities that serve either large numbers of people, or high-risk groups shall be visited, and all other facilities shall be contacted and provided with water use guidelines. LCHD/CHC will also act as a resource for the Public Water Suppliers, as well as commercial and residential users of water. Fact sheets, listing guidelines for restricted water use, shall be made available. LCHD/CHC staff shall also answer phone inquiries, providing the information from the fact sheets, or other reference information as requested.
- iii. **Severe Contamination:** If severe contamination of a public water supply is the reason for the issuance of a boil water order, or if waterborne disease transmission from a public water supply has been confirmed or is suspected, the following actions may occur:
 1. **Suspension of all Food Service Facility Permits in the Affected Area.** This action may occur in situations where the LCHD/CHC has determined that an imminent health threat exists due to the contamination of a public water supply (when a facility is unable to operate using an alternative approved source of water). Site visits to the facilities will be conducted, and written reports issued.
 2. **Public Notification Via Press Release.** In cases of extensive restriction of food operations or suspension of Food Service Facility Permits, LCHD/CHC shall issue a press release to local media sources that explains the action, the reason for the action,

and in the case of restriction of food operation, the specific restrictions that have been placed on water use.

c. **SUSPENSION OF PERMITS**

When an environmental health practitioner, in consultation with the Food Program Coordinator or ~~their designee~~ ~~Food Program Specialist~~, determines that an imminent health hazard exists at a food service facility, the permit to operate **must be suspended in writing immediately** (see Lake County Code of Ordinances Chapter 173). The environmental health practitioner ~~and Food Program Specialist~~ must **always consult with the Food Program Coordinator or their designee for approval before a Food Permit is suspended**. An imminent health hazard is defined as “a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on: (1) The number of potential injuries, and (2) The nature, severity, and duration of the anticipated injury.” (see Lake County Code of Ordinances Chapter 173).

The suspension of a permit requires that the facility ceases operation until the reasons for the suspension are corrected. The permit must be suspended in writing with the report stating that the facility may not resume operation until corrections are made, inspected and approved by LCHD/CHC. The report must state the reasons for the suspension and give an opportunity for a hearing in accordance with Lake County Code of Ordinances Chapter 173. The operator may also choose to voluntarily cease operation with the understanding that the facility may not resume food service until the imminent hazard has been eliminated and LCHD/CHC has given written approval to operate. The environmental health practitioner’s report must include this information.

Examples of imminent health hazards are:

- i. Fire in the kitchen area where damage is extensive, or the fire suppression system has been activated.
- ii. Flooding or a sewage backup in the kitchen or food preparation areas.
- iii. No potable water available under pressure in the facility.
- iv. No hot water in the facility.
- v. Water supply contaminated with fecal coliform bacteria, *E. coli*, or other contaminants that may present an imminent health hazard.
- vi. No electricity or natural gas in the facility.
- vii. Suspected disease transmission from an employee or from food prepared or served in the facility.
- viii. Severe rodent or insect infestation in the facility.
- ix. No (or not enough) properly functioning refrigeration units in the facility (i.e., cooling units capable of maintaining TCS food at or below 41°F, and freezer units capable of maintaining TCS food frozen solid).

d. **REVOCATION OF PERMITS**

When an office compliance hearing or hearings have not resulted in compliance, LCHD/CHC may issue, in writing, notice of intent to revoke a facility's permit in accordance with Lake County Code of Ordinances Chapter 173. The facility may request a hearing with the Lake County Board of Health Hearings Committee to contest the revocation.

- i. **Conditions for Revocation:** Permit revocation is used when all other enforcement activities have failed to achieve compliance, and is done only **after** an opportunity for an office compliance hearing has been provided. A food permit may be revoked for the following reasons per Lake County Code of Ordinances Chapter 173.

1. Repeated time/temperature control, handwashing/employee hygiene, or cross-contamination violations.
2. Interference with the Health Officer in the performance of its duties.
3. Failure to correct an imminent health hazard.

- ii. **Food Safety Consultant:** LCHD/CHC may rescind its notice of intent to revoke a facility's permit to operate if the facility's owner provides documentation to LCHD/CHC (prior to the end of the 10-day period indicated in the revocation notice) that a food safety consultant has been hired for a period of no less than 3 months. The food safety consultant must be certified by an American National Standards Institute (ANSI) approved certification body, or must present other credentials acceptable to the LCHD/CHC. The Food Program Coordinator or ~~their designee~~ ~~Food Program Specialist~~ shall meet with the consultant to determine a corrective action plan for the facility.

ii.

e. **CITATIONS/ADMINISTRATIVE ADJUDICATION**

Section 173.09 of Lake County Code of Ordinances Chapter 173 authorizes the Health Officer to issue notice of ordinance violation tickets as a remedy to seek compliance with the provisions of the chapter. In consultation, and with the approval of the Food Program Coordinator or their designee, an environmental health practitioner may issue a notice of ordinance violation ticket to the operator of a permanent or temporary food service facility for violations of Chapter 173 including, but not limited to:

- i. repeated serious time/temperature control, cross-contamination or handwashing/employee hygiene violations;
- ii. repeated occurrences of operating with the presence of an imminent health hazard such as a sewer backup, lack of water, hot water, or electricity;
- iii. operating a permanent food service facility without a valid permit;
- iv. repeatedly arriving more than one hour later than the scheduled start time for a temporary food service event; or
- v. operating at temporary food service events without a valid permit.

V. **CHANGES OF OWNERSHIP**

- a. **Plan Reviews:** When a food service facility changes owners, the new owner must apply for a new permit to operate. LCHD/CHC may become aware of these changes after the facility has changed hands (the facility may or may not be continuing to operate), or before the transfer occurs. In every case, the determination must be made about whether a plan review will be required prior to issuing an operational permit to the new owner. This determination will initially be assessed by the environmental health practitioner, and then must be confirmed by a Food Program Specialist or the Food Program Coordinator. If a plan review is required, a Food Program Specialist will be responsible for the plan review and permitting procedures. Some of the criteria to be used in determining if a plan review is needed are:
 - i. Is the facility doing any remodeling of the kitchen area (or has remodeling already occurred at an already operating facility)?
 - ii. Is the menu/food preparation remaining the same as at the previous facility?
 - iii. Are there existing physical deficiencies (especially priority items) at the facility?
- b. **Fees:** If it is unclear if a plan review is required without a site visit, a change of owner fee, per the Environmental Health Fees Schedule as codified in Chapter 178, shall be collected. If it is determined by a site visit that a plan review is required, the difference between the change of owner fee and the plan review fee shall be collected at that point. If no plan review is needed, the new owner shall submit a change of ownership application form, along with a menu and the appropriate fee, and the environmental health practitioner shall conduct a change of owner inspection.
- c. **Inspections:** Change of owner inspections must be conducted within **5 working days of receipt of payment of fees**. During this inspection, the environmental health practitioner shall check for physical deficiencies that need to be corrected, review the menu, and educate the owner/operator on safe food handling. He or she must also determine if there is a certified manager or managers employed by the facility. Approval to operate shall not be granted until all significant deficiencies are corrected and the permit fee has been submitted. **A routine inspection must be conducted during the next month the facility is operating.**

The change of owner inspection fee will be charged in all cases, even when the change of owner inspection can be done as a routine inspection. Change of owner inspections may be done as routine inspections only when the menu, food handlers and management do not change, or where there is very minimal food prep.
- d. **Facilities Served By On-site Wastewater Disposal Systems or Non-community Water Systems:** If a change of owner occurs at a food service facility served by an on-site wastewater disposal system or a non-community water system, those systems must be evaluated. If no plan review is required, the environmental health practitioner needs to involve Onsite Wastewater Disposal Systems (OWTS) Program and/or a Water Well Program Specialist to determine if there are issues relating to the onsite wastewater disposal system or water well that need to be addressed prior to allowing the food service facility to operate.

If the facility in question is served by an onsite wastewater disposal system that is currently failing, or has experienced past failure, the new owner must be notified of the history, actions taken by the previous owner and this Department, and the requirements

for the future. Under certain circumstances, LCHD/CHC may refuse to issue a permit to operate to the new owner until corrective actions have been taken. Environmental health practitioners must bring these situations to the attention of the OWTS staff and Food Program Coordinator or Specialists.

VI. **TEMPORARY FOOD SERVICE EVENTS**

a. Permits, generally: A temporary food service permit is required for facilities that make food available to the general public at an event that is open to the public, and that may or may not be advertised as such. A temporary food service permit is **not** required for private events, herein defined as events that are by invitation only, where an attendee must belong to the organization hosting the event, or are private family gatherings, i.e., are **not** open to the general public.

a.b. Categories: All temporary food service event (TFE) permit applications shall be evaluated and the permits/events shall be categorized by risk based on the following criteria:

- i. **Category 3 (low risk)**—TCS food that require minimal handling or no bare hand contact during preparation and/or service, or any ready-to-eat non-TCS food that require handling and/or bare hand contact during preparation and/or service.
- ii. **Category 2 (medium risk)**—TCS food that require limited handling and/or assembly on-site prior to cooking/serving, or any ready-to-eat non-TCS food that require extensive onsite preparation or bare hand contact.
- iii. **Category 1 (high risk)**—TCS food that require extensive preparation or assembly onsite prior to cooking/serving. Any event where reheating or hot holding (for more than 4 hours) of TCS food occurs.

c. Permitted Food source and storage:

i. **Source:** All food served at a temporary food service event must be from an approved source and shall be prepared either on-site, or at a licensed food service facility. The use of home prepared or hermetically sealed food which has been processed in a place other than a wholesale food processing establishment is prohibited per the Illinois Food Code. Additionally, any TCS food that is restricted by the Illinois Food Code may only be served when no health hazard will result. If an environmental health practitioner determines that serving any TCS food will result in a health hazard, the service of that food item or items shall be prohibited.

ii. **Storage (commissaries):** All food served at a temporary food service event must be stored prior to the event at a commissary, herein defined as a food service facility that is licensed by a certified health department to store and prepare food, and to wash utensils and store food service equipment. All TFE vendors, including food truck operators, must use a commissary as a base of operations.

1. If a TFE vendor owns a licensed food service facility, it shall serve as their commissary.

2. If a TFE vendor does not own a licensed food service facility to serve as their commissary, they must provide a signed agreement from the owner of an approved commissary with their temporary event application. The agreement must grant permission to use the commissary as a base of operation for the vendor's TFEs.

b.3. If a TFE vendor owns a licensed food service facility outside of Lake County Illinois, they must submit their most recent health department inspection report with the temporary event application.

d. Permanent Food Service Facilities: Permanent food service facilities that have a Category 1 or Category 2 food service permit may serve food at a limited number of “temporary events” on their property under the terms of their existing permit (an example would be an Oktoberfest celebration). To conduct an outdoor event, the facility must meet all of the temporary food service facility equipment and procedure requirements (including temporary handwashing setups), and must have a certified manager or managers in charge of the event. The facility must also provide notice to the Department seven days prior to the event to facilitate inspections. At these events, food may be held, prepared, assembled and served outdoors.

e.e. Food Trucks: For the purposes of this policy and its application to Chapter 173, a food truck is defined as an appropriately sized motorized vehicle, trailer or similar vehicle outfitted with equipment that meets National Sanitation Foundation (NSF) or equivalent standards that is intended to store, cook, prepare, assemble, and serve food to the public on premises permitted for that use, and that has running potable water and self-contained wastewater collection onboard. The definition of a food truck does not include mobile catering units that hold and serve pre-packaged food only. Commissaries used by food trucks must allow the operator to fill the water tank with potable water, dispose of wastewater, wash utensils, and store (and prepare, if applicable) food.

d.f. Examples of Temporary Food Service Food by Category:

Category 3

All pre-packaged food (sandwiches, salads, fruit cups, cheese, etc.)
Cotton candy
Creamers (for coffee), milk
Frozen drinks
Funnel cakes
Ice Cream – prepackaged
Shakes and malts, made with ice cream and milk products
Lemonade shake-ups
Nacho cheese with dispenser
Pancakes/Waffles (non-dairy mix) when served alone
Peanuts/nuts
Popcorn/Kettle Corn
Cooked corn on the cob
Snow cones/ Italian ices

Category 2

Bratwurst, hot dogs, polish, sausage (links and patties)- pre-cooked or not
All ready-to-eat meats/sandwiches when not pre-packaged
Cut fruit, sliced cheese-if prepared on-site

Dipped/scooped ice cream
Hamburgers
Italian beef – commercially packaged
Chicken breasts or fish fillets for sandwiches
Pre-cooked poultry
Onion blossoms
Pizza – whole or slices, made at a licensed facility

NOTE: Where hot dogs **OR** prepared pizza are the only food served that would require a permit, the Food Program Coordinator or ~~their designee~~ ~~Food Program Specialist~~ may classify the event a **Category 3** where the event is managed by an individual who has successfully completed an American National Standards Institute (ANSI) certified food protection manager's or food handler course, with a valid Illinois Department of Public Health or who possesses a City of Chicago Food Service Sanitation Manager's Certificate or verification of attendance of a Lake County Health Department or City of Chicago Temporary Food Service Class.

Category 1

Meat roasts of all types
Poultry – whole/quartered/pieces, raw, marinated or requiring other on-site preparation
Chili
Egg rolls, tempura vegetables
Gyros machine
Italian Beef – prepped at facility, reheated at event
BBQ beef/pork
Ribs
Seafood or meat marinated and/or breaded on site
Sushi
Tacos, burritos, refried beans
Turkey, turkey legs

e.g. Fees: All temporary food service event permit fees shall be assessed in accordance with the Environmental Health Fees Schedule as codified in Lake County Code of Ordinances Chapter 178.

Permits fees must be paid ~~seven (7)~~ three (3) days prior to the event or an additional late fee will be assessed. The Food Program Coordinator or their designee may waive a late fee due to hardship, or when circumstances are beyond the control of the applicant, including but not limited to the applicant being requested by an event organizer to fill a spot created by a late cancellation. Temporary food service event permit fees are non-refundable.

A valid ANSI approved Certified Food Protection Manager's Certificate or approved Food Handler Certificate, or verification of attendance of a Lake County Health Department or City of Chicago Temporary Food Service Class must be provided with the application to be eligible for the reduced fee(s).

h. Cottage foods: Cottage food operations providing cottage foods produced in accordance with the Illinois Food Handling Regulation Enforcement Act (410 ILCS 625/3.4 and 625/4) are exempt from temporary food service permits if the cottage food operation is registered with the LCHD or by the certified health department in the County in which

they reside, and if the cottage food product is sold in accordance with the Act. The Health Officer may verify that the product and sales are in accordance with the Act.

- i. **Inspections:** Inspections must be conducted at all Category 1 and Category 2 TFEs, with the exception that inspections may be waived by the Food Program Coordinator or their designee if a vendor has established a good record of inspections and operations in the past, and has already been inspected on 2 or more occasions in the current year. The reason(s) that an inspection will not occur shall be documented in the approved permit for the event.

f. For Category 3 TFEs, the Food Program Coordinator or their designee~~Food Program Specialists~~ shall be consulted to determine if an inspection must be conducted. If no inspection is conducted, the operator/contact person for the event must be contacted prior to the event and shall be provided information on sanitation and food safety. The reason(s) that an inspection will not occur shall be documented.

In all cases, prior to the event, the operator/contact person for the event must be contacted and the TFE checklist must be provided.

When an environmental health practitioner is present at the start of the event, inspections shall be conducted before food service begins to verify that all requirements are met. If all requirements are not met, operations may not begin until all corrections have been made.

On multiple day events, defined as four (4) days or more, environmental health practitioners must inspect a minimum of two times during the event, or more if it is determined by the Food Coordinator or their designee~~Food Program Specialist~~. The Food Program Coordinator or their designee~~Food Program Specialist~~ may also determine that events lasting 3 days require additional inspections if Category 1 permits are issued.

- g.i. **Temporary food service class:** The Lake County Health Department temporary food service class is available on the U drive as a PowerPoint presentation. Lake County Health Department will also provide scheduled classes and may provide additional classes when necessary. All large events with numerous vendors and multiple days shall have a mandatory temporary food service class before the event, conducted by Lake County Health Department staff. Additionally, ANSI approved food service training is available on-line through the Environmental Health web site.

- h.k. **Enforcement:** Enforcement actions may be pursued when a temporary food service event operator repeatedly or seriously fails to comply with the requirements of the Illinois Food Code and/or Lake County Code of Ordinances Chapter 173. To address and correct these deficiencies for future events, the operator shall be required in writing to attend an office compliance hearing with the Food Program Coordinator or their designee~~a Food Program Specialist~~ (Section IV). If an operator fails to attend a scheduled office compliance hearing without prior notice, or continues to seriously fail to comply with requirements, future temporary food service event permits will not be issued until an office compliance hearing is held.

Conditions that warrant an office compliance hearing are repeated **time/temperature control, cross-contamination or handwashing/employee hygiene** violations, repeatedly operating at temporary food service events without a valid permit, or repeatedly arriving more than one hour later than the scheduled start time for a temporary food service event.

Repeat violations are those found at two or more consecutive inspections (whether or not these violations were corrected at the time of the inspection).

VII. EXCEPTIONS / INTERPRETATIONS

a. Reclassifying risk categories at permanent facilities:

Food service facilities shall be categorized for risk in accordance with Chapter 173 and the materials referenced therein. As stated in Ill. Admin. Code 77, § 615.310 (b)(3), the Local Health Protection Grant Rules “A local health department may reclassify a facility, based upon inspection history; number, frequency and severity of violations; and corrective action if a health hazard will not result from reclassification or if reclassification will provide better protection for the public. The basis for this decision shall be documented and be available for Department inspection.” Any reclassification of a food service facility must be done in consultation with the Food Program Coordinator or their designee.

b. Cooking outdoors at permanent facilities:

Food service facilities may not hold temporary-type events (where food is held, prepared, assembled and served outdoors) on a regular basis (See Section X). They may, however, cook food outdoors on a regular, or semi-regular basis if the following requirements are met:

- i. The facility holds at least a Category 2 permit, and conducts food prep regularly inside the facility. *Category 3 facilities without approved kitchen facilities may not cook outdoors unless they apply for and receive a temporary food service permit.*
- ii. The outdoor cooking unit must not be the facility’s primary means of cooking.
- iii. The food must not be held, prepared (other than cooking) or assembled outdoors. It must be taken outside, cooked, and immediately returned indoors for hot holding, preparation, assembly or service. It may be served outside if outdoor seating is present.
- iv. The surface on which the food is cooked must meet NSF standards or the equivalent. Corroded or non-cleanable surfaces are not permitted.

c. Food smokers at permanent food service facilities:

Food smokers used as part of a food service facility’s cooking process must meet National Sanitation Foundation (NSF) or equivalent standards. The installation and use of the smoker shall also meet all applicable municipal and fire codes.

- i. In new or extensively remodeled facilities a food smoker shall be installed immediately adjacent to the facility kitchen, with an access door located in the kitchen under a ventilation hood.
- ii. In an existing facility that is not undergoing extensive remodeling, a food smoker may be installed as described in VII.c.i above, or where impractical, may be installed outside the facility if the food opening side of the smoker is protected from weather by a roof or canopy-type structure.

d. Open-Air Dining:

Open-air dining will be allowed in food service facilities if the following conditions are met:

- i. The kitchen, and all TCS food preparation and storage areas of the facility shall be effectively sealed from the open-air dining portion with tight-fitting self-closing doors or windows, or controlled air currents. If screening is used, the material shall not be less than 16 mesh to the inch.
- ii. There shall be no storage or holding of any TCS food in the open-air dining portion of the facility, with the exception of pre-packaged TCS food that is held in an approved, enclosed cooler or freezer cabinet.
- iii. With the exception of beverage service at bars or wait stations, there shall be no preparation, handling, assembly of any food in the open-air dining portion of the facility.
- iv. Any service items such as plates, glassware or utensils that are stored in the open-air dining portion of the facility shall be protected from insects or other pests.
- v. Beverage service may take place in the open-air dining portion of the facility if non-TCS food (such as ice and fruit garnishes) is stored in covered containers.
- vi. If this Department observes evidence of pest infestation that is attributed to the openings in the open-air dining portion of the facility, additional measures including, but not limited to, screening or controlled air currents will be required.

e. **Payment plans:** If a permanent food service facility owner/operator is unable to pay an annual permit fee in one payment, a payment plan may be granted at the discretion of the Food Program Coordinator or their designee. To obtain a payment plan the owner/operator must sign an agreement acknowledging that a payment plan has been initiated and must pay at least half of the permit fee due before the late fee is assessed, usually February 1 of the permit year. The remaining balance is due 30 days after the initial payment.

f. **Refunds of permit fees:** Refunds may be granted at the discretion of the Food Program Coordinator or their designee. An owner/operator of a permanent food service facility seeking a refund of a permit fee must complete a request for refund form. Based upon the circumstances, the Food Program Coordinator or their designee will determine how much of the permit fee may be refunded. If the facility owner/operator never operated but paid the permit fee, the entire permit fee will be refunded. If the food service facility operated part of the year, then only half of the permit fee will be refunded. Plan review fees and opening inspection fees may not be refunded.