

OPERATIONS & ADMINISTRATIVE COMMITTEE AGENDA

Called by: Paul Arena, Chairman

DATE: THURSDAY, MARCH 5, 2026

Members: John Butitta, Valerie

TIME: 5:30 PM

Hanserd, Joe Hoffman, Keith McDonald

Michael Thompson, Christina Valdez

LOCATION: ROOM 303

COUNTY ADMINISTRATION BLDG

404 ELM STREET

ROCKFORD, IL 61101

AGENDA:

A. Call to Order

B. Roll Call

C. Approval of Minutes – February 5, 2026

D. Public Comment – This is the time we invite the public to address the Operations and Administrative Committee with issues and concerns. We ask you to limit your comments to three minutes. Personal attacks or inappropriate language of any sort will not be tolerated. We will allow a maximum of five speakers on a first-come, first-served basis, with sign-up at the meeting. Speakers may not address zoning matters that are pending before the ZBA, the Zoning Committee, or the County Board. Personnel matters, pending or threatened litigation, may not be addressed in open session. An individual may speak a maximum of three times per calendar year on the same topic. This prohibition shall include the repetition of the same topic in a statement on what is purported to be a different topic. After acknowledgment by the chair, please stand and state your name. Thank you.

E. Ordinance Amending Chapter 50, Article III (Food Code) of the Winnebago County Code of Ordinances

F. Resolution of the County of Winnebago, Illinois in Support of the Illinois America250 Commemoration

G. Resolution Awarding Purchase of Court Docket Software for the Family Court Center Using Owner-Direct Funds
Cost: \$39,104

H. Resolution Awarding PC Replacement Project
Cost: \$460,697

I. Other Matters

J. Future Agenda Items

K. Adjournment

Winnebago County Board
Operations and Administrative Committee Meeting
County Administration Building
404 Elm Street, Room 303
Rockford, IL 61101

Thursday, February 5, 2026
5:30 PM

Present:

Paul Arena, **Chairperson**
Valerie Hanserd, **Vice Chairperson**
John Butitta
Michael Thompson
Christina Valdez

Absent:

Joe Hoffman
Keith McDonald

Others Present:

Patrick Thompson, County Administrator
Steve Schultz, Chief Financial Officer
Hope Edwards, Director, Purchasing (Staff Liaison)
Lafakeria Reuter, State's Attorney's Office
Chris Dornbush, Chief Operations Officer
Shawn Franks, Director, Facilities
Dan Magers, Chief Information Officer
Rick Ciganek, WCSO
Lucas Wagner, WCSO
Ray Thompson, County Board Member (via Zoom)
John Sweeney, County Board Member
Jennifer Stacy, WCAS
Clayton Nelson, Huffman Keel
Mary Rasho, Motorola Solutions
Dominick Storelli, Motorola Solutions
Dominic Barcellona, Retired Deputy Chief WCSO

AGENDA:

- A. Call to Order
- B. Roll Call
- C. Approval of Minutes –January 15, 2026
- D. Public Comment – This is the time we invite the public to address the Operations and Administrative Committee with issues and concerns. We ask you to limit your comments to three minutes. Personal attacks or inappropriate language of any sort will not be tolerated. We will allow a maximum of five speakers on a first-come basis with sign-up at the meeting. Speakers may not address zoning matters which are pending before the ZBA, the Zoning Committee, or the County Board. Personnel matters or pending or threatened litigation may not be addressed in open session. An individual may speak a maximum of three times per calendar year on the same topic. This prohibition shall include the repetition of the same topic in a statement on what is purported to be a different topic. After acknowledgment by the chair, please stand and state your name. Thank you.
- E. Resolution Awarding Purchase of Winnebago County Animal Services Transit Van Using Fee Funds
Cost: \$89,302
- F. Resolution Awarding Property Tax and Assessment Software Annual Renewal
Cost: \$198,862
- G. Resolution Awarding Upper Roof Replacement at the Juvenile Justice Center Using CIP 2026 Funds
Cost: \$102,740
- H. Ordinance Regulating Door-To-Door Solicitation
- I. Update on the Regional Board of Education

- J. Update on Animal Services Operation
- K. Update on Space Needs Study
- L. Other Matters
- M. Future Agenda Items
- N. Adjournment

Chairperson Arena called the meeting to order at 5:30 PM.

Roll Call

Chairperson Arena, yes; Mr. Butitta, yes; Ms. Hanserd, yes; Dr. Michael Thompson, yes; Christina Valdez, yes.

A quorum is present.

Approval of Minutes – January 15, 2026

Chairperson Arena called for a motion to approve the minutes of January 15, 2026.

Motion: Ms. Hanserd. Second: Ms. Valdez.

Chairperson Arena called for any discussion.

Chairperson Arena called for a vote to approve the minutes.

The motion was passed by a unanimous voice vote.

Public Comment

Chairperson Arena omitted reading the Public Comment Section of the Agenda because no one was present to speak.

Resolution Awarding Purchase of Winnebago County Animal Services Transit Van Using Fee Funds

Cost: \$89,302

Motion: Chairperson Arena. Second: Dr. Thompson.

Mr. Patrick Thompson provided details of the resolution.

- A discussion followed.

Chairperson Arena called for any other questions.

Chairperson Arena called for a vote to approve the resolution.

The motion to approve the resolution was passed by a unanimous voice vote.

Resolution Awarding Property Tax and Assessment Software Annual Renewal

Cost: \$198,862

Motion: Chairperson Arena. Second: Ms. Hanserd.

Mr. Patrick Thompson reviewed the resolution.

Chairperson Arena called for any questions.

Chairperson Arena called for a vote to approve the resolution.

The motion to approve the resolution was passed by a unanimous voice vote.

Resolution Awarding Upper Roof Replacement at the Juvenile Justice Center Using CIP 2026 Funds

Cost: \$102,740

Motion: Chairperson Arena. Second: Ms. Hanserd and Ms. Valdez.

Mr. Patrick Thompson reviewed the resolution.

Chairperson Arena called for any questions.

Chairperson Arena called for a vote to approve the resolution.

The motion to approve the resolution was passed by a unanimous voice vote.

Ordinance Regulating Door-To-Door Solicitation

Motion: Chairperson Arena. Second: Dr. Thompson and Ms. Valdez.

Mr. Patrick Thompson reviewed the ordinance.

Chairperson Arena called for any questions.

Chairperson Arena called for a vote to approve the ordinance.

The motion to approve the ordinance was passed by a unanimous voice vote.

Update on the Regional Board of Education

Ms. Reuter provided an update regarding the County's authority over the Regional Board of Education.

Update on Animal Services Operation

Mr. Patrick Thompson provided background information on issues raised with Animal Services. Ms. Stacy shared insights into improvements that have addressed the concerns.

- A discussion followed.

Update on Space Needs Study

Mr. Patrick Thompson provided an update since the last meeting and reported that meetings were held with department heads and the elected officials identified in the initial review of space needs. Departments requesting additional space were asked to specify their needs in square footage and the types of space, as summarized in the report by Mr. Dornbush and shared with committee members. Mr. Dornbush and Ms. Edwards reviewed the handout with committee members.

- A discussion followed.

Chairperson Arena asked Mr. Patrick Thompson to provide updates and requested that the handout be emailed to all County Board members for their information.

Chairperson Arena called for any other questions or comments.

Other Matters

None reported.

Future Agenda Items

None reported.

Motion to Adjourn

Chairperson Arena called for a motion to adjourn the meeting.

Motion: Ms. Hanserd. Second: Mr. Butitta.

A unanimous voice vote passed the motion to adjourn.

The meeting was adjourned.

Respectfully submitted,

Nancy Bleile
Executive Assistant

County Board Meeting: March 12, 2026

**ORDINANCE
OF THE
COUNTY BOARD OF THE COUNTY OF WINNEBAGO, ILLINOIS**

2026 CO _____

SUBMITTED BY: OPERATIONS AND ADMINISTRATIVE COMMITTEE

SPONSORED BY: PAUL ARENA

**ORDINANCE AMENDING CHAPTER 50, ARTICLE III (FOOD CODE) OF THE
WINNEBAGO COUNTY CODE OF ORDINANCES**

WHEREAS, Article III of Chapter 50 of the Winnebago County Code of Ordinances regulates the operation of food establishments in the County of Winnebago, Illinois (“Food Code”); and

WHEREAS, the Illinois Department of Public Health (“IDPH”) revised the Illinois Food Service Sanitation Code, adopting the 2022 FDA Food Code (“FDA Code”); and

WHEREAS, the Winnebago County Health Department (“WCHD”), as a certified local health department, conducts inspections of food establishments under the authority of the IDPH; and

WHEREAS, the WCHD has been conducting its Food Service Program under the Illinois Food Service Sanitation Code, adopting the FDA Code; and

WHEREAS, the WCHD has reviewed the fee and permit structure to ensure that costs associated with conducting the Food Service Program are recouped; and

WHEREAS, the WCHD believes that adoption of the FDA Code including local amendments and updates to the fee and permit schedule are in the best interest of public health and food establishments within Winnebago County, Illinois.

NOW, THEREFORE, BE IT ORDAINED by the County Board of the County of Winnebago, Illinois, that Chapter 50, Article III (“Food Code”) of the Winnebago County Code of Ordinances is hereby amended, as set forth in Exhibit A, which is attached to this Ordinance.

BE IT FURTHER ORDAINED, that all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall be in full force and effect immediately upon signing.

BE IT FURTHER ORDAINED, that the Clerk of the County Board is hereby directed to prepare and deliver a certified copy of this Ordinance upon its adoption to the Public Health Administrator and the County Board Office.

Respectfully submitted,

OPERATIONS AND ADMINISTRATIVE COMMITTEE

AGREE

DISAGREE

Paul Arena, Chair

Paul Arena, Chair

Valerie Hanserd, Vice Chair

Valerie Hanserd, Vice Chair

John Butitta

John Butitta

Joe Hoffman

Joe Hoffman

Keith McDonald

Keith McDonald

Michael Thompson

Michael Thompson

Christina Valdez

Christina Valdez

The above and foregoing Ordinance was adopted by the County Board of the County of Winnebago, Illinois this ____ day of _____, 2026.

Joseph V. Chiarelli, Chairman of the
County Board of the County of
Winnebago, Illinois

ATTEST:

Lori Gummow, Clerk of the
County Board of the
County of Winnebago, Illinois

- **ARTICLE III. - FOOD ESTABLISHMENTS^[2]**

Footnotes:

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Editor's note— *Ord. No. 95-CO-40, adopted July 27, 1995, set out a new Art. III and repealed the old Art. III (§§ 50-66, 50-76—50-89, 50-101—50-104, 50-116—50-121, 50-131—50-133, 50-146—50-148, 50-161, 50-162, 50-176—50-182, 50-196—50-203, 50-216—50-222, 50-225, 50-227—50-237, 50-241—50-243), which pertained to similar subject matter and derived from Code 1964, §§ 9-98, 9-99.01—9-99.14, 9-100—9-139, 9-140.1—9-140.8, 9-140.10—9-140.13, 9-141.01, 9-141.02, 9-236; Ord. No. 89-CO-88, §§ 9-98, 9-99.01—9-99.14, 9-100—9-109, 9-111—9-139, adopted Dec. 28, 1989; and Ord. No. 92-CO-28, adopted June 25, 1992.*

Cross reference— *Businesses, ch. 22.*

- **DIVISION 1. - GENERALLY**

- **Sec. 50-65. - Title, intent, interpretation, conflict, incorporated materials, and scope.**

(a) These provisions shall be known as the Winnebago County Food Code, hereinafter referred to as "this Code."

(b) The purpose of this Code is to safeguard public health and to provide to consumers food that is safe, unadulterated, and honestly presented.

(c) This Code establishes definitions; sets standards for management and personnel, food operations, and equipment and facilities; and provides for food establishment plan review, permit issuance, inspection, employee restriction, and permit suspension.

d) The inspection of food establishments and retail stores shall be carried out in accordance with this Code, the 2022 FDA Food Code, and the Illinois Department of Public Health's Illinois Food Code Part 750, as may be amended from time to time. Three (3) copies of each publication shall be on file in the Office of the County Clerk. Copies are also available for review online at no charge.

e) This Code shall be interpreted in a manner that is compliant with any and all mandatory requirements set forth by Illinois or federal law or regulation as may be amended from time to time, though the County Board, through enactment of this Code, may promulgate a more restrictive or a less restrictive regulation, provided that it has the

discretion to do so, and said regulation is not in conflict with a mandatory provision of an Illinois or federal law or regulation. Any regulation in this Code that is not mandated by Illinois or federal law or regulation, shall reflect the County's intent to protect and promote the health, welfare and safety of the public.

f) In any case where a provision of this Code is in conflict with a mandatory provision of any local, state or federal law or regulation in force and effect in the incorporated or unincorporated areas of the County, the provision which establishes the more stringent standard for the promotion and protection of the health, welfare and safety of the public shall apply and prevail over the less stringent standard.

g) The following are hereby incorporated herein and adopted by reference: i) the Illinois Department of Public Health's "Food Code", Title 77 Illinois Administrative Code, Chapter 1, Subchapter m, Part 750, Chapter 8, and any subsequent revisions thereto, and ii) the United States Food and Drug Administration's Food Code of 2022, Chapters 1 through 7, with the exception of the term "food establishment" defined therein, and iii) the following specific sections of Chapter 8 of the United States Food and Drug Administration's Food Code of 2022: 8-103.10, 8-103.11, 8-103.12, 8-201.13, 8-201.14, 8-303.10, 8-303.30, 8-304.11, 8-304.20, 8-801.10 through 8-801.40, 8-903.10 through 8-903.90, and 8-901.10 (except that, as to Subsection A of 8-901.10, the reference to § 8-301.11 shall be substituted with Section 50-76 of this Code and Subsection F is not incorporated, nor adopted, into this Code); and iv) Chart 4-D, FDA Food Code Mobile Food Establishment Matrix.(Ord. No. 2017-CO-031, 2-23-17)

- **Sec. 50-66. - Definitions.**

(a) The definitions in the 2022 FDA Food Code and any subsequent revisions, deletions or additions thereto are adopted and incorporated by reference. In addition to the 2022 FDA Food Code definitions, the following definitions shall apply in the interpretation and application of this Code.

(b) As used in this Code, each of the terms listed in [section 50-66](#) shall have the meaning stated below.

Bed and Breakfast establishment shall have the same meaning as recited in the Bed and Breakfast Act, 50 ILCS 820/1 *et seq.*, as may be amended from time, and is defined as an operator-occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms for rent, in operation for more than ten (10) nights in a 12-month period. Breakfast may be provided to the guests only. Bed and Breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments. Pursuant to state law, this definition, for purposes of any of the regulations in this Code, shall apply only to Bed and Breakfast establishments that are located within unincorporated areas within the County. *Category I facility* means a food establishment that presents a high relative risk of causing food-borne illness, based upon

the large number of food handling operations typically implicated in food-borne outbreaks and/or the type of population served by the facility. Category I facilities include, but are not limited to, those where the following operations occur:

- (1) Complex preparation including cooking, cooling, and reheating for hot holding involving time/temperature control for safety foods;
- (2) Processes requiring hot and cold holding of time/temperature control for safety foods;
- (3) Conducting specialized processes as described in 3-502 of the 2022 FDA Food Code;
or
- (4) Serving a highly susceptible population as defined in 1-201.10 of the 2022 FDA Food Code.

Category II facility means a food establishment that presents a medium relative risk of causing food-borne illness, based upon few food handling operations typically implicated in food-borne illness outbreaks. Category II facilities include, but are not limited to, those where the following operations occur:

- (1) Most products are prepared or cooked and served immediately.
- (2) May involve hot and cold holding of time/temperature control for safety foods after preparation or cooking; or
- (3) As approved by the Department, preparation of time/temperature control for safety foods requiring cooking, cooling, and reheating for hot holding limited to 2 or fewer same items or processes with approved procedures.

Category III facility means a food establishment that presents a low relative risk of causing food-borne illness, based upon few or no food handling operations typically implicated in food-borne illness outbreaks. The standards for regulation of a Category III facility shall be those prescribed by the Local Health Protection Grant Code. Category III facilities include, but are not limited to, those where the following operations occur:

- (1) Heating only commercially processed time/temperature control for safety foods for immediate service with no hot holding or assembly;
- (2) Only time/temperature control for safety foods commercially prepackaged in an approved processing plant are available or served at the facility;
- (3) Only limited preparation of non-time/temperature control for safety foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or
- (4) Only beverages (alcoholic and nonalcoholic) and garnishes that are non-time/temperature control for safety are served at the facility.

Certified Food Protection Manager means a person who has shown proficiency in the required information through passing a test that is part of an accredited program defined in Section 2-102.20 of the 2022 FDA Food Code.

Children's Meal means a combination of food items sold for a single price intended for consumption by children.

Commercially prepared baked good means an individually portioned and wrapped non-potentially hazardous baked good, including but not limited to yeast cake-type bread, bun, croissant, or roll with or without filling and/or icing.

Commissary means a food establishment or any other approved place in which food, containers, supplies, single-service articles or single-use articles are kept, handled, prepared, packaged or stored for off-site service.

Commissary sharing agreement means an agreement, approved by the department, between a temporary food establishment (*i.e.* mobile food unit, temporary food facility) and a licensed food establishment possessing a valid annual permit that has the equipment and space to serve as a support kitchen. Commissary sharing agreements with category III facilities and category II facilities do not require a temporary food establishment commissary permit. Commissary sharing agreements with category I facilities require a temporary food establishment commissary permit.

Cottage Food Operation means an operation that produces or packages food in compliance with Section 4 of the Food Handling Regulation Enforcement Act.

Department means the Winnebago County Health Department.

Farmers' market means a common facility or area where the primary purpose is for farmers to gather to sell a variety of fresh fruits and vegetables and other locally produced farm and food products directly to consumers.

FDA means the U.S. Food and Drug Administration.

Food means a raw, cooked, or processed edible substance, beverage, or ingredient, including ice, used or intended for use or sale in whole or in part for human consumption, This does not include substances intended to diagnose, cure, mitigate, treat, or prevent disease as defined by the FDA. [Drug Definition](#) (Federal Food, Drug and Cosmetic Act (FFDCA) §201(g)).

Food Establishment means an operation that: stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides food for human consumption, such as a restaurant, satellite or catered feeding location, catering operation if the operation provides food directly to a consumer or to a conveyance used to transport food to people, market, vending location, or food pantry; and relinquishes possession of food to a consumer

directly, or indirectly, through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

Food establishment includes: an element of the operation, such as a transportation vehicle or a central preparation facility, that supplies a vending location or satellite feeding location, unless the vending or feeding location is permitted by the regulatory authority; and an operation that is conducted in a mobile, stationary, temporary or permanent facility or location. This inclusion applies regardless of whether consumption is on or off the premises and whether there is a charge for the food.

Food establishment does not include:

A produce stand that only offers whole, uncut fresh fruits and vegetables;

A food processing plant, including those that are located on the premises of a food establishment;

A kitchen in a private home, such as a small family daycare provider or a bed and breakfast operation as defined in the Bed and Breakfast Act that prepares and offers food to guests;

A private home that receives catered or home delivered food;

a closed family function where food is prepared or served for individual family consumption; or

A cottage food operation;

A potluck event; or

A lemonade stand where lemonade or non-alcoholic beverages are sold by a person under the age of 16.

Food Processing Plant.

(1) Means a commercial operation that manufactures, packages, labels or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food establishments.

(2) Does not include a food establishment.

"Hazard" means a biological, chemical, or physical agent that may cause illness or injury or poses an unacceptable risk in the absence of its control.

"Hazard Analysis Critical Control Point" or *"HACCP"* means a systematic approach to the identification, evaluation, and control of food safety hazards.

Health officer means the county health officer or his or her designated representative.

Lodging facility means any hotel, motel, motor inn, lodge, inn, airBNB, or other quarters which provide temporary sleeping facilities open to the public.

Misbranded means the presence of any written, printed, or graphic matter upon or accompanying containers of food which is false or misleading or which violates any applicable state or local labeling requirement.

Mobile food unit means a vehicle-mounted food service establishment, preparation catering vehicle, push cart, or any other type of unit designed to be readily movable.

Operator means the individual present in a food establishment who is the supervisor of the food establishment at that time.

Organized event means an event coordinated by an organizing entity in which multiple food establishments (annual, temporary, cottage food, or special) participate and is open to the general public. Organized event does not include a potluck event that is closed to the general public

Organizing entity means the coordinator of an organized event who will be responsible for ensuring food vendors obtain the appropriate temporary food establishment permit, distributing safety and sanitation requirements to the food vendors, providing the venue map to the department, and notifying the department of any scheduled vendor meetings.

Potentially hazardous food means time/temperature control for food safety.

Potluck event shall have the same meaning as defined under Illinois law, 410 ILCS 625/3.1, as may be amended from time to time, and includes an event that meets all of the following conditions: 1) people are gathered to share food at the event; and 2) there is no compensation provided to people for bringing food to the event; and 3) there is no charge for any food or beverage provided at the event; and 4) the event is not conducted for commercial purposes; and 5) it is generally understood by the participants at the event that neither the food nor the facilities have been inspected by the State or a local certified public health department; and 6) the event is not held on public property; and 7) no fee is charged for admission to the event. A potluck is a closed event not open to the general public. A food establishment dealing in the sale of food items may not sponsor a potluck event. Potluck event food may not be brought into the kitchen of a food establishment dealing in the sale of food items.

Private home kitchen means a closed family function where food is prepared or served for individual family consumption. A private home kitchen is not a food establishment.

Pushcart means a self-propelled vehicle limited to serving non-potentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters (hot dogs) or corn on the cob.

Remodeled means an existing structure that is converted from a non-food establishment to a retail food establishment; alterations, and/or additions to existing food establishments including food preparation areas; and changes, modifications, and extensions of plumbing systems but excluding purely cosmetic changes; and routine maintenance.

Restaurant means any business or food establishment that is primarily engaged in the sale of ready-to-eat food for immediate consumption. For the purpose of this definition, "primarily engaged" means having sales of ready-to-eat food for immediate consumption comprising at least 51 percent of the total sales, excluding the sale of liquor. (Section 3.06 of the Food Handling Regulation Enforcement Act).

Safe temperature means as applied to potentially hazardous food, temperatures of 41 degrees Fahrenheit (41°F)/ 5 degrees Celsius (5°C) or below, and 135 degrees Fahrenheit (135°F)/ 57 degrees Celsius (57°C) or above.

Special event means an individual, company or group event, which may or may not be associated with an organized event, in which a person or entity that has no licensed commissary or an annual permit and holds an event to provide food to the public. Special events are limited to no more than six (6) calendar dates within a prescribed six-month period and food establishments holding annual permits are excluded. The exclusions that apply to the definition of Food Establishment shall also be excluded from the definition of Special Event. A special event is restricted to Category II (Medium Risk) and Category III (Low Risk).

Temporary category I facility means a temporary food establishment that presents a high relative risk of causing food-borne illness, based upon food handling operations typically implicated in food-borne outbreaks and/or the type of population served. Temporary category I facilities include, but are not limited to, those where the following operations occur:

- (1) Potentially hazardous foods are cooled at the commissary, as part of the food handling operation;
- (2) Potentially hazardous foods are prepared at the commissary and held hot or cold for more than twelve (12) hours before serving;
- (3) Prepared ahead potentially hazardous cooked and cooled foods must be reheated;
- (4) Potentially hazardous foods are prepared for off-premises serving for which time-temperature requirements during transportation, holding and service are relevant; or
- (5) Handling of raw ingredients with hand contact for ready-to-eat foods occurs as part of the food handling operations.

(6) An approved commissary is required for storage of food and single-use and single-service articles.

Temporary category II facility means a temporary food establishment that presents a medium relative risk of causing food-borne illness, based upon few food handling operations typically implicated in food-borne illness outbreaks. Temporary category II facilities include, but are not limited to, those where the following operations occur:

(1) Hot or cold foods are held at required temperatures for no more than twelve (12) hours and are restricted to same-day services;

(2) Foods are prepared from raw ingredients, using only minimal assembly; or

(3) Foods that require complex preparation (whether canned, frozen, or fresh prepared) are prepared in approved commissary or obtained from approved food-processing plants.

(4) An approved commissary is required for storage of food and single-use and single-service articles.

Temporary category III facility means a temporary food establishment that presents a low relative risk of causing food-borne illness, based upon few or no food handling operations typically implicated in food-borne illness outbreaks. Temporary category III facilities include, but are not limited to, those where the following operations occur:

(1) Only prepackaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved processing plant and handled only by the consumer;

(2) Only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or

(3) Only beverages (alcoholic and non-alcoholic) are served at the facility.

(4) An approved commissary is required for storage of food and single-use and single-service articles.

Temporary food establishment (TFE) means a food establishment (including existing restaurants, caterers, churches, community or school organizations, and volunteer or social groups) that operates at a fixed location for a period of no more than twenty-six (26) calendar dates within a prescribed six-month period in conjunction with a single or organized event and does not operate for more than 6 days in a 7-day calendar week (Monday – Sunday).

Temporary food establishment commissary (TFEC) means an approved commissary operated by a food establishment holding an annual permit, which is used by a

temporary food establishment pursuant to a commissary sharing agreement to prepare food in advance or off-site for a particular event or series of events as authorized by a temporary food establishment permit. Food cannot be sold from the TFEC.

Temporary food establishment commissary permit means a permit issued to a temporary food establishment that has an approved commissary sharing agreement with a category I facility or a temporary food establishment that is unable to obtain a commissary sharing agreement.

Temporary food establishment permit means a permit issued to a temporary food establishment. An existing food establishment's annual facility permit is only transferable to a temporary kitchen on their own premises (outside their regular kitchen). This exemption to the temporary food establishment permit is valid for a period of no more than twenty-six (26) calendar dates within a prescribed six-month period in conjunction with a single or organized event. When annual permit holders operate temporary kitchens at premises other than their own, a temporary food establishment permit is required.

Vaporized drink means alcohol inhalation by administering ethanol or alcoholic beverages directly into the respiratory system through vaporizing or neutralizing devices.

Wholesome means in sound condition, clean, free from adulteration and otherwise suitable for use as human food.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 97-CO-61, § I, 10-9-97; Ord. No. 2015-CO-074, 8-27-15; Ord. No. 2017-CO-031, 2-23-17; Ord. No. 2018-CO-081, 8-24-18)

Cross reference— Definitions generally, [§ 1-2](#).

- **Secs. 50-67—50-75. - Reserved.**
- **DIVISION 2. - COMPLIANCE PROCEDURES^[3]**

Footnotes:

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Cross reference— *Businesses, ch. 22.*

- **Sec. 50-76. - Permit—Required.**
 - (a) *Transferability; validity; expiration.* It shall be unlawful for any person to operate an annual or temporary food establishment or hold a special event within the county who does not possess a valid permit issued to him by the health officer. Only a person who complies with the requirements of this Code shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person or place to another

person or place. A valid permit shall be posted in an area accessible to public view in every food establishment. All temporary food establishment/special event permits shall expire on the date indicated on the application/permit.

(b) *Application; contents.* Any person desiring to operate a food establishment or hold a special event shall make written application for a permit on forms provided by the health officer and pay the required fee as set forth in [section 50-77](#) of this article. Applications to operate a food establishment shall be submitted at least thirty (30) calendar days before the date planned for opening the food establishment. Such application shall include: the applicant's full name and post office address and whether such applicant is an individual, firm, or corporation, and, if a partnership, the name of the partners, together with their addresses shall be included; the location and type of food establishment, special event, or temporary food establishment, and the signature of the applicant. If the application is for a temporary food establishment/special event, it shall also include the inclusive dates of the proposed operation.

(c) *Approval; inspection.* No new permit to operate a food establishment shall be issued until such an establishment has been approved for licensure according to this Code and has been inspected as provided by section [50-81\(8-9\)](#). Whenever plans and specifications are required to be submitted to the health officer under [section 50-86](#) of this Code, the health officer shall inspect the food establishment prior to the start of the operations, to determine compliance with the approved plans and specifications and the requirements of this Code.

(d) *Renewals and change of ownership.* The department may renew a permit for an existing food establishment or may issue a permit to a new owner of an existing food establishment after a properly completed application is submitted, reviewed, and approved, the fees set forth in [section 50-77](#) of this Code are paid, and an inspection shows that the establishment is in compliance with this article. A late fee of \$25.00 for a category III facility permit and \$75.00 for category II and \$100.00 for category I facility permits shall be assessed if the permit renewal form and applicable fees are not received by the health officer or post marked within fifteen (15) days of the permit expiration date. Late fees shall double forty-five (45) days after the permit expiration date. After this period, any food establishment that continues to operate without a renewal permit shall be required to suspend operations.

(f) *Compliance with Code provisions.* The issuance of a permit to operate a food establishment or hold a special event does not relieve any person from the responsibility of complying with all applicable laws, ordinances, and regulations. Any permit holder, person, or operator who fails to comply with any applicable laws, ordinances or regulations, including those set forth in this Code, may be subject to suspension, revocation, fine, or injunctive relief.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 2015-CO-074, 8-27-15; Ord. No. 2017-CO-031, 2-23-17; Ord. No. 2018-CO-124, 11-9-18; Ord. No. 2018-CO-135, § B, 12-4-18; Ord. No. 2020-CO-046, 6-25-20)

- **Sec. 50-77. - Fee schedule.**

(a) Permits to operate a food establishment, hold a special event, or temporary food establishment shall be subject to a fee schedule as outlined in this section. Fees will be increased annually to be effective December 1 of each year starting in 2027 based on the Illinois Department of Revenue Consumer Price Index (CPI), unless otherwise determined or limited by state law. The County Health Department shall calculate the new fees each year and submit to the County Clerk prior to December 1 of each year. Fee amounts will be rounded to the nearest whole dollar. If the CPI for the year is negative, fees will remain unchanged from the previous year.

(1) *Permits.*

a. A category I permit shall be required for all category I facilities. This provision applies regardless of whether consumption is in, on, or off premises, and whether there is a charge for the food.

b. A category II permit shall be required for all category II facilities. A category II permit shall also be required for all vehicle mounted food service facilities.

c. A category III permit shall be required for all category III facilities. A category III permit shall also be required for all vehicle mounted door-to-door sales facilities.

d. A temporary food establishment permit shall be required for all temporary event organizing entities and all temporary event food establishments participating in single or organized events.

e. A special event permit shall be required for all special events.

f. A special event permit shall be required for any event that is only providing bottled water. This includes events such as “IronMan”, “walk-a-thons”, etc. where bottled water is being provided for hydration. There is minimal risk associated with bottled water purchased from a wholesaler or an inspected retailer.

f. A temporary food establishment (TFE) that does not have a Commissary Sharing Agreement will require a separate permit for their associated commissary.

g. Any person, organizing entity, or food establishment desiring a temporary food establishment/special event permit shall make proper application and otherwise comply with this Code. Permit application and payment are due at least two (2) weeks prior to the event. If the permit application and applicable fees are received 8—13 days prior to the event, a late fee of \$10.00 for a temporary food establishment/special event category III permit and \$25.00 for a temporary food establishment/special event category II permit and \$50.00 for a temporary food establishment category I facility permit shall be assessed. Late fees shall double for temporary food establishment/special event permit applications that are received 1—7 days prior to the event.

(2) Annual fee Schedule.

The fee schedule for permits, re-inspections, plan reviews, change of owner, and in-house hearings will be based on units of service required to conduct the process. Registrations for Bed and Breakfast and Cottage Food will be based on a flat fee consistent with state law where applicable.

Food Program Service	Unit of Service	Fee
Permits		
Category I/High Risk	3	\$ 863.16
Category II/Medium Risk	2	\$ 575.44
Category III/Low Risk	1	\$ 287.72
Re-Inspections		
Category I/High Risk	1	\$ 287.72
Category II/Medium Risk	0.75	\$ 215.79
Category III/Low Risk	0.5	\$ 143.86
Registrations		
Bed and Breakfast	N/A	\$ 200.00
Cottage Food	N/A	\$ 50.00
Organizing Entity	N/A	\$ 50.00
Plan Reviews		
Category I/High Risk	3	\$ 863.16
Category II/Medium Risk	2	\$ 575.44
Category III/Low Risk	1	\$ 287.72
Change of Owner/Request for Inspection		
Category I/High Risk	2	\$ 575.44
Category II/Medium Risk	1	\$ 287.72
Category III/Low Risk	0.5	\$ 143.86
In-House Hearing		
Hearing - All Risks	1	\$287.72

These fees are applicable to any person that falls into the above categories, including, but not limited to, public or civic agencies or organizations and not-for-profit organizations.

**A commissary sharing agreement and/or a temporary food establishment commissary permit is required for all temporary food establishments that do not have an approved commissary. Temporary food establishments with complex, high risk food preparation that do not have an approved commissary or a category I facility permit are required to

apply and pay the \$287.72 fee for an individual temporary food establishment commissary permit.

C. Temporary Food Establishment

Temporary Food Establishment (6 Month Period*) * May 1st - October 31st or * November 1st - April 30th	Location (including commissary) Consistent	Menu Items Consistent	Category I High Risk	Category II Medium Risk	Category III Low Risk
Temporary Food Establishment A: 1 event/6 months	Yes	Yes	\$ 143.86	\$ 95.91	\$ 47.95
Temporary Food Establishment B: 2 - 4 events/6 months	Yes	Yes	\$ 172.63	\$ 115.09	\$ 57.54
Temporary Food Establishment C: 5 - 8 events/6 months	Yes	Yes	\$ 201.40	\$ 134.27	\$ 67.13
Temporary Food Establishment D: 9 - 12 events/6 months	Yes	Yes	\$ 230.18	\$ 153.45	\$ 76.73
Temporary Food Establishment E: 13 - 20 events/6 month	Yes	Yes	\$ 258.95	\$ 172.63	\$ 86.32
Temporary Food Establishment F: 21 - 26 events/6 month	Yes	Yes	\$ 287.72	\$ 191.81	\$ 95.91

D. Special Events

Special Event (6 Month Period) * May 1st - October 31st or * November 1st - April 30th	Location (including commissary) Consistent	Menu Items Consistent	Category II Medium Risk	Category III Low Risk
Special Event A: 1 event/6 months	Yes	Yes	\$ 95.91	\$ 47.95
Special Event B: 2 - 3 events/6 months	Yes	Yes	\$ 115.09	\$ 57.54
Special Event C: 4 - 6 events/6 months	Yes	Yes	\$ 134.27	\$ 67.13

(b) *Variance*. A fee of \$75.00 shall be paid with each submitted variance application.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 97-CO-61, § II, 10-9-97; Ord. No. 2001-CO-63, 10-25-01; Ord. No. 2003-CO-147, 10-23-03; Ord. No. 2008-CO-48, 8-14-08; Ord. No. 2009-CO-52, 8-27-09; Ord. No. 2010-CO-73, 9-2-10; Ord. No. 2015-CO-074, 8-27-15; Ord. No. 2017-CO-031, 2-23-17; Ord. No. 2018-CO-081, 8-24-18; Ord. No. 2018-CO-135, § B, 12-4-18)

- **Sec. 50-78. - Same—Suspension.**

(a) A permit may be temporarily suspended by the health officer whenever the permit holder or operator has failed to comply with the provisions of this code and with any written notice issued in accordance with the enforcement procedure as established by the health officer.

(b) Failure to provide dates of events and/or misrepresentation of frequency of events will result in suspension of the temporary food establishment/special event permit. More than one incident of misrepresentation will result in a food establishment/person being denied a temporary food establishment/special permit for any type of event for up to eighteen (18) months, depending on the circumstances.

(c) If suspension proceedings are initiated or a food establishment/person is denied a permit as provided above, the permit holder or operator shall be notified in writing that, upon service of the notice, the permit is immediately suspended and all operations must cease. The notice shall state that an opportunity for a hearing will be provided if a written request for a hearing is filed with the health officer by the permit holder no later than ten (10) calendar days after service of the suspension or denial notice.

(d) Notwithstanding the other provisions of this Code, whenever the health officer finds that insanitary or other conditions in the operation of a food establishment which, in his or her judgment, constitute a substantial hazard to the public health, he or she may, without warning, notice or hearing, issue a written order to the permit holder or operator citing such conditions, specifying the corrective action to be taken and specifying the time period within which such action shall be taken. If deemed necessary, such order shall state that the permit is immediately suspended and all food operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith. The notice shall also state that the permit holder or operator has the opportunity for a hearing, provided a written request for a hearing is filed with the health officer no later than ten (10) calendar days after service of the written order. Any person whose permit has been suspended may make application for a reinspection for the purpose of reinstatement of the permit. Within ten (10) calendar days following receipt of a written request for reinspection, including a signed statement by the permit holder that in his or her opinion the conditions causing suspension of the permit have been

corrected, the health officer shall make a reinspection. If the permit holder is complying with the requirements of this Code, the permit shall be reinstated.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 2017-CO-031, 2-23-17)

- **Sec. 50-79. - Revocation; fine; injunction.**

(a) If an application for re-inspection to reinstate a suspended permit is not filed with the health officer within thirty (30) days of the date of the original suspension notice, the permit shall be revoked. The permit holder or operator must then make application for a new permit in accordance with the provisions of subsection [50-76\(2\)](#).

(b) Revocation of permits. The health authority may revoke any permit for serious or repeated violations of this article or for interference with the health officer in the performance of his duties. Prior to such action, the health authority shall notify in writing the person in charge advising him of the intended revocation. Any time prior to revocation, the person in charge may file with the health authority a written request for a hearing to show cause why such revocation should not ensue.

(c) It shall be unlawful for a person to operate a food establishment without a valid permit or during a period of suspension or revocation. Any person convicted of this offense or the violation of any other section of this article shall be fined not less than \$50.00 or more than \$1,000.00 for each day of violation.

(d) In addition to a fine or other remedy the health officer may seek an injunction against any permit holder, person, or operator violating this article as provided in 410 ILCS 625/1.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 2018-CO-135, § B, 12-4-18)

- **Sec. 50-80. - Hearings.**

(a) An administrative hearing shall be provided by the health officer when requested by the permit holder or person affected by an order or decision under this article. Such request shall be in writing and shall be filed with the health officer within the limits established in the most recent notice issued by the health officer.

(b) All hearings provided for in this article shall be conducted at the office of the health officer on a date and time specified by him upon notice to all responsible persons. Hearings shall be afforded within five business days after receiving a written request for hearing from (a) a person who is excluded by the health department from working in a food establishment; (b) a permit holder or person whose food is subject to a hold order; or (c) a permit holder whose permit is summarily suspended in accordance with the provisions of [section 50-78](#). Hearings shall be afforded within thirty (30) calendar days after receiving a written request for all other matters unless otherwise specified in this Code.

(c) The notice of hearing shall contain the following information: (a) time, date, and place of the hearing; (b) purpose of the hearing; (c) facts that constitute the basis or reason for the hearing including specific details of violations or allegations; (d) rights of the respondent, including the right to be represented by counsel and to present witnesses and evidence on the respondent's behalf; and (e) consequences of failing to appear at the hearing.

(d) A complete record of a hearing shall be prepared under the direction of the health officer and maintained as part of the health department's records for the food establishment. A verbatim transcript of the hearing will not be prepared unless required by law.

(e) The health officer shall make a final finding based upon the complete hearing record and shall sustain, modify, or rescind any notice or orders considered in the hearing. The health officer shall provide each person with a written decision within ten days from the hearing. If any person fails to appear for a hearing, the hearing notice shall be deemed an order to comply with all provisions included in such notice. A recheck inspection shall be conducted no later than ten days from the date of the hearing notice to determine compliance.

(f) Any failure to provide a hearing shall not be a defense for any prosecution for enforcement of this article.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 2018-CO-135, § B, 12-4-18)

- **Sec. 50-81. - Inspections and inspection report.**

(a) For new construction or change in ownership of an existing food establishment, proof of final inspection by the applicable building department, fire department and sanitary district shall be provided to the health department prior to issuance of a permit.

(b) The frequency of inspection for existing food establishments shall be determined by facility risk classification as follows:

Category I facility—Three times per year,

Category II facility—One time per year,

Category III facility—One time every two (2) years.

(c) Whenever the health officer makes an inspection of a food establishment and discovers that any of the requirements of this article have been violated, he shall notify the permit holder or operator of such violations by means of an inspection report form or written notice, or both. In such notification the health officer shall:

(1) Set forth the specific violations found including the category of violation (Priority Item, Priority Foundation Item, or Core Item) and state the correction to be made. Inspection remarks shall be written to reference, by section number, the section violated.

(2) State that in the case of temporary food establishments violations must be corrected within a specific time period not to exceed twenty-four (24) hours. Failure to comply with such notice shall result in immediate suspension of the permit.

(3) State that failure to comply with any notice issued in accordance with the provisions of this article may result in the initiation of permit suspension hearings.

(4) State that an opportunity to appeal from any notice or inspection finding will be provided if a written request for a hearing is filed with the notice of correction or within ten days following any order to cease operations.

(5) State that whenever a food establishment is required under the provisions of this section to cease operations, it shall not resume operations until it is shown on re-inspection that conditions responsible for the ceasing of operations no longer exist. Opportunity for inspection shall be offered within a reasonable time.

(7) Notices provided for under this section shall be served as set forth in section 8-8 of the 2022 FDA Food Code, as adopted. The completed inspection report form is a public document, and a copy of such form shall be filed with the records of the health officer and shall be made available to the public according to law.

8) The Department, its health officer, or any of its designees, after showing proper identification, shall have access at any time to a facility or event regulated by this Code for the purpose of inspection. The aforementioned officials and/or their designees shall be permitted to examine all areas and records of the facility or event which are reasonably necessary to its inspection or investigation. Denial of access as herein provided shall be deemed an interference with the Health Authority in the performance of its duties, provided that the Health Authority has presented proper identification, if requested.

9) Inspections shall also be required before the issuance of any new permit and, in order to receive a permit, the inspection must demonstrate no Priority or Priority Foundation Violations and the facility or event must be in full compliance with structural and equipment requirements.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 2018-CO-135, § B, 12-4-18))

- **Sec. 50-82. -. Waiver or Reduction of Fee.**

The health officer has the authority to waive or reduce any permit, license, or service fee under this Code, that is not otherwise required under municipal, federal or state law, if the circumstances, in the health officer's sole discretion, demonstrate due cause to warrant

granting such waiver or reduction. Any and all such requests for reduction or waiver for a permit, license or service fee, shall be made in writing on a form provided by the Department and shall set forth the particular facts that would support a finding of due cause for relief, such as unforeseen financial hardship. Any and all such requests must be sworn to under penalty of perjury before a notary public and contain sufficient supporting documentation that relates to the request for relief. Any requests that are not so notarized or fail to attach sufficient supporting documentation necessary for the health officer's review shall be considered non-compliant and shall be summarily denied by the health officer.

- In the event the health officer denies the request for waiver or reduction, whether the request is summarily denied for being non-compliant with the aforementioned procedural requirements or is denied following the health officer's review of the request, the health officer shall notify the petitioner in writing of the decision via electronic mail (read receipt) and regular first-class U.S. mail within ten (10) business days thereof. The petitioner may thereafter file a written request for review with the Winnebago County Board of Health. Such request for review shall be filed no later than fourteen (14) business days after the date of the health officer's issuance of the notice of denial. The hearing shall be held within forty-five (45) days after the written request for review has been filed. The Board of Health shall make its written findings and recommendations within five (5) business days after the date of the hearing and shall cause said written findings and recommendations to be mailed to the Petitioner via electronic mail (read receipt) and regular first-class U.S. mail within five (5) business days of its decision.

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-82, which pertained to examination and condemnation of foods and derived from Ord. No. 95-CO-40, 7-27-95. Ord. No. _____ adopted _____, enacted a fee waiver and reduction process.

- **Sec. 50-83. - Microbiological standards.**

Microbiological standards referred to in this section shall be established to be used by the health officer as a guideline to ensure that food products offered in food establishments maintain a high level of quality, wholesomeness and palatability and to protect against food-borne disease due to pathogenic bacterial contamination. Microbiological standards may be subject to change by those establishing the standards shown in Reference No. 1 as new data and testing procedures become available.

(Ord. No. 95-CO-40, 7-27-95)

- **Sec. 50-84. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-84, which pertained to procedures when infection is suspected and derived from Ord. No. 95-CO-40, 7-27-95.

- **Sec. 50-85. - Outside jurisdiction.**

Food and food products may be delivered to the county or provided to food establishments within the county either directly or indirectly. These foods and food products may be sold within the county if such food products conform to the provisions of this article or substantially equivalent provisions and if the person providing such foods or food products also conforms. To determine the extent of compliance with such provisions, the health officer may require reports from the providers of such foods and food products as the health officer may establish. The failure to comply with reports or this article makes such persons liable for fines or injunctions as provided by [section 50-79](#).

(Ord. No. 95-CO-40, 7-27-95)

- **Sec. 50-86. - Plan review.**

When a food establishment is hereafter constructed or remodeled, or when an existing structure is converted for use as a food establishment, properly prepared plans and specifications for such construction, remodeling, or alteration showing layout, arrangements, and construction materials of the work areas and the location, size, and type of fixed equipment and facilities, and any other information that may be needed to complete approval of the plans, shall be submitted before such work is started. Fees for plan review, as set forth in [section 50-77](#), must be paid at the time of submission.

The health officer shall approve the plans and specifications if they meet the requirements of this article. No food establishment shall be constructed, extensively remodeled, or converted except in accordance with the plans and specifications approved by the health officer. Submission requirements for equipment, construction, and installation plans are provided in the county health department "Food Service Construction Requirements" guide, which is on file in the county clerk's office, and in [section 50-132](#).

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 97-CO-61, § III, 10-9-97; Ord. No. 2001-CO-63, 10-25-01; Ord. No. 2003-CO-147, 10-23-03; Ord. No. 2008-CO-48, 8-14-08; Ord. No. 2009-CO-52, 8-27-09; Ord. No. 2010-CO-73, 9-2-10; Ord. No. 2015-CO-074, 8-27-15; Ord. No. 2018-CO-135, § B, 12-4-18)

- **Sec. 50-87. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-87, which pertained to manager certification and derived from Ord. No. 95-CO-40, 7-27-95.

- **Secs. 50-90—50-100. - Reserved.**

- **DIVISION 3. - RESERVED^[4]**

Footnotes:

--- (4) ---

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed Division 3 § 50-101—50-104, which pertained to personnel and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Secs. 50-101—50-115. - Reserved.**

- **DIVISION 4. - RESERVED^[5]**

Footnotes:

--- (5) ---

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed Division 4, §§ 50-116—50-121, which pertained to food care and derived from Ord. No. 95-CO-40, July 27, 1995; Ord. No. 97-CO-61, §§ IV—VII, October 9, 1997.

- **Secs. 50-116—50-130. - Reserved.**

- **DIVISION 5. - EQUIPMENT AND UTENSILS**

- **Sec. 50-131. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-131, which pertained to materials and derived from Ord. No. 95-CO-40, 7-27-95.

- **Sec. 50-132. - Design and fabrication.**

(a) All equipment installed in new or remodeled facilities, and all replacement equipment hereafter installed, shall meet or exceed the design and fabrication standards set by the National Sanitation Foundation or the equivalent.

(b) When a sink is needed for the washing or preparation of food, a separate sink shall be installed solely for that purpose.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 2018-CO-135, § B, 12-4-18)

- **Sec. 50-133. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-133, which pertained to equipment installation and location and derived from Ord. No. 95-CO-40, 7-27-95.

- **Secs. 50-134—50-145. - Reserved.**

- **DIVISION 6. - RESERVED^[6]**

Footnotes:

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Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed Division 6, §§ 50-146—50-148, which pertained to cleaning and sanitizing and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Secs. 50-146—50-160. - Reserved.**

- **DIVISION 7. - RESERVED^[7]**

Footnotes:

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Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed Division 7, §§ 50-161, 50-162, which pertained to handling and storage of cleaned equipment and utensils and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Secs. 50-161—50-175. - Reserved.**

- **DIVISION 8. - SANITARY FACILITIES AND CONTROLS**

- **Sec. 50-176. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-176, which pertained to water supply and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Sec. 50-177. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-177, which pertained to sewage disposal and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Sec. 50-178. - Plumbing.**

All plumbing shall be sized, installed and maintained in accordance with all applicable provisions of state and local laws, ordinances and regulations. There shall be no cross connection between the safe water supply and an unsafe or questionable water supply, or any source of pollution through which the safe water supply might become contaminated.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 2018-CO-135, § B, 12-4-18)

- **Sec. 50-179. - Reserved.**

§ 50-179, which pertained to toilet facilities and derived from Ord. No. 95-CO-40, 7-27-95.

- **Sec. 50-180. - Lavatory facilities.**

(a) Lavatories shall be conveniently located within or immediately adjacent to all toilet rooms or vestibules. Hand sinks shall also be located to permit convenient use by all employees in food preparation and utensil washing areas. A hand sink shall be located within five feet and within the same room/area as a dish machine. Hand sink(s) is/are required to be no more than twenty (20) unobstructed linear feet from any food preparation or service area. Hand-washing sinks are required at all bars, customer self-serve areas including but not limited to convenience stores, lodging breakfast facilities, and buffets where customers prepare and dispense their own potentially hazardous foods. Sinks used for food preparation or washing equipment and utensils shall not be used for handwashing. Toilet facilities with associated lavatories and hand sinks shall be accessible to employees at all times.

(b) Each lavatory shall be provided with hot and cold running water tempered by means of a mixing valve or combination faucet. Any slow closing or metering faucet used shall provide a flow of water for at least fifteen (15) seconds without the need to reactivate the faucet. Steam mixing valves are prohibited.

(c) A supply of hand cleansing soap or detergent shall be available at each lavatory. A supply of sanitary towels or a hand drying device providing heated air shall be conveniently located near each lavatory. The use of common towels is prohibited. If disposable towels are used, covered waste receptacles shall be conveniently located near the hand washing facilities.

(d) Lavatories, soap dispensers, hand drying devices and all related facilities shall be kept clean and in good repair.

(e) Signs reminding employees to wash their hands before returning to work shall be posted in toilet rooms and near lavatories.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 2017-CO-031, 2-23-17)

- **Sec. 50-181. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-181, which pertained to garbage and refuse and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Sec. 50-182. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-182, which pertained to insect and rodent control and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Secs. 50-183—50-195. - Reserved.**

- **DIVISION 9. - CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES**

- **Sec. 50-196. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-196, which pertained to floors and derived from Ord. No. 95-CO-40, July 27, 1995.

- ~~**Sec. 50-197. - Walls and ceilings.**~~

~~(a) *Generally.* Walls and ceilings, including doors, windows, and similar enclosures~~

- **Sec. 50-198. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-198, which pertained to maintenance and cleaning and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Sec. 50-199. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-199, which pertained to lighting and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Sec. 50-200. - Ventilation.**

All ventilation systems shall be installed and maintained in accordance with all applicable provisions of state and local laws, ordinances and regulations.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 2018-CO-135, § B, 12-4-2018)

- **Sec. 50-201. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-201, which pertained to dressing rooms and lockers and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Sec. 50-202. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-202, which pertained to poisonous and toxic materials and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Sec. 50-203. - Premises.**

(a) *Generally.* The general standard for the food establishment premises are as follows:

(1) The food establishment and all parts of the property used in connection with the operation of the food establishment shall be kept neat, clean, and free of litter, rubbish, and unnecessary articles.

(2) The walking and driving surface of all exterior areas of the food establishment shall be surfaced with concrete or asphalt or with gravel or similar material effectively treated to facilitate maintenance and minimize dust. These surfaces shall be graded to drain and shall be kept clean.

(3) Only articles necessary to the operation and maintenance of the food establishment shall be stored on the premises.

(4) The travel of unnecessary persons through the food preparation and utensil washing areas and the presence in those areas of person not authorized by the management or person in charge is prohibited.

(b) *Laundry facilities.* The standards for laundry facilities are as follows:

(1) No laundry operation shall be conducted, except that linens, uniforms, and aprons used in the food establishment may be laundered on the premises. If such items are laundered on the premises, an approved gas or electric dryer shall be provided and used.

(2) Laundry facilities shall be located separate from food preparation and utensil and equipment washing areas and shall be enclosed with a self-closing door.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 97-CO-61, § VIII, 10-9-97; Ord. No. 2018-CO-135, § B, 12-4-18)

- **Secs. 50-204—50-215. - Reserved.**

- **DIVISION 10. - OTHER OPERATIONS**

- **Sec. 50-216. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-216, which pertained to generally and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Sec. 50-217. - Mobile food units.**

Plan review and inspections for mobile food units shall be in accordance with the FDA Food Code Mobile Food Establishment Matrix, as contained in the 2022 FDA Food Code. Mobile food units shall operate from a commissary or other fixed service building that is constructed and operated in compliance with applicable sections of this article for the purpose of cooking, obtaining water, food, and other supplies, for emptying and disposing of wastes, and for sanitary maintenance of the mobile food unit.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 2018-CO-135, § B, 12-4-18)

- **Sec. 50-218. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-218, which pertained to limited food establishments and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Sec. 50-219. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-219, which pertained to seasonal produce stands and derived from Ord. No. 95-CO-40, July 27, 1995.

(Ord. No. 95-CO-40, 7-27-95)

- **Sec. 50-220. - Vending machine operations.**

(a) *Generally.* All food offered for sale through vending machines shall be manufactured, processed and prepared in commissaries of establishments which comply with all applicable state and local laws, rules and regulations. All food shall be stored and packaged in clean, protective containers and shall be handled, transported and vended in a sanitary manner. Fresh fruits which may be eaten raw without peeling may be dispensed unpackaged but must have been thoroughly washed in potable water at the original packing plant or immediately before being placed in the vending machine. Condiments provided for service in conjunction with food dispensed by a vending machine shall be packaged in individual portions in single-service containers or shall be dispensed from approved dispensers which are washed, sanitized and filled at the commissary. All vending machines will be required to register at no cost. The registration will include the

list of foods contained in the vending machine, hand hygiene practices, location of the vending machine(s), and the location of associated commissary. The commissary must be permitted as outlined in section 50-76.

(b) *Potentially hazardous food.* Potentially hazardous food offered for sale through vending machines shall be dispensed to the consumer in the individual original container or wrapper into which it was placed at the commissary or at the manufacturer's or processor's plant, or such products shall be dispensed into single-service containers from bulk containers which were filled at the commissary or at the manufacturer's or processor's plant. In those vending machines which dispense potentially hazardous food from bulk, the bulk supplies of such food shall be transferred only to bulk vending machine containers and appurtenances which have been cleaned and sanitized. Potentially hazardous food within the vending machine must be maintained at the following temperatures:

- Refrigerated Machines must maintain PHF at or below 41°F (5°C) and cannot exceed 41°F (5°C) for more than 30 minutes for restocking and/or servicing.
- Hot- holding Machines must maintain PHF at or above 135°F (57°C) and cannot fall below 135°F (57°C) for more than 120 minutes for restocking and/or servicing.

Vending machines dispensing potentially hazardous food shall be provided with adequate refrigeration or heating units, or both, the thermostatic controls which ensure maintenance of applicable temperature at all times. In the event of a power failure or other cause which interrupts the operation of a vending machine, the vending machine shall have a control mechanism which prevents the machine from dispensing any potentially hazardous food until serviced by the operator. Hot food vending machines designed to heat food through the 41-degree Fahrenheit to 135-degree Fahrenheit temperature range shall also be equipped with automatic controls which render the machine incapable of vending potentially hazardous food until serviced by the operator if heating through this temperature range is not accomplished in 120 minutes or less.

(c) *Cleaning and sanitizing.* All multiuse containers or parts of vending machines which come into contact with potentially hazardous food shall be removed from the machine daily and shall be thoroughly cleaned and sanitized at the commissary or other approved facility. Such parts shall, after sanitizing, be protected from contamination. All parts of vending machines which come into direct contact with other than potentially hazardous food shall be thoroughly cleaned. The frequency of such cleaning shall be approved by the health officer, based upon the type of food product being dispensed. A record of such cleaning operations shall be maintained by the operator for each machine and shall be made available, upon request, at the time of inspection and shall be current for at least the past thirty (30) days.

(d) *Machine location.* Locations of machines shall be decided according to the following:

(1) Each vending machine shall be located in a room, area, or space which can be maintained in a clean condition and which is protected from overhead leakage or condensation from water, waste, or sewer pipes. The immediate area in which the machine is located shall be well lighted. Each vending machine shall be so located that the space around and under the machine can be easily cleaned and maintained, and so as to prevent insect and rodent harborage.

(2) Handwashing facilities, including hot and cold or tempered running water, soap and approved hand drying devices shall be convenient to the machine location and shall be available for use by employees servicing or loading food vending machines.

(e) *Exterior construction.* Requirements for exterior construction are as follows:

(1) The vending machine shall be of steady construction, and the exterior shall be so designed, fabricated, finished, and maintained so as to facilitate it being kept clean, and to prevent the entrance of insects and rodents. The exterior of the machine shall be kept clean. Door and panel access openings to the food and container storage spaces of the machine shall be tightfitting, and if necessary, gasketed, so as to prevent the entrance of dust, moisture, insects and rodents. All ventilation louvers or openings into vending machines shall be effectively screened. Screening material for openings into food and container storage spaces of the machine shall not be less than 16 mesh to the inch.

(2) Unless the vending machine is sealed to the floor or counter so as to prevent seepage underneath, or can be easily moved by one person, the machine shall be designed and installed with legs or side panels which provide an unobstructed clearance of six inches between the machine base and the floor, or the machine shall be mounted on coasters, rollers or gliders which permit it to be easily moved.

(3) All service connections through an exterior wall of the machine, including water, gas, electrical and refrigeration connections, shall be grommeted or closed to prevent the entrance of insects and rodents.

(f) *Interior construction.* Interior construction shall meet the following requirements:

(1) All food contact surfaces of vending machines shall be smooth, in good repair and free of breaks, corrosion, open seams, cracks and chipped places. All joints and welds shall be smooth, and all internal angles and corners of such surfaces shall be rounded to facilitate cleaning. All food contact surfaces of vending machines shall be constructed of nontoxic, corrosion-resistant, and nonabsorbent materials.

(2) All nonfood contact surfaces of the interior of vending machines shall be so designed and constructed as to permit easy cleaning, and to facilitate maintenance operations. Inaccessible surfaces or areas shall be minimized.

(3) The delivery tube or chute and orifice of all bulk food and beverage vending machines shall be protected from normal manual contact, dust, insects, rodents and other

contamination. The vending stage shall be provided with a tightfitting, self-closing door or cover which is kept closed, except when food is being removed.

(g) *Water.* Use of water shall be according to the following requirements:

(1) Water used as a food ingredient shall be piped to the vending machine under pressure or brought to the vending machine in portable containers which have been filled in a sanitary manner directly from an approved water supply outlet at the commissary or other approved location. Ingredient water shall not be transferred from one container to another at the machine location. Containers for the storage of ingredient water or ice, which are not a part of the closed system shall be designed and maintained as food contact surfaces. Water containers shall be cleaned and sanitized at the commissary or other approved location after each use. Such containers shall be protected from contamination from the time of sanitizing until placed in the vending machine.

(2) All plumbing connections and fittings shall be installed in accordance with state and local plumbing regulations.

(h) *Food protection.* Food, while in transit to the vending machine location, shall be protected from the elements, dirt, dust, insects, rodents and other contamination. Similar protection shall be provided for single-service articles, and for the food contact surfaces of equipment, containers, and devices in transit to machine locations. Potentially hazardous food shall be maintained at a temperature of 41 degrees Fahrenheit or below, or 135 degrees Fahrenheit or above prior to being loaded into the delivery vehicle and while in transit to the machine location. If potentially hazardous food is stored at machine locations, the applicable safe temperature shall be maintained during storage.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 97-CO-61, § IX, 10-9-97)

- **Sec. 50-222. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-222, which pertained to retail establishments and derived from Ord. No. 95-CO-40, July 27, 1995; Ord. No. 97-CO-61, § X, October 9, 1997.

- **Section 50-223- Bed and Breakfast Establishment.**

a) *Registration required; transferability.* It shall be unlawful for any person to maintain or operate a bed and breakfast establishment within the unincorporated areas of the County of Winnebago without first registering with the Department and paying the required annual registration fee. ~~of two hundred dollars (\$200.00).~~ Registration shall be approved upon compliance with this section and all applicable local, state and federal laws. An approved registration shall be a purely personal privilege and shall not constitute property. Nothing in this section shall be construed to grant a right to transfer or accept the transfer of any registration whenever there is a

change in interest or ownership. No bed and breakfast establishment registration shall be transferred.

A bed and breakfast establishment shall be subject to the following regulations:

- (1) Limited to Category II/Medium Risk;
- (2) Infusions or any adulterants are not allowed;
- (3) Provide a menu of the items that will be served;
- (4) Have a Certified Food Protection Manager;
- (5) Identify method of cleaning dishware and serve ware;
- (6) Have a source of water (well or municipal) and results of water test from wells to include both bacteria (E-coli) and nitrates;
- (7) Provide a copy of liquor license for the municipality or jurisdictional authority if liquor is to be served or allowed;
- (8) Provide a plan for household animals/pets to restrict them from the food preparation and public serving area;
- (9) Operator shall not package food for consumption outside the Bed and Breakfast establishment; and
- (10) Comply with the minimum standards and requirements for operation contained in the Bed and Breakfast Act, 50 ILCS 820/1 *et seq.*

b) *Signage*

- (1) A bed and breakfast establishment owner shall provide a list of potential food allergens as outlined in the 2022 FDA Food Code or most current revision for the foods included on any menu.
- (2) The following language shall be conspicuously displayed at all times of operation in the registration area of the bed and breakfast establishment and on any menu: *The foods provided by this bed and breakfast establishment are being prepared in a home kitchen not inspected by the county health department and further may also possess common food allergens. If you have any safety concerns, contact the Winnebago County Health Department at 815.720.4100.*

c) *Enforcement.* A bed and breakfast establishment registration may be revoked or suspended by the Illinois Department of Public Health or County health department upon satisfactory proof of a violation of this section or any local, state or federal law after written notice of the violation(s) and affording an administrative hearing to the owner. The administrative hearing shall be held pursuant to Section 50-80 of this Code. Notwithstanding any other provision of this subsection, whenever unsanitary, unsafe, or other conditions are found in the operation of the bed and breakfast establishment which constitute a substantial and immediate hazard to the public health and safety, the health officer may, without warning, notice or hearing, issue a written notice to the owner citing the violation, specifying the corrective action to be taken, specifying the time period within which such action shall be

taken, and if necessary, stating that any or all bed and breakfast establishment operations are to be discontinued immediately. The owner to whom such an order is issued shall immediately comply therewith, but may request in writing, a hearing pursuant to Section 50-80 of this Code.

State law reference- 50 ILCS 820/1 *et seq.*

Section 50-224. Farmers' Markets

No person shall operate a farmers' market within the County of Winnebago without obtaining a permit from the Department and paying the required annual fee. The operator shall comply with the minimum standards and requirements for operation contained in the state statute, 410 ILCS 625/3.3.

State law reference- 410 ILCS 625/3.3.

- **DIVISION 11. - RESERVED^[8]**

Footnotes:

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Editor's note— *Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed Division 11, §§ 50-225—50-245, which pertained to packaging and labeling and derived from Ord. No. 95-CO-40, July 27, 1995; Ord. No. 97-CO-61, §§ XI—XV, 10-9-97.*

- **Secs. 50-225—50-245. - Reserved.**

[Secs. 50-45—50-64. - Reserved.](#)

- **ARTICLE III. - FOOD ESTABLISHMENTS^[2]**

Footnotes:

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Editor's note— Ord. No. 95-CO-40, adopted July 27, 1995, set out a new Art. III and repealed the old Art. III (§§ 50-66, 50-76—50-89, 50-101—50-104, 50-116—50-121, 50-131—50-133, 50-146—50-148, 50-161, 50-162, 50-176—50-182, 50-196—50-203, 50-216—50-222, 50-225, 50-227—50-237, 50-241—50-243), which pertained to similar subject matter and derived from Code 1964, §§ 9-98, 9-99.01—9-99.14, 9-100—9-139, 9-140.1—9-140.8, 9-140.10—9-140.13, 9-141.01, 9-141.02, 9-236; Ord. No. 89-CO-88, §§ 9-98, 9-99.01—9-99.14, 9-100—9-109, 9-111—9-139, adopted Dec. 28, 1989; and Ord. No. 92-CO-28, adopted June 25, 1992.

Cross reference— *Businesses, ch. 22.*

- **DIVISION 1. - GENERALLY**

- **Sec. 50-65. - Title, intent, interpretation, conflict, incorporated materials, and scope.**

(a) These provisions shall be known as the Winnebago County Food Code, hereinafter referred to as "this Code."

(b) The purpose of this Code is to safeguard public health and to provide to consumers food that is safe, unadulterated, and honestly presented.

(c) This Code establishes definitions; sets standards for management and personnel, food operations, and equipment and facilities; and provides for food establishment plan review, permit issuance, inspection, employee restriction, and permit suspension.

d) The inspection of food establishments and retail stores shall be carried out in accordance with this Code, the 2022 FDA Food Code, and the Illinois Department of Public Health's Illinois Food Code Part 750, as may be amended from time to time. Three (3) copies of each publication shall be on file in the Office of the County Clerk. Copies are also available for review online at no charge.

e) This Code shall be interpreted in a manner that is compliant with any and all mandatory requirements set forth by Illinois or federal law or regulation as may be amended from time to time, though the County Board, through enactment of this Code, may promulgate a more restrictive or a less restrictive regulation, provided that it has the

discretion to do so, and said regulation is not in conflict with a mandatory provision of an Illinois or federal law or regulation. Any regulation in this Code that is not mandated by Illinois or federal law or regulation, shall reflect the County's intent to protect and promote the health, welfare and safety of the public.

f) In any case where a provision of this Code is in conflict with a mandatory provision of any local, state or federal law or regulation in force and effect in the incorporated or unincorporated areas of the County, the provision which establishes the more stringent standard for the promotion and protection of the health, welfare and safety of the public shall apply and prevail over the less stringent standard.

g) The following are hereby incorporated herein and adopted by reference: i) the Illinois Department of Public Health's "Food Code", Title 77 Illinois Administrative Code, Chapter 1, Subchapter m, Part 750, Chapter 8, and any subsequent revisions thereto, and ii) the United States Food and Drug Administration's Food Code of 2022, Chapters 1 through 7, with the exception of the term "food establishment" defined therein, and iii) the following specific sections of Chapter 8 of the United States Food and Drug Administration's Food Code of 2022: 8-103.10, 8-103.11, 8-103.12, 8-201.13, 8-201.14, 8-303.10, 8-303.30, 8-304.11, 8-304.20, 8-801.10 through 8-801.40, 8-903.10 through 8-903.90, and 8-901.10 (except that, as to Subsection A of 8-901.10, the reference to § 8-301.11 shall be substituted with Section 50-76 of this Code and Subsection F is not incorporated, nor adopted, into this Code); and iv) Chart 4-D, FDA Food Code Mobile Food Establishment Matrix.

(Ord. No. 2017-CO-031, 2-23-17)

- **Sec. 50-66. - Definitions.**

(a) The definitions in the 2022 FDA Food Code and any subsequent revisions, deletions or additions thereto are adopted and incorporated by reference. In addition to the 2022 FDA Food Code definitions, the following definitions shall apply in the interpretation and application of this Code.

(b) As used in this Code, each of the terms listed in [section 50-66](#) shall have the meaning stated below.

Accredited program.

~~(1) Means a food protection manager certification program that has been evaluated and listed by an accrediting agency as conforming to national standards for organizations that certify individuals.~~

~~(2) Refers to the certification process and is a designation based upon an independent evaluation of factors such as the sponsor's mission; organizational structure; staff resources; revenue sources; policies; public information regarding program scope,~~

~~eligibility requirements, re-certification, discipline and grievance procedures; and test development and administration~~

~~(3) Does not refer to training functions or educational programs.~~

~~*Additive.*~~

~~(1) Food additive has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(s) and 21 CFR 170.3(e)(1).~~

~~(2) Color additive has the meaning stated in the Federal Food, Drug, and Cosmetic Act, § 201(t) and 21 CFR 70.3(f).~~

~~*Adulterated* means the condition of a food:~~

~~(1) If it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health;~~

~~(2) If it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation or in excess of such tolerance if one has been established;~~

~~(3) If it consists in whole or in part of any filthy, putrid, or decomposed substance or if it is otherwise unfit for human consumption;~~

~~(4) If it has been processed, prepared, packed, or held under unsanitary conditions, whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health;~~

~~(5) If it is in whole or in part the product of a diseased animal or an animal which has died other than by slaughter; or~~

~~(6) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.~~

~~*Approved* means acceptable to the health officer based on determination as to conformance with appropriate standards and good public health practice principles, practices, and generally recognized standards that protect public health.~~

~~*Asymptomatic.*~~

~~(1) Means without obvious symptoms; not showing or producing indications of a disease or other medical condition, such as an individual infected with a pathogen but not exhibiting or producing any signs or symptoms of vomiting, diarrhea, or jaundice.~~

~~(2) Includes not showing symptoms because symptoms have resolved or subsided, or because symptoms never manifested.~~

~~*aw* means water activity which is a measure of the free moisture in a food, is the quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature, and is indicated by the symbol aw.~~

~~*Balut* means an embryo inside a fertile egg that has been incubated for a period sufficient for the embryo to reach a specific stage of development after which it is removed from incubation before hatching.~~

Bed and Breakfast establishment shall have the same meaning as recited in the Bed and Breakfast Act, 50 ILCS 820/1 et seq., as may be amended from time to time, and is defined as an operator-occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms for rent, in operation for more than ten (10) nights in a 12-month period. Breakfast may be provided to the guests only. Bed and Breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments. Pursuant to state law, this definition, for purposes of any of the regulations in this Code, shall apply only to Bed and Breakfast establishments that are located within unincorporated areas within the County.

~~*Beverage* means a liquid for drinking, including water.~~

~~*Bottled drinking water* means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water.~~

~~*Casing* means a tubular container for sausage products made of either natural or artificial (synthetic) material.~~

Category I facility means a food establishment that presents a high relative risk of causing food-borne illness, based upon the large number of food handling operations typically implicated in food-borne outbreaks and/or the type of population served by the facility. Category I facilities include, but are not limited to, those where the following operations occur:

(1) Complex preparation including cooking, cooling, and reheating for hot holding involving time/temperature control for safety foods;~~Potentially hazardous foods are cooled, as part of the food handling operation at the facility;~~

(2) Processes requiring hot and cold holding of time/temperature control for safety foods;~~otentially hazardous foods are prepared and held hot or cold for more than 12 hours before serving;~~

(3) Conducting specialized processes as described in 3-502 if the 2022 FDA 2022-Food Code;~~or Potentially hazardous cooked and cooled foods must be reheated;~~

~~(4) Serving a highly susceptible population as defined in 1-201.10 of the 2022 FDA Food Code. Potentially hazardous foods are prepared for off-premises serving for which time-temperature requirements during transportation, holding and service are relevant;~~

~~(5) Handling of raw ingredients with hand contact for ready-to-eat foods occurs as part of the food handling operations at the facility;~~

~~(6) Vacuum packaging and/or other forms of reduced oxygen packaging are used; juicing, sousvide, or fermentation are used; or~~

~~(7) Highly susceptible populations including the elderly, young children and pregnant women are served, where these individuals comprise the majority of the consuming population.~~

Category II facility means a food establishment that presents a medium relative risk of causing food-borne illness, based upon few food handling operations typically implicated in food-borne illness outbreaks. Category II facilities include, but are not limited to, those where the following operations occur:

~~(1) Most products are prepared or cooked and served immediately. Hot or cold foods are held at required temperatures for no more than 12 hours and are restricted to same-day services;~~

~~(2) May involve hot and cold holding of time/temperature control for safety foods after preparation or cooking; Foods are prepared from raw ingredients, using only minimal assembly; or~~

~~(3) As approved by the County Health Department, preparation of time/temperature control for safety foods requiring cooking, cooling, and reheating for hot holding limited to 2 or fewer same items or processes with approved procedures. Foods that require complex preparation (whether canned, frozen, or fresh prepared) are obtained from approved food processing plants, category I facilities or retail food stores.~~

Category III facility means a food establishment that presents a low relative risk of causing food-borne illness, based upon few or no food handling operations typically implicated in food-borne illness outbreaks. The standards for regulation of a Category III facility shall be those prescribed by the Local Health Protection Grant Code. Category III facilities include, but are not limited to, those where the following operations occur:

~~(1) Heating only commercially processed time/temperature control for safety foods for immediate service with no hot holding or assembly;~~

~~Only prepackaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved processing plant and handled only by the consumer;~~

~~(2) Only time/temperature control for safety foods commercially prepackaged in an approved processing plant are available or served at the facility; limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or~~

~~(3) Only limited preparation of non-time/temperature control for safety foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or beverages (alcoholic and non-alcoholic, liquid or vaporized) are served at the facility.~~

~~4) Only beverages (alcoholic and nonalcoholic) and garnishes that are non-time/temperature control for safety are served at the facility.~~

~~*Certification number* means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.~~

~~*CFR* means Code of Federal Regulations. Citations in this Code to the CFR refer sequentially to the Title, Part, and Section numbers, such as 40 CFR 180.194 refers to Title 40, Part 180, Section 194.~~

~~*CIP.*~~

~~(1) Means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine.~~

~~(2) Does not include the cleaning of equipment such as band saws, slicers, or mixers that are subjected to in-place manual cleaning without the use of a CIP system.~~

~~*Certified Food Protection Manager* means a person who has shown proficiency in the required information through passing a test that is part of an accredited program defined in Section 2-102.20 of the [2022 FDA 2022 Food Code](#).~~

~~*Children's Meal* means a combination of food items sold for a single price intended for consumption by children.~~

~~*Closed* means without openings large enough for the entrance of insects. An opening of 1/32 inch or less is closed.~~

Commercially prepared baked good means an individually portioned and wrapped non-potentially hazardous baked good, including but not limited to yeast cake-type bread, bun, croissant, or roll with or without filling and/or icing.

~~*Commingle* means to combine shellstock harvested on different days or from different growing areas as identified on the tag or label; or to combine shucked shellfish from containers with different container codes or different shucking dates.~~

~~*Comminuted* means reduced in size by methods including chopping, flaking, grinding or mincing. It includes fish or meat products that are reduced in size and restructured or reformulated, such as gefilte fish, formed roast beef, gyros, ground beef, and sausage; and a mixture of two or more types of meat that have been reduced in size and combined, such as sausage made from two or more meats.~~

Commissary means a food establishment or any other approved place in which food, containers, supplies, single-service articles or single-use articles are kept, handled, prepared, packaged or stored for off-site service.

Commissary sharing agreement means an agreement, approved by the department, between a temporary food establishment (*i.e.* mobile food unit, temporary food facility) and a licensed food establishment possessing a valid annual permit that has the equipment and space to serve as a support kitchen. Commissary sharing agreements with category III facilities and category II facilities do not require a temporary food establishment commissary permit. Commissary sharing agreements with category I facilities require a temporary food establishment commissary permit.

~~*Conditional employee* means a potential food employee to whom a job offer is made, conditional on responses to subsequent medical questions or examinations designed to identify potential food employees who may be suffering from a disease that can be transmitted through food and done in compliance with Title 1 of the Americans with Disabilities Act of 1990.~~

~~*Confirmed disease outbreak* means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.~~

~~*Consumer* means a person who is a member of the public, takes possession of food, is not functioning in the capacity of an operator of a food establishment or food processing plant, and does not offer the food for resale.~~

~~*Core item:*~~

~~(1) Means a provision in this Code that is not designated as a priority item or a priority foundation item.~~

~~(2) Includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance.~~

~~*Corrosion resistant material* means a material that maintains acceptable surface clean ability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.~~

~~*Cottage Food Operation* means an operation that produces or packages food in compliance with Section 4 of the Food Handling Regulation Enforcement Act.~~

~~*Counter mounted equipment* means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf.~~

~~*Critical control point* means any point or procedure in a specific food system where loss of control may result in an unacceptable health risk.~~

~~*Critical limit* means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.~~

~~*Cut leafy greens* means fresh leafy greens whose leaves have been cut, shredded, sliced, chopped, or torn. The term "leafy greens" includes iceberg lettuce, romaine lettuce, leaf lettuce, butter lettuce, baby leaf lettuce (i.e., immature lettuce or leafy greens), escarole, endive, spring mix, spinach, cabbage, kale, arugula and chard. The term "leafy greens" does not include herbs such as cilantro or parsley.~~

~~*Dealer* means a person who is authorized by a shellfish control authority for the activities of shellstock shipper, shucker packer, repacker, reshipper, or depuration processor of molluscan shellfish according to the provisions of the National Shellfish Sanitation Program.~~

~~*Department* means the Winnebago County [Health Department](#) of Public Health.~~

~~*Disclosure* means a written statement that clearly identifies the animal derived foods which are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens, or items that contain an ingredient that is raw, undercooked, or without otherwise being processed to eliminate pathogens.~~

~~*Drinking water.*~~

~~(1) Means water that meets criteria as specified in 40 CFR 141 National Primary Drinking Water Regulations.~~

~~(2) Is traditionally known as "potable water."~~

~~(3) Includes the term "water" except where the term used connotes that the water is not potable, such as "boiler water," "mop water," "rainwater," "wastewater," and "nondrinking" water.~~

~~*Dry storage area* means a room or area designated for the storage of packaged or containerized bulk food that is not time/temperature control for safety food and dry goods such as single-service articles.~~

~~*Easily cleanable.*~~

~~(1) Means a characteristic of a surface that:~~

~~(a) Allows effective removal of soil by normal cleaning methods;~~

~~(b) Is dependent on the material, design, construction, and installation of the surface;
and~~

~~(c) Varies with the likelihood of the surface's role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface's approved placement, purpose, and use.~~

~~(2) Includes a tiered application of the criteria that qualify the surface as easily cleanable as specified in subparagraph (1) of this definition to different situations in which varying degrees of cleanability are required such as:~~

~~(a) The appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or tables used for consumer dining;
or~~

~~(b) The need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.~~

~~*Easily movable* means:~~

~~(1) Portable; mounted on casters, gliders, or rollers; or provided with a mechanical means to safely tilt a unit of equipment for cleaning; and~~

~~(2) Having no utility connection, a utility connection that disconnects quickly, or a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.~~

~~*Egg* means the shell egg of avian species such as chicken, duck, goose, guinea, quail, ratites, or turkey. The term does not include balut, reptile eggs such as alligator, or egg product.~~

~~*Egg product* means all, or a portion of, the contents found inside eggs separated from the shell and pasteurized in a food processing plant, with or without added ingredients, intended for human consumption, such as dried, frozen or liquid eggs. The term does not include food that contains eggs only in a relatively small proportion, such as cake mixes.~~

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

~~*EPA* means the U.S. Environmental Protection Agency.~~

~~*Equipment.*~~

~~(1) Means an article that is used in the operation of a food establishment such as a freezer, grinder, hood, ice maker, meat block, mixer, oven, reach-in refrigerator, scale, sink, slicer, stove, table, temperature measuring device for ambient air, vending machine, or warewashing machine.~~

~~(2) Does not include apparatuses used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as hand trucks, forklifts, dollies, pallets, racks, and skids.~~

~~*Exclude* means to prevent a person from working as an employee in a food establishment or entering a food establishment as an employee.~~

~~*Farmers' market* means a common facility or area where the primary purpose is for farmers to gather to sell a variety of fresh fruits and vegetables and other locally produced farm and food products directly to consumers.~~

~~*FDA* means the U.S. Food and Drug Administration.~~

~~*Fish.*~~

~~(1) Means fresh or saltwater finfish, crustaceans and other forms of aquatic life (including alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, if such animal life is intended for human consumption.~~

~~(2) Includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.~~

~~*Food* means a raw, cooked, or processed edible substance, beverage, or ingredient, including ice, used or intended for use or sale in whole or in part for human consumption, This does not include substances intended to diagnose, cure, mitigate, treat, or prevent disease as defined by the FDA. *Drug Definition* (Federal Food, Drug and Cosmetic Act (FFDCA) §201(g)).~~

~~*Foodborne disease outbreak* means the occurrence of two or more cases of a similar illness resulting from the ingestion of a common food.~~

~~Food contact surface means a surface of equipment or a utensil with which food normally comes into contact; or a surface of equipment or utensil from which food may drain, drip, or splash into a food or onto a surface normally in contact with food.~~

~~Food employee means an individual working with unpackaged food, food equipment or utensils, or food contact surfaces.~~

Food Establishment means an operation that: stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides food for human consumption, such as a restaurant, satellite or catered feeding location, catering operation if the operation provides food directly to a consumer or to a conveyance used to transport food to people, market, vending location, ~~conveyance used to transport people institution~~ or food pantry; and relinquishes possession of food to a consumer directly, or indirectly, through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers, ~~or a beverage-only vendor such as a brewery, winery, distillery, meadery, or cider maker.~~

Food establishment includes: an element of the operation, such as a transportation vehicle or a central preparation facility, that supplies a vending location or satellite feeding location, unless the vending or feeding location is permitted by the regulatory authority; and an operation that is conducted in a mobile, stationary, temporary or permanent facility or location. This inclusion applies regardless of whether consumption is on or off the premises and whether there is a charge for the food. ~~An establishment that offers prepackaged foods that are not time/temperature controlled for safety.~~

Food establishment does not include:

~~an establishment that offers only prepackaged foods that are not time/temperature control or safety foods;~~

A produce stand that only offers whole, uncut fresh fruits and vegetables;

A food processing plant, including those that are located on the premises of a food establishment;

A kitchen in a private home, such as a small family daycare provider or a bed and breakfast operation as defined in the Bed and Breakfast Act that prepares and offers food to guests;

A private home that receives catered or home delivered food;

a closed family function where food is prepared or served for individual family consumption; or

A cottage food operation; ~~or~~

A potluck event;- or

A lemonade stand where lemonade or non-alcoholic beverages are sold by a person under the age of 16.

Food Processing Plant.

(1) Means a commercial operation that manufactures, packages, labels or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food establishments.

(2) Does not include a food establishment.

~~*Game animal* means an animal, the products of which are food that is not classified as livestock, sheep, swine, goat, horse, mule, or other equine in 9 C.F.R. 301.2 definitions, or as poultry or fish. Includes mammals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, opossum, raccoon, nutria, or muskrat, and non-aquatic reptiles such as land snakes. It does not include ratites.~~

~~*General use pesticide* means a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175 pesticides classified for restricted use.~~

~~*Grade A standards* means the requirements of the United States Public Health Service/FDA "Grade A Pasteurized Milk Ordinance" with which certain fluid and dry milk and milk products comply.~~

"Hazard" means a biological, chemical, or physical agent that may cause illness or injury or poses an unacceptable risk in the absence of its control.

"Hazard Analysis Critical Control Point" or "HACCP" means a systematic approach to the identification, evaluation, and control of food safety hazards.

~~*Hazard Analysis and Critical Control Point (HACCP) Plan* means a written document setting forth a food safety management system to identify, evaluate, and control food safety hazards.~~

Handwashing sink.

(1) Means a lavatory, a basin or vessel for washing, a wash basin, or a plumbing fixture especially placed for use in personal hygiene and designed for the washing of the hands.

(2) Includes an automatic handwashing facility.

~~*Hazard* means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.~~

Health officer means the county health officer or his or her designated representative.

~~*Hermetically sealed container* means a container designed and intended to be secure against the entry of microorganisms and, in the case of low acid canned foods, to maintain the commercial sterility of its content after processing.~~

~~*Highly susceptible population* means persons who are more likely than other people in the general population to experience food-borne disease because they are:~~

~~(1) Immunocompromised, preschool-age children or older adults; and~~

~~(2) Obtaining food at a facility that provides services such as custodial care, health care, or assisted living, such as a child or adult day care center, kidney dialysis center, hospital or nursing home, or nutritional or socialization services such as a senior center.~~

~~*Imminent health hazard* means 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.~~

~~*Injected* means manipulating a meat to which a solution has been introduced into its interior by processes that are referred to as "injecting," "pump marinating," or "stitch pumping".~~

~~*Juice* means the aqueous liquid expressed or extracted from one or more fruits or vegetables, purees of the edible portions of one or more fruits or vegetables, or any concentrates of such liquid or puree. The term does not include, for purposes of HACCP, liquids, purees, or concentrates that are not used as beverages or ingredients of beverages.~~

~~*Kitchenware* means food preparation and storage utensils.~~

~~*Law* means all applicable local, state and federal statutes, regulations, and ordinances.~~

~~*Linens* means fabric items such as cloth hampers, cloth napkins, table cloths, wiping cloths, and work garments including cloth gloves.~~

Lodging facility means any hotel, motel, motor inn, lodge, inn, airBNB, or other quarters which provide temporary sleeping facilities open to the public.

~~*Major food allergen.*~~

~~(1)(a) Means milk, egg, fish (such as bass, flounder, cod, and including crustacean shellfish such as crab, lobster, or shrimp), tree nuts (such as almonds, pecans, or walnuts), wheat, peanuts, and soybeans ; or~~

~~(b) A food ingredient that contains protein derived from a food, as specified in subparagraph (1)(a) of this definition.~~

~~(2) Does not include:~~

~~(a) Any highly refined oil derived from a food specified in subparagraph (1)(a) of this definition and any ingredient derived from such highly refined oil; or~~

~~(b) Any ingredient that is exempt under the petition or notification process specified in the Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282).~~

~~*Meat* means the flesh of animals used as food including the dressed flesh of cattle, swine, sheep, or goats and other edible animals, except fish, poultry, and wild game animals.~~

~~*Mechanically tenderized.*~~

~~(1) Means manipulating meat with deep penetration by processes which may be referred to as "blade tenderizing," "jaccarding," "pinning," "needling," or using blades, pins, needles or any mechanical device.~~

~~(2) Does not include processes by which solutions are injected into meat.~~

~~*mg/L* means milligrams per liter, which is the metric equivalent of parts per million (ppm).~~

~~*Misbranded* means the presence of any written, printed, or graphic matter upon or accompanying containers of food which is false or misleading or which violates any applicable state or local labeling requirement.~~

~~*Mobile food unit* means a vehicle-mounted food service establishment, preparation catering vehicle, push cart, or any other type of unit designed to be readily movable.~~

~~*Molluscan shellfish* means any edible species of fresh or frozen oysters, clams, mussels, and scallops or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle.~~

~~*Non-continuous cooking.*~~

~~(1) Means the cooking of food in a food establishment using a process in which the initial heating of the food is intentionally halted so that it may be cooled and held for complete cooking at a later time prior to sale or service.~~

~~(2) Does not include cooking procedures that only involve temporarily interrupting or slowing an otherwise continuous cooking process.~~

Operator means the individual present in a food establishment who is the supervisor of the food establishment at that time.

Organized event means an event coordinated by an organizing entity in which multiple food establishments (annual, temporary, cottage food, or special) participate and is open to the general public. ~~Organized event does not include a potluck event that is closed to the general public.~~

Organizing entity means the coordinator of an organized event who will be responsible for ensuring food vendors obtain the appropriate temporary food establishment permit, distributing safety and sanitation requirements to the food vendors, providing the venue map to the department, and notifying the department of any scheduled vendor meetings.

~~*Packaged.*~~

~~(1) Means bottled, canned, cartoned, bagged, or wrapped, whether packaged in a food establishment or a food processing plant.~~

~~(2) Does not include wrapped or placed in a carry-out container to protect the food during service or delivery to the consumer, by a food employee, upon consumer request.~~

~~*Perishable food* means any food of such type which, because of its nature or environmental conditions, is subject to biochemical change from the action of natural enzymes secreted by involving microorganisms (spoilage).~~

~~*Permit* means the document issued by the regulatory authority that authorizes a person to operate a food establishment.~~

~~*Permit holder* means the entity that:~~

~~(1) Is legally responsible for the operation of the food establishment such as the owner, the owner's agent, or other person; and~~

~~(2) Possesses a valid permit to operate a food establishment.~~

~~*Person* means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.~~

~~*Person in charge* means the individual present at a food establishment who is responsible for the operation at the time of inspection.~~

~~*Personal care items.*~~

~~(1) Means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person's health, hygiene, or appearance.~~

~~(2) Includes items such as medicines; first aid supplies; and other items such as cosmetics, and toiletries such as toothpaste and mouthwash.~~

~~*pH* means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between zero and seven indicate acidity and values between seven and 14 indicate alkalinity. The value for pure distilled water is seven, which is considered neutral.~~

~~*Physical facilities* means the structure and interior surfaces of a food establishment including accessories such as soap and towel dispensers and attachments such as light fixtures and heating or air conditioning system vents.~~

~~*Plumbing fixture* means:~~

~~Approved, installed receptacles, devices or appliances that are supplied with water or that receive or discharge liquid or liquid borne waste, with or without discharge of the waste into the drainage system to which they may be directly or indirectly connected;~~

~~An installed appurtenance to the potable water supply system that makes available intended potable water, or a receptor that receives and discharges liquids or liquid-borne waste either directly or indirectly into the drainage system; or~~

~~A permanent appendage usually designed as a receptacle and intended to receive or discharge liquid or liquid-borne waste to a drainage system.~~

~~Industrial or commercial tanks, vats and similar processing equipment are not plumbing fixtures, but they may be connected to, or discharged into, approved traps or plumbing fixtures.~~

~~*Plumbing system* means the water service, water supply and distribution pipes; plumbing fixtures and traps; soil, waste and vent pipes; building drains; including their respective connections, devices and appurtenances. (Section 2 of the Illinois Plumbing License Law.)~~

~~*Poisonous or toxic materials* means substances that are not intended for ingestion and are included in four categories:~~

~~(1) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as caustics, acids, drying agents, polishes, and other chemicals;~~

~~(2) Pesticides, except sanitizers, which include substances such as insecticides and rodenticides;~~

~~(3) Substances necessary for the operation and maintenance of the establishment such as nonfood grade lubricants and personal care items that may be deleterious to health; and~~

~~(4) Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.~~

Potentially hazardous food means time/temperature control for food safety.

Potluck event shall have the same meaning as defined under Illinois law, 410 ILCS 625/3.1, as may be amended from time to time, and includes an event that meets all of the following conditions: 1) people are gathered to share food at the event; and 2) there is no compensation provided to people for bringing food to the event; and 3) there is no charge for any food or beverage provided at the event; and 4) the event is not conducted for commercial purposes; and 5) it is generally understood by the participants at the event that neither the food nor the facilities have been inspected by the State or a local certified public health department; and 6) the event is not held on public property; and 7) no fee is charged for admission to the event. A potluck is a closed event not open to the general public. A food establishment dealing in the sale of food items may not sponsor a potluck event. Potluck event food may not be brought into the kitchen of a food establishment dealing in the sale of food items.

Poultry means:

~~(1) Any domesticated bird (chickens, turkeys, ducks, geese, guineas, ratites, or squabs), whether live or dead, as defined in 9 CFR 381.1 Poultry Products Inspection Regulations Definitions, Poultry; and~~

~~(2) Any migratory waterfowl or game bird, pheasant, partridge, quail, grouse, or pigeon, whether live or dead, as defined in 9 CFR 362.1 Voluntary Poultry Inspection Regulations, Definitions.~~

Premises means:

~~(1) The physical facility, its contents, and the contiguous land or property under the control of the permit holder; or~~

~~(2) The physical facility, its contents, and the land or property not described in subparagraph (1) of this definition if its facilities and contents are under the control of the permit holder and may impact food establishment personnel, facilities, or operations, and a food establishment is only one component of a larger operation such as a health care facility, hotel, motel, school, recreational camp, or prison.~~

Primal cut means a basic major cut into which carcasses and sides of meat are separated, such as a beef round, pork loin, lamb flank, or veal breast.

Priority item.

(1) Means a provision in this Code whose application contributes directly to the elimination, prevention or reduction to an acceptable level of hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard.

(2) Includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, handwashing; and

(3) Is an item that is denoted in this Code with a superscript P^p.

Priority foundation item.

(1) Means a provision in this Code whose application supports, facilitates or enables one or more priority items.

(2) 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; and

(3) Is an item that is denoted in this Code with a superscript Pf^{pf}.

Private event means a private function which is unadvertised and by invitation only including, but not limited to, a wedding, quinceanera, or individual party such as a birthday or anniversary.

Public event means any event open to the general public, including, but not limited to, fundraisers, festivals, and fairs. Public event may include both ticketed and non-ticketed events.

Private home kitchen means a closed family function where food is prepared or served for individual family consumption. A private home kitchen is not a food establishment.

Public water system has the meaning stated in 40 CFR 141 National Primary Drinking Water Regulations.

Pushcart means a ~~non~~-self-propelled vehicle limited to serving non-potentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters (hot dogs) or corn on the cob.

Ratite means a flightless bird such as an emu, ostrich, or rhea.

~~Ready-to-eat food.~~

~~(1) Means food that:~~

~~(a) Is in a form that is edible without additional preparation to achieve food safety, as specified under one of the following: FDA ¶ 3-401.11(A) or (B), FDA § 3-401.12, or FDA § 3-402.11, or as specified in FDA ¶ 3-401.11(C); or~~

~~(b) Is a raw or partially cooked animal food and the consumer is advised as specified in FDA subparagraphs 3-401.11(D)(1) and (3); or~~

~~(c) Is prepared in accordance with a variance that is granted as specified in FDA subparagraph 3-401.11(D)(4); and~~

~~(d) May receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.~~

~~(2) Includes:~~

~~(a) Raw animal food that is cooked as specified under FDA § 3-401.11 or FDA 3-401.12, or frozen as specified under FDA § 3-402.11;~~

~~(b) Raw fruits and vegetables that are washed as specified under FDA § 3-302.15;~~

~~(c) Fruits and vegetables that are cooked for hot holding, as specified under FDA § 3-401.13;~~

~~(d) All time/temperature control for safety food that is cooked to the temperature and time required for the specific food under FDA subpart 3-401 and cooled as specified under FDA § 3-501.14;~~

~~(e) Plant food for which further washing, cooking, or other processing is not required for food safety, and from which rinds, peels, husks, or shells, if naturally present, are removed;~~

~~(f) Substances derived from plants, such as spices, seasonings, and sugar;~~

~~(g) A bakery item such as bread, cakes, pies, fillings, or icing for which further cooking is not required for food safety;~~

~~(h) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens: dry, fermented sausages, such as dry salami or pepperoni; salt-cured meat and poultry products, such as prosciutto ham, country-cured ham, and Parma ham; and dried meat and poultry products, such as jerky or beef sticks; and~~

~~(i) Foods manufactured as specified in 21 CFR Part 113, thermally processed low-acid foods packaged in hermetically sealed containers.~~

~~*Reduced oxygen packaging.*~~

~~(1) Means:~~

~~(a) The reduction of the amount of oxygen in a package by removing oxygen; displacing oxygen and replacing it with another gas or combination of gases; or otherwise controlling the oxygen content to a level below that normally found in the atmosphere (approximately 21% at sea level); and~~

~~(b) A process as specified in subparagraph (1)(a) of this definition that involves a food for which the hazards *Clostridium botulinum* or *Listeria monocytogenes* require control in the final packaged form.~~

~~(2) Includes:~~

~~(a) Vacuum packaging, in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package;~~

~~(b) Modified atmosphere packaging, in which the atmosphere of a package of food is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes reduction in the proportion of oxygen, total replacement of oxygen, or an increase in the proportion of other gases such as carbon dioxide or nitrogen;~~

~~(c) Controlled atmosphere packaging, in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, non-respiring food, and impermeable packaging material;~~

~~(d) Cook chill packaging, in which cooked food is hot filled into impermeable bags which have the air expelled and are then sealed or crimped closed. The bagged food is rapidly chilled and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens; or~~

~~(e) Sous vide packaging, in which raw or partially cooked food is vacuum packaged in an impermeable bag, cooked in the bag, rapidly chilled, and refrigerated at temperatures that inhibit the growth of psychrotrophic pathogens.~~

~~*Refuse* means solid waste not carried by water through the sewage system.~~

~~*Regulatory authority* means the local, state, or federal enforcement body or authorized representative having jurisdiction over the food establishment.~~

~~*Reminder* means a written statement concerning the health risk of consuming animal foods raw, undercooked, or without otherwise being processed to eliminate pathogens.~~

Remodeled means an existing structure that is converted from a non-food establishment to a retail food establishment; alterations, and/or additions to existing food establishments including food preparation areas; s, and changes, modifications, and extensions of plumbing systems but excluding purely cosmetic changes; ~~changes, modifications, and extensions of plumbing systems and, excluding routine maintenance.~~

~~*Re-service* means the transfer of food that is unused and returned by a consumer after being served or sold and in the possession of the consumer, to another person.~~

Restaurant means any business or food establishment that is primarily engaged in the sale of ready-to-eat food for immediate consumption. For the purpose of this definition, "primarily engaged" means having sales of ready-to-eat food for immediate consumption comprising at least 51 percent of the total sales, excluding the sale of liquor. (Section 3.06 of the Food Handling Regulation Enforcement Act).

~~*Restrict* means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with exposed food, clean equipment, utensils, linens, or unwrapped single-service or single-use articles.~~

~~*Restricted egg* means any check, dirty egg, incubator reject, inedible, leaker, or loss as defined in 9 CFR 590.~~

~~*Restricted use pesticide* means a pesticide product that contains the active ingredients specified in 40 CFR 152.175 Pesticides classified for restricted use, and that is limited to use by or under the direct supervision of a certified applicator.~~

~~*Risk* means the likelihood that an adverse health effect will occur within a population as a result of a hazard in a food.~~

~~*Safe materials* means:~~

~~(1) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food;~~

~~(2) An additive that is used as specified in § 409 of the Federal Food, Drug, and Cosmetic Act; or~~

~~(3) Other materials that are not additives and that are used in conformity with applicable regulations of the Food and Drug Administration.~~

Safe temperature means as applied to potentially hazardous food, temperatures of 41 degrees Fahrenheit (41°F)/ 5 degrees Celsius (5°C) or below, and 135 degrees Fahrenheit (135°F)/ 57 degrees Celsius (57°C) or above.

~~*Sanitization* means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of at least five logs, which is equal to a 99.999 percent reduction, of representative disease microorganisms of public health importance.~~

~~*Sealed* means free of cracks or other openings which permit the entry or passage of moisture.~~

~~*Service animal* means an animal such as a guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.~~

~~*Servicing area* means an operating base location to which a mobile food establishment or transportation vehicle returns regularly for such things as vehicle and equipment cleaning, discharging liquid or solid wastes, refilling water tanks and ice bins, and boarding food.~~

~~*Sewage* means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.~~

~~*Shellfish control authority* means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.~~

~~*Shellstock* means raw, in-shell molluscan shellfish.~~

~~*Shiga toxin-producing Escherichia coli (STEC)* means any E. coli capable of producing Shiga toxins (also called verocytotoxins). STEC infections can be asymptomatic or may result in a spectrum of illness ranging from mild non-bloody diarrhea, to hemorrhagic colitis (i.e., bloody diarrhea), to hemolytic uremic syndrome (HUS—a type of kidney failure). Examples of serotypes of STEC include: E. coli O157:H7; E. coli O157:NM; E. coli O26:H11; E. coli O145:NM; E. coli O103:H2; and E. coli O111:NM. STEC are sometimes referred to as VTEC (verocytotoxigenic E. coli) or as EHEC (Enterohemorrhagic E. coli). EHEC are a subset of STEC which can cause hemorrhagic colitis or HUS.~~

~~*Shucked shellfish* means molluscan shellfish that have one or both shells removed.~~

~~*Single-service articles* means tableware, carry-out utensils, and other items such as bags, containers, placemats, stirrers, straws, toothpicks, and wrappers that are designed and constructed for one-time, one-person use after which they are intended for discard.~~

~~*Single-use articles* means utensils and bulk food containers designed and constructed to be used once and discarded. Single-use articles includes items such as wax paper, butcher paper, plastic wrap, formed aluminum food containers, jars, plastic tubs or buckets, bread wrappers, pickle barrels, ketchup bottles, etc.~~

~~*Slacking* means the process of moderating the temperature of a food such as allowing a food to gradually increase from a temperature of -23°C (-10°F) to -4°C (25°F) in preparation for deep fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food such as shrimp.~~

~~*Smooth* means a food-contact surface that is free of pits and inclusions with clean ability equal to or exceeding that of (100-grit) number 3 stainless steel; a non-food contact surface of equipment equal to that of commercial grade hot-rolled steel free of visible scale; and a floor, wall or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.~~

Special event means an individual, company or group event, which may or may not be associated with an organized event, in which a person or entity that has no licensed commissary or an annual permit and holds an event to provide food to the public. ~~sets up a food booth in a parking lot, park or street and provides food to the public.~~ Special events are limited to no more than six (6) calendar dates within a prescribed six-month period and food establishments holding annual permits are excluded. The exclusions that apply to the definition of Food Establishment shall also be excluded from the definition of Special Event. A special event is restricted to Category II (Medium Risk) and Category III (Low Risk). ~~and Category II (Medium Risk).~~

~~*Tableware* means all eating, drinking, and serving utensils for table use such as flatware including forks, knives, and spoons; hollowware including bowls, cups, serving dishes, and tumblers; and plates.~~

~~*Temperature measuring device* means a thermometer, thermocouple, thermistor, or other device that indicates the temperature of food, air or water.~~

Temporary category I facility means a temporary food establishment that presents a high relative risk of causing food-borne illness, based upon food handling operations typically implicated in food-borne outbreaks and/or the type of population served. Temporary category I facilities include, but are not limited to, those where the following operations occur:

(1) Potentially hazardous foods are cooled at the commissary, as part of the food handling operation;

(2) Potentially hazardous foods are prepared at the commissary and held hot or cold for more than [twelve \(12\)](#) hours before serving;

(3) Prepared ahead potentially hazardous cooked and cooled foods must be reheated;

(4) Potentially hazardous foods are prepared for off-premises serving for which time-temperature requirements during transportation, holding and service are relevant; or

(5) Handling of raw ingredients with hand contact for ready-to-eat foods occurs as part of the food handling operations.

(6) An approved commissary is required for storage of food and single-use and single-service articles.

Temporary category II facility means a temporary food establishment that presents a medium relative risk of causing food-borne illness, based upon few food handling operations typically implicated in food-borne illness outbreaks. Temporary category II facilities include, but are not limited to, those where the following operations occur:

(1) Hot or cold foods are held at required temperatures for no more than [twelve \(12\)](#) hours and are restricted to same-day services;

(2) Foods are prepared from raw ingredients, using only minimal assembly; or

(3) Foods that require complex preparation (whether canned, frozen, or fresh prepared) are prepared in approved commissary or obtained from approved food-processing plants.

(4) An approved commissary is required for storage of food and single-use and single-service articles.

Temporary category III facility means a temporary food establishment that presents a low relative risk of causing food-borne illness, based upon few or no food handling operations typically implicated in food-borne illness outbreaks. Temporary category III facilities include, but are not limited to, those where the following operations occur:

(1) Only prepackaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved processing plant and handled only by the consumer;

(2) Only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or

(3) Only beverages (alcoholic and non-alcoholic) are served at the facility.

(4) An approved commissary is required for storage of food and single-use and single-service articles.

Temporary food establishment (TFE) means a food establishment (including existing restaurants, caterers, churches, community or school organizations, and volunteer or social groups) that operates at a fixed location for a period of no more than twenty-six (26) calendar dates within a prescribed six-month period in conjunction with a single or organized event and does not operate for more than 6 days in a 7-day calendar week (Monday – Sunday).

Temporary food establishment commissary (TFEC) means an approved commissary operated by a food establishment holding an annual permit, which is used by a temporary food establishment pursuant to a commissary sharing agreement to prepare food in advance or off-site for a particular event or series of events as authorized by a temporary food establishment permit. Food cannot be sold from the TFEC.

Temporary food establishment commissary permit means a permit issued to a temporary food establishment that has an approved commissary sharing agreement with a category I facility or a temporary food establishment that is unable to obtain a commissary sharing agreement.

Temporary food establishment permit means a permit issued to a temporary food establishment. An existing food establishment's annual facility permit is only transferable to a temporary kitchen on their own premises (outside their regular kitchen). This exemption to the temporary food establishment permit is valid for a period of no more than twenty-six (26) calendar dates within a prescribed six-month period in conjunction with a single or organized ~~[organized]~~ event. When annual permit holders operate temporary kitchens at premises other than their own, a temporary food establishment permit is required.

~~*Time/temperature control for safety food (formerly "potentially hazardous food" (PHF)).*~~

~~(1) Means a food that requires time/temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.~~

~~(2) Includes:~~

~~(a) An animal food that is raw or heat-treated; a plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixtures of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic in oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation; and~~

(b) Except as specified in subparagraph (3)(d) of this definition, a food that because of the interaction of its aw and pH values is designated as product assessment required (PA) in Table A or B of this definition:

~~Table A. Interaction of PH and AW for control of spores in food heat treated to destroy vegetative cells and subsequently packaged~~

~~Expand~~

aw values	pH: <u>4.6</u> or less	pH: > 4.6-5.6
<0.92	Non-TCS food[±]	Non-TCS food
>0.92-0.95	Non-TCS food	Non-TCS food
>0.95	Non-TCS food	PA

-

[±]TCS food means time/temperature control for safety food

[±]PA means product assessment required

~~Table B. Interaction of pH and aw for control of vegetative cells and spores in food not heat treated or heat treated but not packaged~~

~~Expand~~

aw values	pH: < <u>4.2</u>	pH: <u>4.2</u>-4.6	pH: > <u>4.6</u>
<0.88	Non-TCS food[±]	Non-TCS food	Non-TCS
0.88-0.90	Non-TCS food	Non-TCS food	Non-TCS
>0.90-0.92	Non-TCS food	Non-TCS food	PA
>0.92	Non-TCS food	PA	PA

-

[±]TCS food means time/temperature control for safety food

[±]PA means product assessment required

~~(3) Does not include:~~

~~(a) An air-cooled hard-boiled egg with shell intact, or an egg with shell intact that is not hard-boiled, but has been pasteurized to destroy all viable salmonellae;~~

~~(b) A food in an unopened hermetically sealed container that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;~~

~~(c) A food that because of its pH or aw value, or interaction of aw and pH values, is designated as a non-TCS food in table A or B of this definition;~~

~~(d) A food that is designated as product assessment required (PA) in table A or B of this definition and has undergone a product assessment showing that the growth or toxin formation of pathogenic microorganisms that are reasonably likely to occur in that food is precluded due to:~~

~~1. Intrinsic factors including added or natural characteristics of the food such as preservatives, antimicrobials, humectants, acidulants, or nutrients;~~

~~2. Extrinsic factors including environmental or operational factors that affect the food such as packaging, modified atmosphere such as reduced oxygen packaging, shelf life and use, or temperature range of storage and use, or~~

~~3. A combination of intrinsic and extrinsic factors; or~~

~~(e) A food that does not support the growth or toxin formation of pathogenic microorganisms in accordance with one of the subparagraphs (3)(a)–(3)(d) of this definition even though the food may contain a pathogenic microorganism or chemical or physical contaminant at a level sufficient to cause illness or injury.~~

USDA means the U.S. Department of Agriculture.

Utensil means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as kitchenware or tableware that is multiuse, single-service, or single-use; gloves used in contact with food; temperature sensing probes of food temperature measuring devices; and probe-type price or identification tags used in contact with food.

Vaporized drink means alcohol inhalation by administering ethanol or alcoholic beverages directly into the respiratory system through vaporizing or neutralizing devices.

Variance means a written document, issued by the regulatory authority, that authorizes a modification or waiver of one or more requirements of this Code if, in the opinion of

~~the regulatory authority, a health hazard or nuisance will not result from the modification or waiver.~~

~~Vending machine means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.~~

~~Vending machine location means the room, enclosure, space, or area where one or more vending machines are installed and operated and includes the storage areas and areas on the premises that are used to service and maintain the vending machines.~~

~~Ware washing means the cleaning and sanitizing of utensils and food contact surfaces of equipment.~~

~~Whole muscle, intact beef means whole muscle beef that is not injected, mechanically tenderized, reconstructed, or scored and marinated, from which beef steaks may be cut.~~

Wholesome means in sound condition, clean, free from adulteration and otherwise suitable for use as human food.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 97-CO-61, § I, 10-9-97; Ord. No. 2015-CO-074, 8-27-15; Ord. No. 2017-CO-031, 2-23-17; Ord. No. 2018-CO-081, 8-24-18)

Cross reference— Definitions generally, [§ 1-2](#).

- **Secs. 50-67—50-75. - Reserved.**
- **DIVISION 2. - COMPLIANCE PROCEDURES^[3]**

Footnotes:

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Cross reference— *Businesses, ch. 22.*

- **Sec. 50-76. - Permit—Required.**

(a) *Transferability; validity; expiration.* It shall be unlawful for any person to operate an annual or temporary food establishment or hold a special event within the county who does not possess a valid permit issued to him by the health officer. Only a person who complies with the requirements of this Code shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person or place to another person or place. A valid permit shall be posted in an area accessible to public view in every food establishment. All temporary food establishment/special event permits shall

expire on the date indicated on the application/permit. ~~All annual permits set to expire on November 30, 2018, shall be extended as follows:~~

~~a. Annual permits for category I facilities shall be extended to March 31, 2019.~~

~~b. Annual permits for category II facilities shall be extended to June 30, 2019.~~

~~c. Annual permits for category III facilities shall be extended to September 30, 2019.~~

~~Effective January 1, 2019, annual permits will expire each year according to risk group on the following dates:~~

~~Category I facilities: March 31.~~

~~Category II facilities: June 30.~~

~~Category III facilities: September 30.~~

(b) *Application; contents.* Any person desiring to operate a food establishment or hold a special event shall make written application for a permit on forms provided by the health officer and pay the required fee as set forth in [section 50-77](#) of this article. Applications to operate a food establishment shall be submitted at least [thirty \(30\)](#) calendar days before the date planned for opening the food establishment. Such application shall include; the applicant's full name and post office address and whether such applicant is an individual, firm, or corporation, and, if a partnership, the name of the partners, together with their addresses shall be included; the location and type of food establishment, ~~or special event;~~ or temporary food establishment, and the signature of the applicant. If the application is for a temporary food establishment/special event, it shall also include the inclusive dates of the proposed operation.

(c) *Approval; inspection.* No new permit to operate a food establishment shall be issued until such an establishment has been approved for licensure according to this Code and has been inspected as provided by ~~subsection 50-81(8-9).~~ ~~(1).~~ Whenever plans and specifications are required to be submitted to the health officer under [section 50-86](#) of this Code, the health officer shall inspect the food establishment prior to the start of the operations, to determine compliance with the approved plans and specifications and the requirements of this Code.

(d) *Renewals and change of ownership.* The ~~health~~ department may renew a permit for an existing food establishment or may issue a permit to a new owner of an existing food establishment after a properly completed application is submitted, reviewed, and approved, the fees set forth in [section 50-77](#) of this Code are paid, and an inspection shows that the establishment is in compliance with this article. A late fee of \$25.00 for a category III facility permit and \$75.00 for category II and \$100.00 for category I facility permits shall be assessed if the permit renewal form and applicable fees are not received by the health officer or post marked within [fifteen \(15\)](#) days of the permit expiration date.

Late fees shall double forty-five (45) days after the permit expiration date. After this period, any food establishment that continues to operate without a renewal permit shall be required to suspend operations.

~~(c) [Application.] Any person, organizing entity, or food establishment desiring a temporary food establishment/special event permit shall make proper application and otherwise comply with this Code. Permit application and payment are due at least two weeks prior to the event. If the permit application and applicable fees are received 8-13 days prior to the event, a late fee of \$10.00 for a temporary food establishment/special event category III permit and \$25.00 for a temporary food establishment/special event category II permit and \$50.00 for a temporary food establishment category I facility permit shall be assessed. Late fees shall double for temporary food establishment/special event permit applications that are received 1-7 days prior to the event.~~

(f) *Compliance with Code provisions.* The issuance of a permit to operate a food establishment or hold a special event does not relieve any person from the responsibility of complying with all applicable laws, ordinances, and regulations. Any permit holder, person, or operator who fails to comply with any applicable laws, ordinances or regulations, including those set forth in this Code, may be subject to suspension, revocation, fine, or injunctive relief.

~~(g) *Guidelines during COVID-19 pandemic.* All restaurants and bars holding a food permit in Winnebago County that are offering on-premises consumption, which includes indoor and/or outdoor dining, during the COVID-19 pandemic are required to comply with guidelines developed by the Winnebago County Health Department and the State of Illinois for safe operation of their facilities. Restaurants and bars that fail to comply with the guidelines, after receiving written notice of non-compliance and a reasonable opportunity to come into compliance, may have their food permits suspended pursuant to section 50-78 of this chapter. This section will sunset and no longer be in effect on August 24, 2020.~~

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 2015-CO-074, 8-27-15; Ord. No. 2017-CO-031, 2-23-17; Ord. No. 2018-CO-124, 11-9-18; Ord. No. 2018-CO-135, § B, 12-4-18; Ord. No. 2020-CO-046, 6-25-20)

- **Sec. 50-77. - Fee schedule.**

(a) Permits to operate a food establishment, ~~or~~ hold a special event, or temporary food event establishment shall be subject to a fee schedule as outlined in this section. Fees will be increased annually to be effective December 1 of each year starting in 2027~~5~~ based on the Illinois Department of Revenue Consumer Price Index (CPI), unless otherwise determined or limited by state law. The County Health Department shall calculate the new fees each year and submit to the County Clerk prior to December 1 of each year. Fee amounts will be rounded to the nearest whole dollar. If the CPI for the year is negative, fees will remain unchanged from the previous year.

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(1) *Permits.*

a. A category I permit shall be required for all category I facilities. This provision applies regardless of whether consumption is in, on, or off premises, and whether there is a charge for the food. ~~(this provision excludes private homes where food is prepared for individual family consumption).~~

b. A category II permit shall be required for all category II facilities. A category II permit shall also be required for all vehicle mounted food service facilities.

c. A category III permit shall be required for all category III facilities. A category III permit shall also be required for all vehicle mounted door-to-door sales facilities.

d. A temporary food establishment permit shall be required for all temporary event organizing entities and all temporary event food establishments participating in single or organized events.

e. A special event permit shall be required for all special events.

f. A special event permit shall be required for any event that is ~~only~~ providing bottled water. This includes events such as “IronMan”, “walk-a-thons”, etc. where bottled water is being provided for hydration. There is minimal risk associated with bottled water purchased from a wholesaler or an inspected retailer.

f. A temporary food establishment (TFE) that does not have a Commissary Sharing Agreement will require a separate permit for their associated commissary. ~~commissary permit shall be required for all temporary food establishments that have a commissary sharing agreement with a category I facility.~~

(e)-g. [Application.] Any person, organizing entity, or food establishment desiring a temporary food establishment/special event permit shall make proper application and otherwise comply with this Code. Permit application and payment are due at least two (2) weeks prior to the event. If the permit application and applicable fees are received 8—13 days prior to the event, a late fee of \$10.00 for a temporary food establishment/special event category III permit and \$25.00 for a temporary food establishment/special event category II permit and \$50.00 for a temporary food establishment category I facility permit shall be assessed. Late fees shall double for temporary food establishment/special event permit applications that are received 1—7 days prior to the event.

(2) (2) Annual permit fee schedule. Annual fee Schedule.

—a. The fee schedule for permits, re-inspections, plan reviews, change of owner, and in-house hearings will be based on units of service required to conduct the process. Registrations for Bed and Breakfast and Cottage Food will be based on a flat fee consistent with state law where applicable. annual permits is based on category risk and/or number of seats.

Category Food Risk	Number of Seats
Category I facility	50 or fewer
Category I facility	51—100
Category I facility	101—150
Category I facility	151—200
Category I facility	201 or more
Category II facility	N/A
Category III facility	N/A

Food Program Service	Unit of Service	Fee
Permits		
Category I/High Risk	<u>3</u>	\$ <u>863.16</u>
Category II/Medium Risk	<u>2</u>	\$ <u>575.44</u>
Category III/Low Risk	<u>1</u>	\$ <u>287.72</u>
Re-Inspections		
Category I/High Risk	<u>1</u>	\$ <u>287.72</u>
Category II/Medium Risk	<u>0.75</u>	\$ <u>215.79</u>
Category III/Low Risk	<u>0.5</u>	\$ <u>143.86</u>
Registrations		
Bed and Breakfast	<u>N/A</u>	\$ <u>200.00</u>
Cottage Food	<u>N/A</u>	\$ <u>50.00</u>
Organizing Entity	<u>N/A</u>	\$ <u>50.00</u>
Plan Reviews		
Category I/High Risk	<u>3</u>	\$ <u>863.16</u>

Category II/Medium Risk	<u>2</u>	\$ <u>575.44</u>
Category III/Low Risk	<u>1</u>	\$ <u>287.72</u>
Change of Owner/Request for Inspection		
Category I/High Risk	<u>2</u>	\$ <u>575.44</u>
Category II/Medium Risk	<u>1</u>	\$ <u>287.72</u>
Category III/Low Risk	<u>0.5</u>	\$ <u>143.86</u>
In-House Hearing		
Hearing - All Risks	<u>1</u>	\$ <u>287.72</u>

b. Fee schedule for re-inspections:

1. ~~The re-inspection fee for category I facilities needing more than one recheck inspection shall be \$200.00 per inspection.~~
2. ~~The re-inspection fee for category II facilities needing more than one recheck inspection shall be \$100.00 per inspection.~~
3. ~~The re-inspection fee for category III facilities needing more than one recheck inspection shall be \$50.00 per inspection.~~

~~(3) Temporary food establishment permit conditions and fee schedule.~~

- a. ~~Temporary food establishment/special event permits are not transferrable by date, location, menu, or food establishment.~~
- b. ~~Temporary food establishment/special event must provide dates of events with temporary food establishment permit/special event application.~~
- c. ~~The period of the six month temporary food establishment/special event permit is determined on a set calendar basis—May 1 to October 31 and November 1 to April 30.~~
- d. ~~Temporary food establishment operates at a fixed location for a period of up to 26 calendar dates within the prescribed six month period in conjunction with a single or organized event.~~
- e. ~~Special event operates at a fixed location limited to no more than six calendar dates within the prescribed six month period in conjunction with a single or organized event.~~
- f. ~~Temporary food establishment/special event permits are not intended to replace the annual permit required for food establishments that operate year round.~~

g. Temporary food establishment permits are designed for both seasonal type events and for organizations such as churches, clubs, Scouts, etc. that do not operate food establishments year-round but have an approved commissary kitchen.

h. The re-inspection fee for temporary food establishments/special events requiring recheck inspections on the same date as the initial inspection shall be \$25.00 for category III and \$50.00 for category II and \$75.00 for category I.

i. The organizing entity must obtain a \$50.00 permit for each organized event.

j. A special event permit holder may only prepare potentially hazardous foods for the same day of service on site. Cooking, cooling and reheating of potentially hazardous foods for subsequent days of service is not permitted.

Fee schedule for temporary food establishment/special event establishment/temporary food establishment commissary permits:

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<i>Temporary food establishment permit (6 month period)</i> ■ <i>May 1st—October 31st or</i> ■ <i>November 1st—April 30th</i>	Place including commissary consistent	Menu items consistent	Category III LOW RISK
Temporary establishment A: Up to 4 dates/6 months	Yes	Yes	\$50.
Temporary establishment B: 5—8 dates/6 months	Yes	Yes	\$65.
Temporary establishment C: 9—12 dates/6 months	Yes	Yes	\$80.
Temporary establishment D: 13—20 dates/6 months	Yes	Yes	\$95.
Temporary establishment E: 20—26 dates/6 months	Yes	Yes	\$110.
Temporary establishment F: 1 date/12 months	Yes	Yes	\$50.

<i>Temporary food establishment permit (6 month period)</i> ■ <i>May 1st—October 31st or</i> ■ <i>November 1st—April 30th</i>	Place including commissary consistent	Menu items consistent	Category III LOW RISK
<i>Special event establishment permit (6 month period)</i> ■ <i>May 1st—October 31st or</i> ■ <i>November 1st—April 30th</i>			
Special event establishment A: 1 date/6 months	No	Yes	\$50.
Special event establishment B: 2—3 dates/6 months	No	Yes	\$100
Special event establishment C: 4—6 dates/6 months	No	Yes	\$150
<i>Temporary food establishment commissary permit (6 month period) **</i> ■ <i>May 1st—October 31st or</i> ■ <i>November 1st—April 30th</i>	Yes	Yes	\$175

[Notes:]

~~The~~These fees are applicable to any person that falls into the above categories, including, but not limited to, public or civic agencies or organizations and not-for-profit organizations.

**A commissary sharing agreement and/or a temporary food establishment commissary permit is required for all temporary food establishments that do not have an approved commissary. Temporary food establishments with complex, high risk food preparation that do not have an approved commissary or a category I facility permit are required to

apply and pay the ~~\$287.72~~~~175.00~~ fee for an individual temporary food establishment commissary permit.

C. Temporary Food Establishment

Temporary Food Establishment (6 Month Period*) * May 1st - October 31st or * November 1st - April 30th	Location (including commissary) Consistent	Menu Items Consistent	Category I High Risk	Category II Medium Risk	Category III Low Risk
Temporary Food Establishment A: 1 event/6 months	Yes	Yes	\$ 143.86	\$ 95.91	\$ 47.95
Temporary Food Establishment B: 2 - 4 events/6 months	Yes	Yes	\$ 172.63	\$ 115.09	\$ 57.54
Temporary Food Establishment C: 5 - 8 events/6 months	Yes	Yes	\$ 201.40	\$ 134.27	\$ 67.13
Temporary Food Establishment D: 9 - 12 events/6 months	Yes	Yes	\$ 230.18	\$ 153.45	\$ 76.73
Temporary Food Establishment E: 13 - 20 events/6 month	Yes	Yes	\$ 258.95	\$ 172.63	\$ 86.32
Temporary Food Establishment F: 21 - 26 events/6 month	Yes	Yes	\$ 287.72	\$ 191.81	\$ 95.91

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D. Special Events

Special Event (6 Month Period) * May 1st - October 31st or * November 1st - April 30th	Location (including commissary) Consistent	Menu Items Consistent	Category II Medium Risk	Category III Low Risk
Special Event A: 1 event/6 months	Yes	Yes	\$ 95.91	\$ 47.95
Special Event B: 2 - 3 events/6 months	Yes	Yes	\$ 115.09	\$ 57.54
Special Event C: 4 - 6 events/6 months	Yes	Yes	\$ 134.27	\$ 67.13

(b) *Variance.* A fee of \$75.00 shall be paid with each submitted variance application.

~~(c) *Plan review.* The following fees based upon risk shall be applicable for plan review:~~

~~Category I facility: \$400.00.~~

~~Category II facility: \$300.00.~~

~~Category III facility: \$200.00.~~

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 97-CO-61, § II, 10-9-97; Ord. No. 2001-CO-63, 10-25-01; Ord. No. 2003-CO-147, 10-23-03; Ord. No. 2008-CO-48, 8-14-08; Ord. No. 2009-CO-52, 8-27-09; Ord. No. 2010-CO-73, 9-2-10; Ord. No. 2015-CO-074, 8-27-15; Ord. No. 2017-CO-031, 2-23-17; Ord. No. 2018-CO-081, 8-24-18; Ord. No. 2018-CO-135, § B, 12-4-18)

- **Sec. 50-78. - Same—Suspension.**

(a) A permit may be temporarily suspended by the health officer whenever the permit holder or operator has failed to comply with the provisions of this code and with any written notice issued in accordance with the enforcement procedure as established by the health officer.

(b) Failure to provide dates of events and/or misrepresentation of frequency of events will result in suspension of the temporary food establishment/special event permit. More than one incident of misrepresentation will result in a food establishment/person being denied a temporary food establishment/special permit for any type of event for up to [eighteen \(18\)](#) months, depending on the circumstances.

(c) If suspension proceedings are initiated or a food establishment/person is denied a permit as provided above, the permit holder or operator shall be notified in writing that, upon service of the notice, the permit is immediately suspended and all operations must cease. The notice shall state that an opportunity for a hearing will be provided if a written request for a hearing is filed with the health officer by the permit holder no later than ten [\(10\)](#) calendar days after service of the suspension or denial notice.

(d) Notwithstanding the other provisions of this Code, whenever the health officer finds that insanitary or other conditions in the operation of a food establishment which, in his or her judgment, constitute a substantial hazard to the public health, he or she may, without warning, notice or hearing, issue a written order to the permit holder or operator citing such conditions, specifying the corrective action to be taken and specifying the time period within which such action shall be taken. If deemed necessary, such order shall state that the permit is immediately suspended and all food operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith. The notice shall also state that the permit holder or operator has the opportunity for a hearing, provided a written request for a hearing is filed with the health officer no later than ten [\(10\)](#) calendar days after service of the written order. Any person whose permit has been suspended may make application for a reinspection for the

purpose of reinstatement of the permit. Within ten (10) calendar days following receipt of a written request for reinspection, including a signed statement by the permit holder that in his or her opinion the conditions causing suspension of the permit have been corrected, the health officer shall make a reinspection. If the permit holder is complying with the requirements of this Code, the permit shall be reinstated.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 2017-CO-031, 2-23-17)

- **Sec. 50-79. - Revocation; fine; injunction.**

(a) If an application for re-inspection to reinstate a suspended permit is not filed with the health officer within thirty (30) days of the date of the original suspension notice, the permit shall be revoked. The permit holder or operator must then make application for a new permit in accordance with the provisions of subsection 50-76(2).

(b) Revocation of permits. The health authority may revoke any permit for serious or repeated violations of this article or for interference with the health officer in the performance of his duties. Prior to such action, the health authority shall notify in writing the person in charge advising him of the intended revocation. Any time prior to revocation, the person in charge may file with the health authority a written request for a hearing to show cause why such revocation should not ensue.

(c) It shall be unlawful for a person to operate a food establishment without a valid permit or during a period of suspension or revocation. Any person convicted of this offense or the violation of any other section of this article shall be fined not less than \$50.00 or more than \$1,000.00 for each day of violation.

(d) In addition to a fine or other remedy the health officer may seek an injunction against any permit holder, person, or operator violating this article as provided in 410 ILCS 625/1.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 2018-CO-135, § B, 12-4-18)

- **Sec. 50-80. - Hearings.**

(a) An administrative hearing shall be provided by the health officer when requested by the permit holder or person affected by an order or decision under this article. Such request shall be in writing and shall be filed with the health officer within the limits established in the most recent notice issued by the health officer.

(b) All hearings provided for in this article shall be conducted at the office of the health officer on a date and time specified by him upon notice to all responsible persons. Hearings shall be afforded within five business days after receiving a written request for hearing from (a) a person who is excluded by the health department from working in a food establishment; (b) a permit holder or person whose food is subject to a hold order; or (c) a permit holder whose permit is summarily suspended in accordance with the

provisions of [section 50-78](#). Hearings shall be afforded within [thirty \(30\)](#) calendar days after receiving a written request for all other matters [unless otherwise specified in this Code](#).

(c) The notice of hearing shall contain the following information: (a) time, date, and place of the hearing; (b) purpose of the hearing; (c) facts that constitute the basis or reason for the hearing including specific details of violations or allegations; (d) rights of the respondent, including the right to be represented by counsel and to present witnesses and evidence on the respondent's behalf; and (e) consequences of failing to appear at the hearing.

(d) A complete record of a hearing shall be prepared under the direction of the health officer and maintained as part of the health department's records for the food establishment. A verbatim transcript of the hearing will not be prepared unless required by law.

(e) The health officer shall make a final finding based upon the complete hearing record and shall sustain, modify, or rescind any notice or orders considered in the hearing. The health officer shall provide each person with a written decision within ten days from the hearing. If any person fails to appear for a hearing, the hearing notice shall be deemed an order to comply with all provisions included in such notice. A recheck inspection shall be conducted no later than ten days from the date of the hearing notice to determine compliance.

(f) Any failure to provide a hearing shall not be a defense for any prosecution for enforcement of this article.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 2018-CO-135, § B, 12-4-18)

- **Sec. 50-81. - Inspections and inspection report.**

(a) For new construction or change in ownership of an existing food establishment, proof of final inspection by the applicable building department, fire department and sanitary district shall be provided to the health department prior to issuance of a permit.

(b) The frequency of inspection for existing food establishments shall be determined by facility risk classification as follows:

Category I facility—Three times per year,

Category II facility—One time per year,

Category III facility—One time every two [\(2\)](#) years.

(c) Whenever the health officer makes an inspection of a food establishment and discovers that any of the requirements of this article have been violated, he shall notify

the permit holder or operator of such violations by means of an inspection report form or written notice, or both. In such notification the health officer shall:

(1) Set forth the specific violations found including the category of violation (Priority Item, Priority Foundation Item, or Core Item) and ; state the correction to be made. ~~and set forth a weight point value for each violation.~~ Inspection remarks shall be written to reference, by section number, the section violated.

~~(2) Establish a food establishment rating score and inform the permit holder or operator of the subsequent steps in the enforcement procedure regarding a specific and reasonable period of time for corrections, or any other steps which may be deemed necessary to achieve compliance; and correction of the violations shall be accomplished with the period specified provided, however, that if imminent health hazard exists food operations shall immediately cease. Operations shall not resumed until authorized by the health officer.~~

~~(23)~~ State that in the case of temporary food establishments violations must be corrected within a specific time period not to exceed twenty-four (24) hours. Failure to comply with such notice shall result in immediate suspension of the permit.

~~(34)~~ State that failure to comply with any notice issued in accordance with the provisions of this article may result in the initiation of permit suspension hearings.

~~(45)~~ State that an opportunity to appeal from any notice or inspection finding will be provided if a written request for a hearing is filed with the notice of correction or within ten days following any order to cease operations.

~~(56)~~ State that whenever a food establishment is required under the provisions of this section to cease operations, it shall not resume operations until it is shown on re-inspection that conditions responsible for the ceasing of operations no longer exist. Opportunity for inspection shall be offered within a reasonable time.

(7) Notices provided for under this section shall be served as set forth in section 8-8 of the ~~202213~~ FDA Food Code, as adopted. The completed inspection report form is a public document, and a copy of such form shall be filed with the records of the health officer and shall be made available to the public according to law.

8) The ~~Winnebago County Health~~ Department, its health officer, or any of its designees, after showing proper identification, shall have access at any time to a facility or event regulated by this Code for the purpose of inspection. The aforementioned officials and/or their designees shall be permitted to examine all areas and records of the facility or event which are reasonably necessary to its inspection or investigation. Denial of access as herein provided shall be deemed an interference with the Health Authority in the performance of its duties, provided that the Health Authority has presented proper identification, if requested.

9) Inspections shall also be required before the issuance of any new permit and, in order to receive a permit, the inspection must demonstrate no Priority or Priority Foundation Violations critical violations and the facility or event must be in full compliance with structural and equipment requirements.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 2018-CO-135, § B, 12-4-18))

• **Sec. 50-82. -~~Reserved.~~ Waiver or Reduction of Fee.**

- The ~~Winnebago County Public Health Administrator~~health officer has the authority to waive or reduce any permit, license, or service fee under this Code, that is not otherwise required under municipal, federal or state law, if the circumstances, in the ~~health officer's~~Administrator's sole discretion, demonstrate due cause to warrant granting such waiver or reduction. Any and all such requests for reduction or waiver for a permit, license or service fee, shall be made in writing on a form provided by the Department and shall set forth the particular facts that would support a finding of due cause for relief, such as unforeseen financial hardship. Any and all such requests must be sworn to under penalty of perjury before a notary public and contain sufficient supporting documentation that relates to the request for relief. Any requests that are not so notarized or fail to attach sufficient supporting documentation necessary for the ~~health officer's~~ ~~Public Health Administrator's~~ review shall be considered non-compliant and shall be summarily denied by the ~~Administrator~~health officer.

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- In the event the ~~Administrator~~health officer denies the request for waiver or reduction, whether the request is summarily denied for being non-compliant with the aforementioned procedural requirements or is denied following the ~~health officer's~~Administrator's review of the request, the ~~Administrator~~ health officer shall notify the petitioner in writing of the decision via ~~electronic mail (read receipt) and regular first-class U.S. mail certified U.S. Mail~~ within ten (10) business days thereof. The petitioner may thereafter file a written request for review with the Winnebago County Board of Health. Such request for review shall be filed no later than fourteen (14) business days after the date of the ~~Administrator's~~health officer's ~~issuance~~mailing of the notice of denial. The ~~H~~hearing shall be held within forty-five (45) days after the written request for review has been filed. The Board of Health shall make its written findings and recommendations within five (5) business days after the date of the hearing and shall cause said written findings and recommendations to be mailed to the Petitioner via ~~electronic mail (read receipt) and regular first-class U.S. mail certified U.S. Mail~~ within five (5) business days of its decision.

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Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-82, which pertained to examination and condemnation of foods and derived from Ord. No. 95-CO-40, 7-27-95. Ord. No. _____ adopted _____, enacted a fee waiver and reduction process.

• **Sec. 50-83. - Microbiological standards.**

Microbiological standards referred to in this section shall be established to be used by the health officer as a guideline to ensure that food products offered in food establishments maintain a high level of quality, wholesomeness and palatability and to protect against food-borne disease due to pathogenic bacterial contamination. Microbiological standards may be subject to change by those establishing the standards shown in Reference No. 1 as new data and testing procedures become available.

(Ord. No. 95-CO-40, 7-27-95)

- **Sec. 50-84. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-84, which pertained to procedures when infection is suspected and derived from Ord. No. 95-CO-40, 7-27-95.

- **Sec. 50-85. - Outside jurisdiction.**

Food and food products may be delivered to the county or provided to food establishments within the county either directly or indirectly. These foods and food products may be sold within the county if such food products conform to the provisions of this article or substantially equivalent provisions and if the person providing such foods or food products also conforms. To determine the extent of compliance with such provisions, the health officer may require reports from the providers of such foods and food products as the health officer may establish. The failure to comply with reports or this article makes such persons liable for fines or injunctions as provided by [section 50-79](#).

(Ord. No. 95-CO-40, 7-27-95)

- **Sec. 50-86. - Plan review.**

When a food establishment is hereafter constructed or remodeled, or when an existing structure is converted for use as a food establishment, properly prepared plans and specifications for such construction, remodeling, or alteration showing layout, arrangements, and construction materials of the work areas and the location, size, and type of fixed equipment and facilities, and any other information that may be needed to complete approval of the plans, shall be submitted before such work is started. Fees for plan review, as set forth in [section 50-77](#), must be paid at the time of submission.

The health officer shall approve the plans and specifications if they meet the requirements of this article. No food establishment shall be constructed, extensively remodeled, or converted except in accordance with the plans and specifications approved by the health officer. Submission requirements for equipment, construction, and installation plans are provided in the county health department "Food Service Construction Requirements" guide, which is on file in the county clerk's office, and in [section 50-132](#).

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 97-CO-61, § III, 10-9-97; Ord. No. 2001-CO-63, 10-25-01; Ord. No. 2003-CO-147, 10-23-03; Ord. No. 2008-CO-48, 8-14-08; Ord. No. 2009-CO-52, 8-27-09; Ord. No. 2010-CO-73, 9-2-10; Ord. No. 2015-CO-074, 8-27-15; Ord. No. 2018-CO-135, § B, 12-4-18)

- **Sec. 50-87. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-87, which pertained to manager certification and derived from Ord. No. 95-CO-40, 7-27-95.

- ~~**Sec. 50-88. - Interpretation, purpose, conflict.**~~

~~(a) The provisions of this article shall be held to be the minimum requirements for the promotion of public health, safety and general welfare.~~

~~(b) In any case where a provision of this article is found to be in conflict with a provision of any local, state or federal regulations in force in the incorporated or unincorporated areas of the county existing on the effective date of this article, the provisions which establish the higher standard for the promotion and protection of the health and safety of the people of the county shall prevail.~~

~~(Ord. No. 95 CO 40, 7 27 95)~~

- ~~**Sec. 50-89. - Adoption of federal and state regulations.**~~

~~The inspection of food establishments and retail stores shall be carried out in accordance with this article, the 2013 FDA Food Code, and the current and subsequent revisions and amendments of the Illinois Department of Public Health's Illinois Food Code Part 750. To the extent that any of these regulations are inconsistent, the most stringent regulation will apply. Three copies of each publication shall be on file in the office of the county clerk. Copies are also available for review online at no charge.~~

~~(Ord. No. 95 CO 40, 7 27 95; Ord. No. 2018 CO 135, § B, 12 4 18)~~

- **Secs. 50-90—50-100. - Reserved.**

- **DIVISION 3. - RESERVED^[4]**

Footnotes:

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Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed Division 3 § 50-101—50-104, which pertained to personnel and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Secs. 50-101—50-115. - Reserved.**
- **DIVISION 4. - RESERVED^[5]**

Footnotes:

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Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed Division 4, §§ 50-116—50-121, which pertained to food care and derived from Ord. No. 95-CO-40, July 27, 1995; Ord. No. 97-CO-61, §§ IV—VII, October 9, 1997.

- **Secs. 50-116—50-130. - Reserved.**
- **DIVISION 5. - EQUIPMENT AND UTENSILS**
- **Sec. 50-131. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-131, which pertained to materials and derived from Ord. No. 95-CO-40, 7-27-95.

- **Sec. 50-132. - Design and fabrication.**

(a) All equipment installed in new or remodeled facilities, and all replacement equipment hereafter installed, shall meet or exceed the design and fabrication standards set by the National Sanitation Foundation or the equivalent.

(b) When a sink is needed for the washing or preparation of food, a separate sink shall be installed solely for that purpose.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 2018-CO-135, § B, 12-4-18)

- **Sec. 50-133. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-133, which pertained to equipment installation and location and derived from Ord. No. 95-CO-40, 7-27-95.

- **Secs. 50-134—50-145. - Reserved.**

- **DIVISION 6. - RESERVED^[6]**

Footnotes:

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Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed Division 6, §§ 50-146—50-148, which pertained to cleaning and sanitizing and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Secs. 50-146—50-160. - Reserved.**

- **DIVISION 7. - RESERVED^[7]**

Footnotes:

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Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed Division 7, §§ 50-161, 50-162, which pertained to handling and storage of cleaned equipment and utensils and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Secs. 50-161—50-175. - Reserved.**

- **DIVISION 8. - SANITARY FACILITIES AND CONTROLS**

- **Sec. 50-176. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-176, which pertained to water supply and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Sec. 50-177. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-177, which pertained to sewage disposal and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Sec. 50-178. - Plumbing.**

All plumbing shall be sized, installed and maintained in accordance with all applicable provisions of state and local laws, ordinances and regulations. There shall be no cross connection between the safe water supply and an unsafe or questionable water supply,

or any source of pollution through which the safe water supply might become contaminated.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 2018-CO-135, § B, 12-4-18)

- **Sec. 50-179. - Reserved.**

§ 50-179, which pertained to toilet facilities and derived from Ord. No. 95-CO-40, 7-27-95.

- **Sec. 50-180. - Lavatory facilities.**

(a) Lavatories shall be conveniently located within or immediately adjacent to all toilet rooms or vestibules. Hand sinks shall also be located to permit convenient use by all employees in food preparation and utensil washing areas. A hand sink shall be located within five feet and within the same room/area as a dish machine. Hand sink(s) is/are required to be no more than twenty (20) unobstructed linear feet from any food preparation or service area. Hand-washing sinks are required at all bars, customer self-serve areas including but not limited to convenience stores, lodging breakfast facilities, and buffets where customers prepare and dispense their own potentially hazardous foods. Sinks used for food preparation or washing equipment and utensils shall not be used for handwashing. Toilet facilities with associated lavatories and hand sinks shall be accessible to employees at all times.

(b) Each lavatory shall be provided with hot and cold running water tempered by means of a mixing valve or combination faucet. Any slow closing or metering faucet used shall provide a flow of water for at least fifteen (15) seconds without the need to reactivate the faucet. Steam mixing valves are prohibited.

(c) A supply of hand cleansing soap or detergent shall be available at each lavatory. A supply of sanitary towels or a hand drying device providing heated air shall be conveniently located near each lavatory. The use of common towels is prohibited. If disposable towels are used, covered waste receptacles shall be conveniently located near the hand washing facilities.

(d) Lavatories, soap dispensers, hand drying devices and all related facilities shall be kept clean and in good repair.

(e) Signs reminding employees to wash their hands before returning to work shall be posted in toilet rooms and near lavatories.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 2017-CO-031, 2-23-17)

- **Sec. 50-181. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-181, which pertained to garbage and refuse and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Sec. 50-182. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-182, which pertained to insect and rodent control and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Secs. 50-183—50-195. - Reserved.**

- **DIVISION 9. - CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES**

- **Sec. 50-196. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-196, which pertained to floors and derived from Ord. No. 95-CO-40, July 27, 1995.

- ~~**Sec. 50-197. - Walls and ceilings.**~~

~~(a) *Generally.* Walls and ceilings, including doors, windows, and similar enclosures shall be maintained in good repair.~~

~~(b) *Construction.* The walls, including non-supporting partitions, wall coverings, and ceilings of walk-in refrigeration units, food preparation areas, food storage areas, equipment and utensil washing areas, toilet rooms, and vestibules shall be smooth, non-absorbent, easily cleanable, and preferably light colored or a surface on which dirt can be easily seen and removed. Concrete or pumice blocks used for interior wall construction in these locations shall be finished and sealed to provide an easily cleanable surface.~~

~~(c) *Exposed rafters.* Studs, joists, and rafters shall not be exposed in food preparation areas, utensil washing areas, toilet rooms, and vestibules. If exposed in other rooms, they shall be finished to provide an easily cleanable service.~~

~~(d) *Utility service lines.* Exposed utility service lines and pipes shall be installed in such a way that does not obstruct or prevent cleaning of the walls or ceiling. In all new or extensively remodeled establishments, all utility service lines shall be concealed within the structure to as great an extent as possible.~~

~~(e) *Attached equipment.* Light fixtures, vent covers, wall-mounted fans, decorative materials, and similar equipment attached to walls and ceilings shall be easily cleanable and shall be maintained in good repair.~~

~~(f) *Covering materials.* Covering materials such as sheet metal, linoleum, vinyl, and similar materials shall be easily cleanable and non-absorbent and shall be attached and sealed to the wall and ceiling surface so as to leave no open spaces or cracks.~~

~~(Ord. No. 95-CO-40, 7-27-95; Ord. No. 2018-CO-135, § B, 12-4-18)~~

• **Sec. 50-198. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-198, which pertained to maintenance and cleaning and derived from Ord. No. 95-CO-40, July 27, 1995.

• **Sec. 50-199. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-199, which pertained to lighting and derived from Ord. No. 95-CO-40, July 27, 1995.

• **Sec. 50-200. - Ventilation.**

All ventilation systems shall be installed and maintained in accordance with all applicable provisions of state and local laws, ordinances and regulations.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 2018-CO-135, § B, 12-4-2018)

• **Sec. 50-201. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-201, which pertained to dressing rooms and lockers and derived from Ord. No. 95-CO-40, July 27, 1995.

• **Sec. 50-202. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-202, which pertained to poisonous and toxic materials and derived from Ord. No. 95-CO-40, July 27, 1995.

• **Sec. 50-203. - Premises.**

(a) *Generally.* The general standard for the food establishment premises are as follows:

(1) The food establishment and all parts of the property used in connection with the operation of the food establishment shall be kept neat, clean, and free of litter, rubbish, and unnecessary articles.

(2) The walking and driving surface of all exterior areas of the food establishment shall be surfaced with concrete or asphalt or with gravel or similar material effectively treated

to facilitate maintenance and minimize dust. These surfaces shall be graded to drain and shall be kept clean.

(3) Only articles necessary to the operation and maintenance of the food establishment shall be stored on the premises.

(4) The travel of unnecessary persons through the food preparation and utensil washing areas and the presence in those areas of person not authorized by the management or person in charge is prohibited.

(b) *Laundry facilities.* The standards for laundry facilities are as follows:

(1) No laundry operation shall be conducted, except that linens, uniforms, and aprons used in the food establishment may be laundered on the premises. If such items are laundered on the premises, an approved gas or electric dryer shall be provided and used.

(2) Laundry facilities shall be located separate from food preparation and utensil and equipment washing areas and shall be enclosed with a self-closing door.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 97-CO-61, § VIII, 10-9-97; Ord. No. 2018-CO-135, § B, 12-4-18)

- **Secs. 50-204—50-215. - Reserved.**

- **DIVISION 10. - OTHER OPERATIONS**

- **Sec. 50-216. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-216, which pertained to generally and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Sec. 50-217. - Mobile food units.**

Plan review and inspections for mobile food units shall be in accordance with the FDA Food Code Mobile Food Establishment Matrix, as contained in the ~~2013~~2022 FDA Food Code. Mobile food units shall operate from a commissary or other fixed service building that is constructed and operated in compliance with applicable sections of this article for the purpose of cooking, obtaining water, food, and other supplies, for emptying and disposing of wastes, and for sanitary maintenance of the mobile food unit.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 2018-CO-135, § B, 12-4-18)

- **Sec. 50-218. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-218, which pertained to limited food establishments and derived from Ord. No. 95-CO-40, July 27, 1995.

- **Sec. 50-219. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-219, which pertained to seasonal produce stands and derived from Ord. No. 95-CO-40, July 27, 1995.

(Ord. No. 95-CO-40, 7-27-95)

- **Sec. 50-220. - Vending machine operations.**

(a) *Generally.* All food offered for sale through vending machines shall be manufactured, processed and prepared in commissaries of establishments which comply with all applicable state and local laws, rules and regulations. All food shall be stored and packaged in clean, protective containers and shall be handled, transported and vended in a sanitary manner. Fresh fruits which may be eaten raw without peeling may be dispensed unpackaged but must have been thoroughly washed in potable water at the original packing plant or immediately before being placed in the vending machine. Condiments provided for service in conjunction with food dispensed by a vending machine shall be packaged in individual portions in single-service containers or shall be dispensed from approved dispensers which are washed, sanitized and filled at the commissary. All vending machines will be required to register at no cost. The registration will include the list of foods contained in the vending machine, hand hygiene practices, location of the vending machine(s), and the location of associated commissary. The commissary must be permitted as outlined in section 50-76.

(b) *Potentially hazardous food.* Potentially hazardous food offered for sale through vending machines shall be dispensed to the consumer in the individual original container or wrapper into which it was placed at the commissary or at the manufacturer's or processor's plant, or such products shall be dispensed into single-service containers from bulk containers which were filled at the commissary or at the manufacturer's or processor's plant. In those vending machines which dispense potentially hazardous food from bulk, the bulk supplies of such food shall be transferred only to bulk vending machine containers and appurtenances which have been cleaned and sanitized. Potentially hazardous food within the vending machine ~~must~~ be maintained at the following temperatures:

- Refrigerated Machines must maintain PHF at or below 41°F (5°C) and cannot exceed 41°F (5°C) for more than 30 minutes for restocking and/or servicing.
- Hot- holding Machines must maintain PHF at or above 135°F (57°C) and cannot fall below 135°F (57°C) for more than 120 minutes for restocking and/or servicing.

~~a temperature of 41 degrees Fahrenheit or below, or 140 degrees Fahrenheit or above, whichever is applicable; provided that exceptions may be made for the actual time required to load or service the machine; recovery rate of at least 140 degrees Fahrenheit after filling shall not exceed thirty (30) minutes.~~ Vending machines dispensing potentially hazardous food shall be provided with adequate refrigeration or heating units, or both, the thermostatic controls which ensure maintenance of applicable temperature at all times. In the event of a power failure or other cause which interrupts the operation of a vending machine, the vending machine shall have a control mechanism which prevents the machine from dispensing any potentially hazardous food until serviced by the operator. Hot food vending machines designed to heat food through the 41-degree Fahrenheit to ~~135~~40-degree Fahrenheit temperature range shall also be equipped with automatic controls which render the machine incapable of vending potentially hazardous food until serviced by the operator if heating through this temperature range is not accomplished in 120 minutes or less.

(c) *Cleaning and sanitizing.* All multiuse containers or parts of vending machines which come into contact with potentially hazardous food shall be removed from the machine daily and shall be thoroughly cleaned and sanitized at the commissary or other approved facility. Such parts shall, after sanitizing, be protected from contamination. All parts of vending machines which come into direct contact with other than potentially hazardous food shall be thoroughly cleaned. The frequency of such cleaning shall be approved by the health officer, based upon the type of food product being dispensed. A record of such cleaning operations shall be maintained by the operator for each machine and shall be made available, upon request, at the time of inspection and shall be current for at least the past thirty (30) days.

(d) *Machine location.* Locations of machines shall be decided according to the following:

(1) Each vending machine shall be located in a room, area, or space which can be maintained in a clean condition and which is protected from overhead leakage or condensation from water, waste, or sewer pipes. The immediate area in which the machine is located shall be well lighted. Each vending machine shall be so located that the space around and under the machine can be easily cleaned and maintained, and so as to prevent insect and rodent harborage.

(2) Handwashing facilities, including hot and cold or tempered running water, soap and approved hand drying devices shall be convenient to the machine location and shall be available for use by employees servicing or loading food vending machines.

(e) *Exterior construction.* Requirements for exterior construction are as follows:

(1) The vending machine shall be of steady construction, and the exterior shall be so designed, fabricated, finished, and maintained so as to facilitate it being kept clean, and to prevent the entrance of insects and rodents. The exterior of the machine shall be kept clean. Door and panel access openings to the food and container storage spaces of the

machine shall be tightfitting, and if necessary, gasketed, so as to prevent the entrance of dust, moisture, insects and rodents. All ventilation louvers or openings into vending machines shall be effectively screened. Screening material for openings into food and container storage spaces of the machine shall not be less than 16 mesh to the inch.

(2) Unless the vending machine is sealed to the floor or counter so as to prevent seepage underneath, or can be easily moved by one person, the machine shall be designed and installed with legs or side panels which provide an unobstructed clearance of six inches between the machine base [base] and the floor, or the machine shall be mounted on coasters, rollers or gliders which permit it to be easily moved.

(3) All service connections through an exterior wall of the machine, including water, gas, electrical and refrigeration connections, shall be grommeted or closed to prevent the entrance of insects and rodents.

(f) *Interior construction.* Interior construction shall meet the following requirements:

(1) All food contact surfaces of vending machines shall be smooth, in good repair and free of breaks, corrosion, open seams, cracks and chipped places. All joints and welds shall be smooth, and all internal angles and corners of such surfaces shall be rounded to facilitate cleaning. All food contact surfaces of vending machines shall be constructed of nontoxic, corrosion-resistant, and nonabsorbent materials.

(2) All nonfood contact surfaces of the interior of vending machines shall be so designed and constructed as to permit easy cleaning, and to facilitate maintenance operations. Inaccessible surfaces or areas shall be minimized.

(3) The delivery tube or chute and orifice of all bulk food and beverage vending machines shall be protected from normal manual contact, dust, insects, rodents and other contamination. The vending stage shall be provided with a tightfitting, self-closing door or cover which is kept closed, except when food is being removed.

(g) *Water.* Use of water shall be according to the following requirements:

(1) Water used as a food ingredient shall be piped to the vending machine under pressure or brought to the vending machine in portable containers which have been filled in a sanitary manner directly from an approved water supply outlet at the commissary or other approved location. Ingredient water shall not be transferred from one container to another at the machine location. Containers for the storage of ingredient water or ice, which are not a part of the closed system shall be designed and maintained as food contact surfaces. Water containers shall be cleaned and sanitized at the commissary or other approved location after each use. Such containers shall be protected from contamination from the time of sanitizing until placed in the vending machine.

(2) All plumbing connections and fittings shall be installed in accordance with state and local plumbing regulations.

(h) *Food protection.* Food, while in transit to the vending machine location, shall be protected from the elements, dirt, dust, insects, rodents and other contamination. Similar protection shall be provided for single-service articles, and for the food contact surfaces of equipment, containers, and devices in transit to machine locations. Potentially hazardous food shall be maintained at a temperature of 41 degrees Fahrenheit or below, or ~~135-40-d~~degrees Fahrenheit or above prior to being loaded into the delivery vehicle and while in transit to the machine location. If potentially hazardous food is stored at machine locations, the applicable safe temperature shall be maintained during storage.

(Ord. No. 95-CO-40, 7-27-95; Ord. No. 97-CO-61, § IX, 10-9-97)

• ~~Sec. 50-221. - Food processors and distributors.~~

~~(a) *Grounds.* The area surrounding the manufacturing, processing or distribution plants shall be free of discarded truck bodies, discarded equipment, litter, uncut weeds and uncut grass and any other condition that may constitute an attractant, breeding place or harborage for rodents, insects and other pests. Roads and parking lots shall be constructed or surfaced in such a manner as to minimize dust and dirt. All adjacent yards shall have sufficient growth or be surfaced so as to prevent an excess of dirt and dust. The premises shall be sufficiently well drained to prevent pooling or an accumulation of liquids. This shall include proper grading so that drainage is away from the processing, manufacturing, or distribution plant so as to preclude the possibility of surface water pooling or seeping or draining into the plant. Vehicle washing areas shall be constructed of concrete or equivalent material, and shall be properly drained and graded so that any runoff flows away from the plant.~~

~~(b) *Plant.* Plant requirements are as follows:~~

~~(1) The manufacturing, processing or distribution plant shall be of sufficient size for the purpose intended without crowding equipment or personnel. The building and surrounding area should be such that it can be kept reasonably clean of objectionable odors, smoke, dust, or other contamination. The building shall be of such construction as to protect against the entrance and harborage of insects, birds or vermin.~~

~~(2) Areas where raw materials are received or stored shall be separated from areas in which final product preparation or packing is conducted to preclude contamination of the finished product. Processing, manufacturing, or bottling areas shall be separated from other plant operations or storage areas by tight walls, ceilings and self-closing doors or other appropriate barriers. Conveyor openings shall not exceed the size required to permit the passage of containers. Areas used for the storage, manufacture or handling of edible products should be separate and distinct from those used for inedible materials.~~

~~(3) The washing and sanitizing of product containers, where necessary, shall be performed in an area enclosed or located so as to preclude splash or contamination to product, water, containers or equipment. The washing and sanitizing operation shall be positioned within a room so as to minimize any possible postsanitizing contamination of the containers before they enter the packaging or processing room.~~

~~(c) *Equipment construction.* Equipment and product containers shall not constitute a hazard to health. Containers which are reused shall be of such material and construction that will facilitate thorough cleaning and sanitizing, and shall be so cleaned and maintained as not to constitute a source of contamination to the product. Equipment and utensils used for inedible or contaminated materials should be so identified and should not be used for handling edible products.~~

~~(d) *Sanitization of equipment.* When necessary to prevent the introduction of undesirable microbiological organisms into food products, all utensils and food contact surfaces of equipment used in the plant shall be cleaned and sanitized prior to such use and following any interruption during which such utensils and contact surfaces may have become contaminated. Where such equipment and utensils are used in a continuous production, the contact surfaces of such equipment and utensils shall be cleaned and sanitized on a predetermined schedule, using adequate methods for cleaning and sanitizing. Sanitizing agents shall be effective and safe under conditions of use. Any facility, procedure, machine or device may be acceptable for cleaning and sanitizing equipment and utensils if it is established that such facility, procedure, machine or device will routinely render equipment and utensils clean and provide adequate sanitization.~~

~~(e) *Raw materials.* Raw materials shall be subject to the following requirements:~~

~~(1) Raw materials and ingredients shall be inspected and segregated as necessary to assure that they are clean, wholesome, and fit for processing into human food. All ingredients and raw materials shall be stored in a manner as to protect them from contamination by dust, flies, rodents, and other vermin, unclean equipment, unnecessary handling, employees, or any other source of contamination. This shall include, but not be limited to, the storage of pallets or other devices to keep the materials off the floor and to permit cleaning. Raw materials shall be washed or cleaned as required to remove soil or other contamination. Water used for washing, rinsing or conveying of food products shall not be used in a manner that may result in contamination of food products.~~

~~(2) All carriers and containers delivering raw materials and/or ingredients in mixed lots shall be visually inspected prior to acceptance of the materials to check for the presence of insects or rodents or toxic contaminants which may be caused by the carrier and render the materials unfit for human consumption or for the intended use.~~

~~(f) *Cross contamination.* Food processing areas and equipment used for processing food for human consumption shall not be used to process nonhuman food grade animal feed or inedible products.~~

~~(g) *Testing procedures.* Chemical, microbiological, or extraneous materials testing procedure shall be utilized when necessary to identify sanitation failures or food contamination, and all foods and ingredients that have become contaminated shall be rejected or treated or processed to eliminate the contamination where this may be properly accomplished.~~

~~(h) *Packaging.* Packaging processes and materials shall not transmit contaminants or objectionable substances to the product, shall conform to any applicable food additive regulation and should provide adequate protection from contamination.~~

~~(i) *Product article.* Meaningful article of products sold or otherwise distributed from a manufacturing, processing, packing, or repacking activity should be utilized to enable positive lot identification to facilitate, when necessary, the segregation of specific food lots that may have become contaminated or otherwise unfit for their intended use. Records should be retained for a period of time that exceeds the shelf life of the product, except that they need not be retained more than two years.~~

~~(Ord. No. 95 CO 40, 7-27-95)~~

- **Sec. 50-222. - Reserved.**

Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed § 50-222, which pertained to retail establishments and derived from Ord. No. 95-CO-40, July 27, 1995; Ord. No. 97-CO-61, § X, October 9, 1997.

- **Section 50-223- Bed and Breakfast Establishment.**

a) *Registration required; transferability.* It shall be unlawful for any person to maintain or operate a bed and breakfast establishment within the unincorporated areas of the County of Winnebago without first registering with the Department and paying the required annual registration fee. of two hundred dollars (\$200.00). Registration shall be approved upon compliance with this section and all applicable local, state and federal laws. An approved registration shall be a purely personal privilege and shall not constitute property. Nothing in this section shall be construed to grant a right to transfer or accept the transfer of any registration whenever there is a change in interest or ownership. No bed and breakfast establishment registration shall be transferred.

A bed and breakfast establishment shall be subject to the following regulations:

- (1) Limited to Category II/Medium Risk;
- (2) Infusions or any adulterants are not allowed;
- (3) Provide a menu of the items that will be served;
- (4) Have a Certified Food Protection Manager;
- (5) Identify method of cleaning dishware and serve ware;
- (6) Have a source of water (well or municipal) and results of water test from wells to include both bacteria (E-coli) and nitrates;

- (7) Provide a copy of liquor license for the municipality or jurisdictional authority if liquor is to be served or allowed;
- (8) Provide a plan for household animals/pets to restrict them from the food preparation and public serving area;
- (9) Operator shall not package food for consumption outside the Bed and Breakfast establishment; and
- (10) Comply with the minimum standards and requirements for operation contained in the Bed and Breakfast Act, 50 ILCS 820/1 et seq.

b) Signage

- (1) A bed and breakfast establishment owner shall provide a list of potential food allergens as outlined in the 2022 FDA Food Code or most current revision for the foods included on any menu.
- (2) The following language shall be conspicuously displayed at all times of operation in the registration area of the bed and breakfast establishment and on any menu: *The foods provided by this bed and breakfast establishment are being prepared in a home kitchen not inspected by the county health department and further may also possess common food allergens. If you have any safety concerns, contact the Winnebago County Health Department at 815.720.4100.*

- c) Enforcement. A bed and breakfast establishment registration may be revoked or suspended by the Illinois Department of Public Health or County health department upon satisfactory proof of a violation of this section or any local, state or federal law after written notice of the violation(s) and affording an administrative hearing to the owner. The administrative hearing shall be held pursuant to Section 50-80 of this Code. Notwithstanding any other provision of this subsection, whenever unsanitary, unsafe, or other conditions are found in the operation of the bed and breakfast establishment which constitute a substantial and immediate hazard to the public health and safety, the health officer may, without warning, notice or hearing, issue a written notice to the owner citing the violation, specifying the corrective action to be taken, specifying the time period within which such action shall be taken, and if necessary, stating that any or all bed and breakfast establishment operations are to be discontinued immediately. The owner to whom such an order is issued shall immediately comply therewith, but may request in writing, a hearing pursuant to Section 50-80 of this Code.

State law reference- 50 ILCS 820/1 et seq.

Section 50-224. Farmers' Markets

No person shall operate a farmers' market within the unincorporated areas of the County of Winnebago without obtaining a permit from the Department and paying the required annual fee. The operator shall comply with the minimum standards and requirements for operation contained in the state statute, 410 ILCS 625/3.3.

State law reference- 410 ILCS 625/3.3.

• ~~Secs. 50-223, 50-224. - Reserved.~~

• **DIVISION 11. - RESERVED^[8]**

Footnotes:

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Editor's note— Ord. No. 2018-CO-135, § A, adopted December 14, 2018, repealed Division 11, §§ 50-225—50-245, which pertained to packaging and labeling and derived from Ord. No. 95-CO-40, July 27, 1995; Ord. No. 97-CO-61, §§ XI—XV, 10-9-97.

• **Secs. 50-225—50-245. - Reserved.**

Secs. 50-45—50-64. - Reserved.



INFORMATIONAL BRIEFING

Purpose: Summary Review of Proposed Revision to Winnebago County Code Chapter 50 – Health and Sanitation/Article III Food Establishments

Date Presented: March 5, 2026

Audience: Winnebago County Board – Operations Committee

Prepared By: Todd Marshall, LEHP – Director of Environmental Health; Sandra Martell, RN, DNP – Public Health Administrator; Lisa Sprecher, LEHP – Assistant Director of Environmental Health/Public Facilities

BACKGROUND INFORMATION

As a certified Illinois local health department, the Winnebago County Health Department (WCHD) is required under [Illinois Administrative Code](#) to conduct its program *in accordance with a local ordinance that incorporates by reference or includes provisions at least as stringent in the Food Service Sanitation Code* as adopted by the state of Illinois. The Illinois Department of Public Health (IDPH) adopted the 2022 U. S. Food and Drug Administration (FDA) Food Code to provide uniformity throughout the state and maintain effective food safety programs to prevent foodborne illnesses.

- IDPH adopted the 2022 FDA Food Code which became effective on January 1, 2025.
- WCHD is proposing the following updates to the Winnebago County Code:
 - Adoption of the 2022 FDA Food Code with language to support routine adoption of the most current FDA Food Code as adopted by the state of Illinois/IDPH.
 - Institution of a registration process for Bed and Breakfast Establishments.
 - Requirement for Food Establishments that are not supplied by a municipal water source to submit latest test results for bacteria and nitrates as part of their permit or registration process.
 - Revision to the existent fee schedule including a process for waiver and/or fee reductions.
 - Modernization of the permit fee schedule to require a review on an annual basis to ensure that fees recoup costs.
 - Removal of Food Processors and Distributors not under the authority of the Winnebago County Health Department.

History of Adoption of FDA Food Code by Winnebago County

The FDA publishes the [Food Code](#), which is a model set of standards that provides guidance for safeguarding the public’s health by ensuring food safety in retail and food service operations which can be adopted to local units of government including the state and county. The FDA typically issues an updated Food Code every four (4) years, but may also issue Food Code Supplements. The most recent full edition of the FDA Food Code is 2022.



Food establishments in Winnebago County include restaurants/bars, grocery stores, gas stations that sell food, mobile food trucks, and institutions such as nursing homes, school cafeterias, corrections, etc. that serve food to the public.

Winnebago County is currently operating under the *2013 FDA Food Code* adopted by the Winnebago County Board in 2017. WCHD, to comply with Illinois Administrative Code, has been conducting its program using the 2022 FDA Food Code.

WCHD is proposing the incorporation and adoption of the 2022 FDA Food Code by the Winnebago County Board.

SUMMARY OF CHANGES TO THE WINNEBAGO COUNTY FOOD CODE

Definitions and Clarifications

1. Incorporate and adopt all definitions in the 2022 FDA Food Code and subsequent revisions.
 - Bed and Breakfast Establishment
 - Children’s Meal
 - Cottage Food Operation
 - Potluck Event
 - Tobacco Product
2. Maintain and revise definitions in the Winnebago County Food Code that are not in the 2022 FDA Food Code that provide clarification in the interpretation and application.
 - Category I/High Risk Food Establishment
 - Category II/Medium Risk Food Establishment
 - Category III/Low Risk Food Establishment
 - Certified Food Protection Manager
 - Hazard
 - Hazard Analysis Critical Control Point (HACCP)
 - Mobile Food Unit
 - Organized Event
 - Private Event
 - Special Event
 - Exclusions to the definition of Food Establishment
 - Closed Family Function
 - Lemonade Stand
 - Potluck
3. Implement registration process for Bed and Breakfast Establishments and Vending Machines as defined under the 2022 FDA Food Code.
4. Addition of requirement to submit test results from non-municipal water sources for bacteria and nitrates (Cottage Food Operations, Bed and Breakfast Establishment, Lemonade Stand).

Title and Intent

1. Addition of language regarding the title, intent, interpretation, conflict, incorporated materials, and scope of the FDA Food Code.



IDPH/FDA Food Code Content Changes

1. Addition of sesame to major food allergen.
2. Allergy Awareness required on all labeling including bulk food.
3. Food donations are addressed with specifics on foods that can be donated.
4. Hand sink/Handwashing temperature has been reduced from 100°F/38°C to 85°F/29°C.
5. Manufacturer cooking instructions require any food establishment to follow directions on the packaging in the preparation.
6. Thawing temperatures must be monitored throughout the day.
7. Allowance for pet dogs in outdoor dining areas.
8. Category III/Low Risk establishments do not have to have a Person in Charge present at all times.
9. Storage of raw animal foods must be separated from ready-to-eat foods.
10. Chemicals used to wash fruits and vegetables must be tested using chemical test kits.
11. Whole muscle intact beef steak must remain intact or be appropriately labeled.
12. Food preparation equipment that meet (ANSI) American National Standards Institute developed by the NSF (National Safety Foundation) for safety, design, and materials compatible for safe food handling to protect the public’s health will be considered to meet FDA Food Code.
13. Tobacco products (including vaping) cannot be used around food, utensils, equipment, linens, and single service items.
14. Containers used to hold toxic chemicals cannot be used to store food, utensils, equipment, linens, and single service items.
15. Any approved variance must be maintained in the food establishment.
16. Clarification to HACCP contents and submission process for the HACCP Plan.
17. Adoption and incorporation of all Farmers Market language.
18. Registration process for Bed and Breakfast and Vending Machines.

Fees

- **Food Program Fee Schedule**

Annual Food and Beverage Permit fees have not been increased since 2016 and do not recoup the current cost of providing the services resulting in the use of Health Department levy/tax dollars to support the difference.

Year	Recoupment Loss Per Year
2018	\$ (12,195.63)
2019	\$ (27,239.25)
2020	\$ (36,606.85)
2021	\$ (84,100.58)
2022	\$ (131,288.99)
2023	\$ (157,576.57)
2024	\$ (180,760.66)
Total Since 2018	\$ (629,768.52)

The following summarizes the amount of supplemental funding required from the levy/tax dollars per year since 2017, when the 2016 fees were implemented through 2024. The recoupment loss per year was calculated based on the 12-month [Consumer Price Index \(CPI\)](#) average for each year and the average number of food establishments per Risk Category. In this six-year (6) period, over \$600,000 dollars were used to support permits for food establishments.

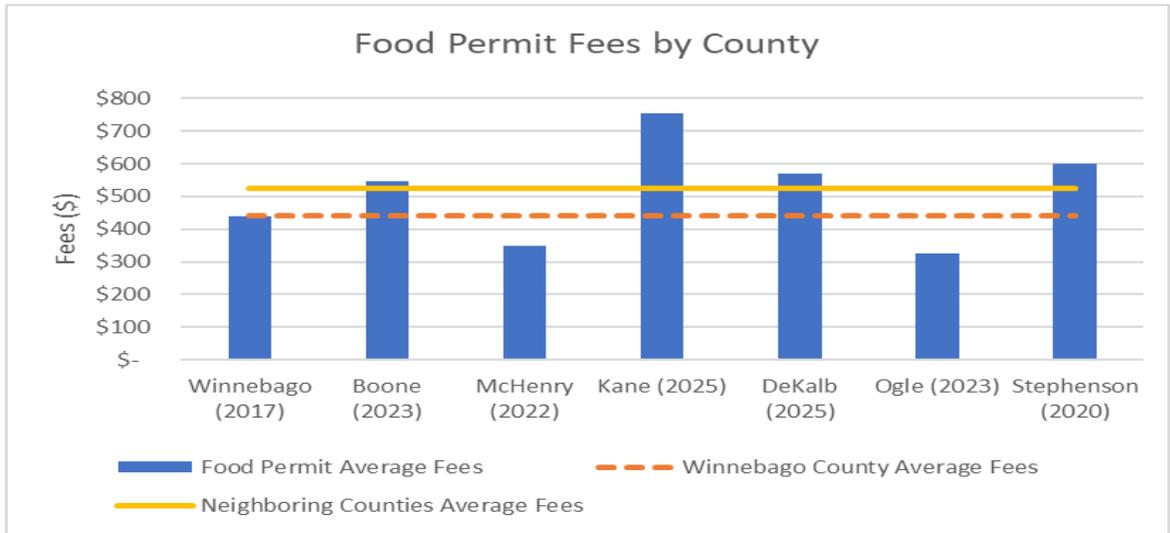
This does not include the waiver of permit fees in 2021 during the pandemic response in the amount of \$558,500 that was also paid through the Health Department levy/tax dollars.



The current cost of one hour of environmental health services including mileage, documentation, administrative follow-up, and salary/benefits of Winnebago County employees based on cost analysis is \$287.72 per unit of service.

Previously, fees for Category I/High Risk Facilities were based on the number of seats within a food establishment. The number of seats does not accurately reflect the number of meals served nor the scope of foods prepared. For example, a high volume drive through with minimal seating pays less under the fee structure as compared to a large banquet facility. The risk of foodborne illness increases with the number of meals prepared and the complexity of food preparation. The number of seats in the establishment does not impact the unit of service for inspection and the range of fees currently based on the number of seats in the code will be eliminated.

A comparative review was done for the counties of Boone, DeKalb, Kane, McHenry, Ogle, and Stephenson against the Winnebago fee schedule for permits , both current (2017) and proposed.



Differences were seen across all three (3) permit levels. The difference in current 2017 fees for Category II/Medium Risk was the highest at 61%; followed by Category III/Lowest Risk at 52%. The difference between comparison counties and Winnebago County was 11% for Category Category I/High Risk. It is important to note that Kane and DeKalb counties had recently updated fee schedules beginning in 2025.

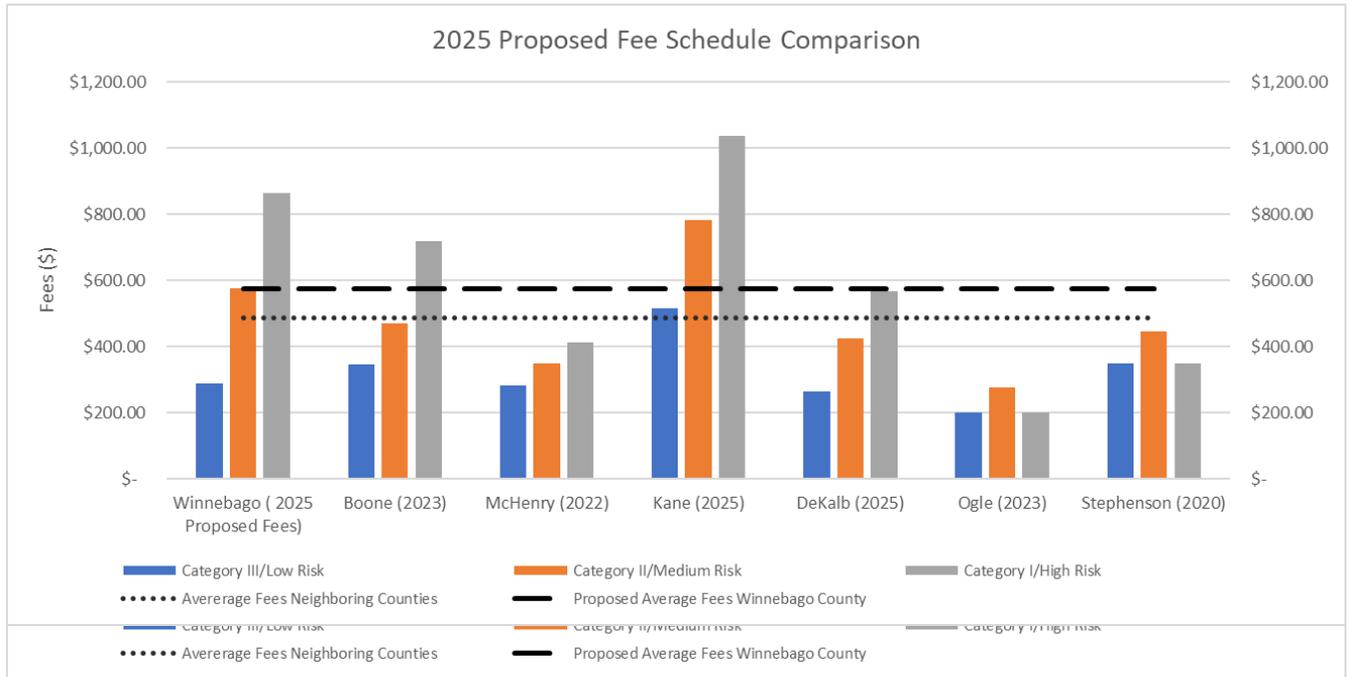
The proposed fee schedule is based on the units of service per activity and was calculated based on time and effort.



- Proposed Fee Schedule for Food Program Services

Food Program Service	Unit of Service	Fee
Permits		
Category I/High Risk	3	\$ 863.16
Category II/Medium Risk	2	\$ 575.44
Category III/Low Risk	1	\$ 287.72
Re-Inspections		
Category I/High Risk	1	\$ 287.72
Category II/Medium Risk	0.75	\$ 215.79
Category III/Low Risk	0.5	\$ 143.86
Registrations		
Bed and Breakfast	N/A	\$ 200.00
Cottage Food	N/A	\$ 50.00
Organizing Entity	N/A	\$ 50.00
Plan Reviews		
Category I/High Risk	3	\$ 863.16
Category II/Medium Risk	2	\$ 575.44
Category III/Low Risk	1	\$ 287.72
Change of Owner/Request for Inspection		
Category I/High Risk	2	\$ 575.44
Category II/Medium Risk	1	\$ 287.72
Category III/Low Risk	0.5	\$ 143.86
In-House Hearing		
Hearing - All Risks	1	\$287.72

With the proposed permit fees Category III/Low Risk would continue to be *lower* than the comparison counties at 9% but the fees for Category II/Medium Risk and Category III/High Risk would be *higher* at 25% and 28% respectively. The overall difference in average permits between the proposed and comparison counties is 18% *higher*.



• **Temporary Food Establishment Fee Schedule**

Based on the unit of service, an analysis was also done for the Temporary Food Establishments. The fees were also pro-rated based on the number of events. This resulted in an overall average decrease in permit fees for Temporary Food Establishment Category III/Low Risk of 2% and Category I/High Risk of 11% and overall increase in permit fees for Category II/Medium Risk of 8%.

Temporary Food Establishment (6 Month Period*) * May 1st - October 31st or * November 1st - April 30th	Location (including commissary) Consistent	Menu Items Consistent	Category I High Risk	Category II Medium Risk	Category III Low Risk
Temporary Food Establishment A: 1 event/6 months	Yes	Yes	\$ 143.86	\$ 95.91	\$ 47.95
Temporary Food Establishment B: 2 - 4 events/6 months	Yes	Yes	\$ 172.63	\$ 115.09	\$ 57.54
Temporary Food Establishment C: 5 - 8 events/6 months	Yes	Yes	\$ 201.40	\$ 134.27	\$ 67.13
Temporary Food Establishment D: 9 - 12 events/6 months	Yes	Yes	\$ 230.18	\$ 153.45	\$ 76.73
Temporary Food Establishment E: 13 - 20 events/6 month	Yes	Yes	\$ 258.95	\$ 172.63	\$ 86.32
Temporary Food Establishment F: 21 - 26 events/6 month	Yes	Yes	\$ 287.72	\$ 191.81	\$ 95.91



- **Special Event Permit Fee Schedule**

Special event permit fees were also reviewed based on the units of service. This resulted in overall average decrease in permit fees for Special Event Medium Risk/Category II by 34% and for Low Risk/Category III by 42%. Special event are not permitted for High Risk/Category I food operations.

Special Event (6 Month Period) * May 1st - October 31st or * November 1st - April 30th	Location (including commissary) Consistent	Menu Items Consistent	Category II Medium Risk	Category III Low Risk
Special Event A: 1 event/6 months	Yes	Yes	\$ 95.91	\$ 47.95
Special Event B: 2 - 3 events/6 months	Yes	Yes	\$ 115.09	\$ 57.54
Special Event C: 4 - 6 events/6 months	Yes	Yes	\$ 134.27	\$ 67.13

- **Annual Review of Fee Schedule**

WCHD is proposing that all Food Permit Fees including Permits, Re-inspections, Plan Review, and Hearings be adjusted on an annual basis to reflect the most current 12-month average [Consumer Price Index \(CPI\)](#) as published by the Bureau of Labor Statistics for implementation in the next County Fiscal Year. This will ensure that all costs associated with this program are recouped.

The Winnebago County Board of Health will review and adopt the proposed CPI increase and the Winnebago County Board will be informed of the increase. Any increase would take effect October 1st consistent with the County Fiscal Year.

Several counties within northern Illinois increase their fees based on the CPI on an annual basis including DeKalb, DuPage, Kane, and Lake.

- **Pro-ration of Fees**

WCHD will pro-rate annual permit fees for establishments that permit after the start of the fiscal year cycle on a quarterly basis. Registration fees for Cottage Food Operations and Bed and Breakfast Establishments will not be pro-rated.

- **Fee Waiver or Reduction**

The Winnebago County Public Health Administrator as the health officer will be given the authority to waive or reduce any permit, license, or service fee under this Code, that is not otherwise required under municipal, federal or state law, if the circumstances, in the Administrator’s sole discretion, demonstrate due cause to warrant granting such waiver or reduction. Any and all such requests for reduction or



Winnebago County

Health Department



waiver for a permit, license or service fee, shall be made in writing on a form provided by the Department and shall set forth the particular facts that would support a finding of due cause for relief, such as unforeseen financial hardship. Any and all such requests must be sworn to under penalty of perjury before a notary public and contain sufficient supporting documentation that relates to the request for relief. Any requests that are not so notarized or fail to attach sufficient supporting documentation necessary for the Public Health Administrator's review shall be considered non-compliant and shall be summarily denied by the Administrator.

If the request is denied, the applicant may request a review by the Winnebago County Board of Health.

Attachments:

- Illinois Department of Public Health – Summary of Illinois Food Code and 2022 Food Code Changes

Summary of Illinois Food Code and 2022 FDA Food Code Changes

In 2024, IDPH officially adopted the 2022 U.S. Food and Drug Administration (FDA) Food Code in conjunction with amendments to the Illinois Food Code (77 Ill. Adm. Code 750).

The updated FDA Food Code contains numerous changes for consistency, to correct errors, and to reflect changes due to updated science and public health guidelines.

The information below is a summary of the changes to the Illinois Food Code and FDA Food Code and should not be considered all-inclusive. Review the Illinois Food Code and 2022 FDA Food Code for more information. Contact DPH.Food@illinois.gov with any questions.

Illinois Food Code Definition Changes

Definition	Change	Details
Act	Revision	Means the Illinois Food, Drug, and Cosmetics Act [410 ILCS 620]
Category I Facility	Revision	Complex preparation, including cooking, cooling, and reheating for hot holding involving time/temperature control for safety foods. Processes requiring hot and cold holding of time/temperature control for safety foods. Conducting specialized processes as described in 3-502 of the FDA 2022 Food Code. Serving a highly susceptible population as defined in 1-201.10 of the FDA Food Code.
Category II Facility	Revision	Most products are prepared or cooked and served immediately. May involve hot and cold holding of time/temperature for safety foods after preparation or cooking; or As approved by the regulatory authority, preparation of time/temperature control for food safety foods requiring cooking, cooling, and reheating for hot holding, limited to two or fewer same items or processes with approved procedures.
Category III Facility	Revision	Heating only commercially prepared time/temperature control for safety foods for immediate service with no hot holding or assembly. Only time/temperature control for safety foods commercially prepackaged in an approved processing plant are available or served at the facility. Only limited preparation of non- time/temperature control for safety foods and beverages, such as snack foods and carbonated beverages, occurs at the facility. Only beverages (alcoholic and nonalcoholic) and garnishes that are non-time/temperature control for safety are served at this facility
Certified Food Protection Manager	Revision	Now includes Section 2-102.20 of the FDA 2022 Food Code.
Children’s Meal	Add	Means a combination of food items sold for a single price intended for consumption by children.

Summary of Illinois Food Code and 2022 FDA Food Code Changes

Cottage Food Operation	Revision	Removes non-potentially hazardous.
FDA	Add	Means the U.S. Food and Drug Administration.
FDA 2022 Food Code	Add	Means the 2022 recommendations of the U.S. Public Health Service FDA.
Food Processing Plant	Add	Means a commercial operation that manufactures, packages, labels, or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food establishments.
Hazard	Add	Means a biological, chemical, or physical agent that is reasonably likely to cause illness or injury in the absence of its control.
Hazard Analysis Critical Control Point (HACCP)	Add	Means a systematic approach to the identification, evaluation, and control of food safety hazards.
Time/Temperature (also referred as “Potentially Hazardous Food”)	Add	Means time/temperature control for safety food as defined in 1-201.10 of the FDA 2022 Food Code.

Illinois Food Code Content Changes

Section	Change	Details
750.110 Incorporated and Referenced Materials	Add	Reference Illinois Food, Drug, and Cosmetic Act [410 ILCS 620].
	Add	Reference Latex Glove Ban Act [410 ILCS 180].
	Revision	Update name to Control of Notifiable Diseases and Conditions Code (77 Ill. Adm. Code 690).
	Revision	Incorporate the FDA 2022 Food Code (January 18, 2023) Chapters 1 through 7 and Section 8-103.10, 8-103.12, and 8-201.14 of Chapter 8 (except the terms “food employee” and “food establishment” in Section 1-201.10) .
	Revision	Conference of Food Protection - “Standards for Accreditation of Food Protection Manager Certification Programs (2016),” which may be obtained from the Conference for Food Protection, 30 Elliot Court, Martinsville, IN 46151-1331.
	Add	“HACCP Principles & Application Guidelines” (1997), National Advisory Committee on Microbiological Criteria for Foods, available at (HACCP Principles & Application Guidelines FDA).
750.115 Applicability (New Section)	Add	Clarifies Part 750 shall apply to all food establishments.
	Add	Clarifies the FDA 2022 Food Code adopts as incorporated the 2022 FDA Food Code for regulating the design, construction, management, and operation of food establishments.
	Add	Clarifies the following terms from the 2022 FDA Food Code are not incorporated into this part: “food employee” and “food establishment.”

Summary of Illinois Food Code and 2022 FDA Food Code Changes

750.120 Inspections and Inspection Reports	Add	Clarifies that inspection reports shall capture the start and the end time of inspections.
	Revision	Removes the acronym “CFPM” and replaces with Certified Food Protection Manager.
	Add	Adds the allergen notice requirement to inspection report.
	Add	Adds the default beverage for children’s meals requirement to inspection report.
	Add	Adds the use of nonlatex gloves for food handling or preparation or appropriate signage at point of purchase to inspection report.
750.200 General – Employee Health	Revision	Revise title of 77 Ill. Adm. Code 690 to Notifiable Diseases and Conditions Code.
	Add	The Person in Charge (PIC) of a food establishment shall ensure that food employees are excluded or restricted as provided in the Control of Notifiable Diseases and Conditions Code, including removal, adjustment, or retention of exclusion or restrictions.
	Add	A food employee shall comply with an exclusion or restriction in accordance with the Control of Notifiable Diseases and Conditions Code.

FDA Food Code Definition Changes

Definition	Change	Details
Certification Number	Revision	Now includes all certification and permit codes found on tags or labels.
Commingle	Revision	To align with NSSP definition, commingle now means “combining different lots of shellfish.”
In-Shell Product	New item	This term means “non-living, processed shellfish with one or both shells present.”
Intact Meat	Revision	The definition of intact meat now excludes meats that have undergone vacuum tumbling with solutions, cubing, or pounding.
Mechanically Tenderized	Revision	To align with USDA FSIS, this definition was changed to: “Any mechanical device which breaks up muscle fiber and tough connective tissue, to increase tenderness...includes injection.”
Molluscan Shellfish	Revision	The definition of “Molluscan shellfish” includes shellstock, shucked shellfish, and in shell products.
Ready-to-Eat (RTE) Food	Revision	1) In this definition, “fruits and vegetables” was changed to “plant foods” to include products such as rice; and 2) An example of food that is not RTE was added.
Shellstock	Revision	The definition of shellstock is “live molluscan shellfish in the shell.”
Shucked Shellfish	Revision	The definition of molluscan shellfish was clarified to mean products that have both shells removed.
Tobacco Product	New Definition Federal FD&C Act	Means any product made or derived from tobacco, or containing nicotine from any source, that is intended for human consumption, including any component, part, or accessory of a tobacco product

Food Code Content Changes

Topic	Change	Section	Details
Sesame	New item	1-201.1(B)	Sesame has been added as a new major food allergen.
Allergy Awareness	New item	2-103.11(O)	Employees must be able to describe major food allergens and the symptoms of an allergic reaction.
Allergen Labeling	New item	3-602.11(C)(2) 3-602.11(B)(5) 3-602.12(C)	Allergen information is required on all labeling, including bulk food.
Food Donation	New item	3-204	Donated foods are now addressed in the Food Code, with specifics on when food can be donated.
Hand Sink/ Handwashing	Revision	5-202.12(A)	Instead of 100°F (38°C), water used for handwashing is now required to be 85°F (29°C).
Manufacturer Cooking Instructions	New item	3-401.15	If commercially packaged food bears manufacturer cooking instructions, those instructions must be followed prior to offering as ready-to-eat or unpackaged food (unless the instructions state otherwise). Example: frozen peas must be cooked to manufacturer's instructions prior to being offered on a salad bar.
Thawing	New item	2-103.11 3-501.13	The Person in Charge (PIC) needs to ensure that employees monitor thawing temperatures throughout the day. Additional requirements for thawing manufactured foods with cross references.
Pets	New item	6-501.115	When approved by the regulatory authority, pet dogs may be allowed in outdoor dining areas. All other requirements for animals in a food establishment still apply.
Assignment	New item	2-101.11	A Person in Charge (PIC) is not always needed for low-risk establishments.
Storage of Raw Animal Foods	Revision	3-302.11	Raw animal foods need to be separated from RTE food, during storage, preparation, holding and display, except when they are combined and used as ingredients.
Fruit and Vegetable Wash Chemicals	Revision	3-302.15(B)	If chemicals are used to wash fruits and vegetables, there are now requirements for chemical test kits. Regulatory agencies may choose not to enforce.

Summary of Illinois Food Code and 2022 FDA Food Code Changes

Whole-Muscle Intact Beef Steak	Revision	3-201.11	Whole-muscle intact beef steak must come from a processing plant that does not mechanically tenderize, vacuum tumble with solutions, reconstruct cube, or pound the steaks. Establishments must prepare steaks in such a way that they remain intact. Additional clarification provided.
Shellstock	Code clarification		Sections 3-202.17, 3-203.11, and 3-203.12 were reorganized to clarify receiving requirements and terminology.
Equipment and ANSI Certification	Revision	4-205.10	Equipment that meets ANSI certification requirements also meets Food Code requirements.
Tobacco Products	New item	6-403.11	Tobacco products are not allowed to be used around FUELSS (food, utensils, equipment, linens, and single service items).
Toxic Chemicals	Revision	7-203.11	Containers used to hold toxic items cannot then be used to store FUELLS. Previously, this restriction applied only to food.
Variance	Revision	8-103.12	Approved variance document(s) must be maintained in the food establishment.
HACCP Contents	Revision	8-201.14	<ol style="list-style-type: none"> 1) Requires critical hazards for each CCP, 2) highlights which documents need to be submitted separately from the plan, and 3) the Food Code now follows the same sequence as the HACCP principles.

**RESOLUTION
OF THE
COUNTY BOARD OF THE COUNTY OF WINNEBAGO, ILLINOIS**

Sponsored by: Paul Arena

Submitted by: Operations and Administrative Committee

2026 CR

**RESOLUTION OF THE COUNTY OF WINNEBAGO, ILLINOIS IN SUPPORT
OF THE ILLINOIS AMERICA250 COMMEMORATION**

WHEREAS, the United States of America will commemorate its 250th anniversary on July 4, 2026, marking a historic milestone in the nation's history; and

WHEREAS, on July 4, 1776, the Second Continental Congress formally adopted the Declaration of Independence, asserting the American colonies' freedom from British rule and laying the foundation for the principles of democracy and self-governance; and

WHEREAS, the U.S. Semiquincentennial Commission, known as the America250 Commission (america250.org) was established by Congress in 2016 to plan and orchestrate the 250th anniversary of the signing of the Declaration of Independence, aiming to engage all Americans in commemorating this historic event through educational initiatives; and

WHEREAS, the Illinois America250 Commission (IL250.org) was established to develop, encourage and execute an inclusive commemoration and observance of the founding of the United States of America, and Illinois' imperative role in the nation's history; and

WHEREAS, the Illinois America250 Commission encourages communities, libraries, schools, local governments, historical societies, cultural institutions and individuals of all ages to develop inclusive commemorations that reflect on Illinois' role in the nation's history and development; and

WHEREAS, recognizing and supporting the Illinois America250 Commission will help ensure a meaningful and educational commemoration for all residents and future generations; and

WHEREAS, the commemoration provides an opportunity to reflect on the state's historical significance, honor the achievements of its people and inspire civic engagement; and

WHEREAS, the County of Winnebago, Illinois hereby formally supports the Illinois America250 Commission and its mission to commemorate our nation's 250th anniversary.

NOW, THEREFORE, BE IT RESOLVED, that the County Board of the County of Winnebago, Illinois expresses its support for the Illinois America250 Commission, and encourages all Illinois communities to organize and participate in local events leading up to and culminating on July 4, 2026, to celebrate America's 250th anniversary.

BE IT FURTHER RESOLVED, that the Resolution shall be in full force and effect immediately upon its adoption.

Respectfully submitted,
OPERATIONS AND ADMINISTRATIVE COMMITTEE

AGREE

DISAGREE

Paul Arena, Chair

Paul Arena, Chair

Valerie Hanserd, Vice Chair

Valerie Hanserd, Vice Chair

John Butitta

John Butitta

Joe Hoffman

Joe Hoffman

Keith McDonald

Keith McDonald

Michael Thompson

Michael Thompson

Christina Valdez

Christina Valdez

The above and foregoing Resolution was adopted by the County Board of the County of Winnebago, Illinois this ____ day of _____, 2026.

Joseph V. Chiarelli, Chairman of the
County Board of the County of
Winnebago, Illinois

ATTEST:

Lori Gummow, Clerk of the
County Board of the
County of Winnebago, Illinois



Resolution Executive Summary

Prepared By: Purchasing Department
Committee Name: Operations and Administrative Committee
Committee Date: March 5, 2026
Board Date: March 12, 2026
Resolution Title: Resolution Awarding Purchase of Court Docket Software for the Family Court Center Using Owner-Direct Funds

Budget Information:

Budgeted? YES	Amount Budgeted? \$40,000
Over or Under approved amount? UNDER	By: \$896
ORG/OBJ/Project Codes: 82200-46320-C2510	Descriptor: PSB County Direct Funds
Budget Impact? \$39,104	

Background Information:

The Winnebago County Circuit Clerk operations is in need of expanding the Court Docket System when we open the five new courtrooms for the Family Court Center. This system allows us to display court schedules outside each courtroom as well as other notification type information as needed for the entire court space within the newly renovated Public Safety Building.

The Adgator software has been utilized for almost 10 years. It integrates with our court case management system to allow for a seamless transition of posting the court docket schedule.

The Public Safety Building team worked closely with the Circuit Clerks Office to ensure construction plans were in place for this technology through the design-build project. See attached proposal to incorporate the Family Court Center Courtrooms (See Resolution Exhibit A).

Recommended By: Deputy Circuit Clerk, Tom Lawson

Follow-Up Steps: Purchasing Department will execute the purchase order to Adgators.

R E S O L U T I O N
of the
COUNTY BOARD OF THE COUNTY OF WINNEBAGO, ILLINOIS

Sponsored by: Paul Arena, Committee Chairman

Submitted by: Operations and Administrative Committee

2026 CR

**RESOLUTION AWARDING PURCHASE OF COURT DOCKET SOFTWARE FOR THE FAMILY COURT
CENTER USING OWNER-DIRECT FUNDS**

WHEREAS, the Code of Ordinances for the County of Winnebago, Illinois, provides as in Section 2-357 (b) (1), Conditions for use. All procurements whose value equals or exceeds the competitive bidding threshold of \$35,000 shall be awarded by competitive sealed bidding in accordance with this section except as otherwise provided in 2-357(c) (Request for Proposals), 2-357(d) (Professional Services), 2-357(e) (Sole-Source), 2-357(f) (Emergency Procurements), 2-357 (g) (Cooperative Joint Purchasing) or as provided by State statute; and,

WHEREAS, the Winnebago County Circuit Clerks Office utilizes Adgator Software to display court docket information within the court operations as a notification system; and

WHEREAS, Winnebago County Circuit Clerk needs to expand for the five additional courtrooms being added for the Family Court Center; and

WHEREAS, Winnebago County will utilize county-direct funding from the PSB Project to fund this purchase; and

WHEREAS, the Operations and Administrative Committee concurs with this request and recommends approval by the Winnebago County Board.

THEREFORE, BE IT RESOLVED, that the County Board of the County of Winnebago, Illinois., hereby authorizes the Circuit Clerk to purchase the Adagator Docket System in the amount of \$39,104.

BE IT FURTHER RESOLVED, that this Resolution shall be in full force and effect immediately upon its adoption.

BE IT FURTHER RESOLVED, that the Clerk of the County Board is hereby directed to prepare and deliver certified copies of this Resolution to the Circuit Clerk, Director of Purchasing, Board Office, Finance Director and County Auditor.

Respectfully Submitted,
OPERATIONS AND ADMINISTRATIVE COMMITTEE

AGREE

DISAGREE

PAUL ARENA, CHAIR

PAUL ARENA, CHAIR

VALERIE HANSERD, VICE CHAIR

VALERIE HANSERD, VICE CHAIR

KEITH McDONALD

KEITH McDONALD

JOHN BUTITTA

JOHN BUTITTA

JOE HOFFMAN

JOE HOFFMAN

CHRISTINA VALDEZ

CHRISTINA VALDEZ

MICHAEL THOMPSON

MICHAEL THOMPSON

The above and foregoing Resolution was adopted by the County Board of the County of

Winnebago, Illinois this ____ day of _____ 2026.

ATTESTED BY:

JOSEPH CHIARELLI
CHAIR OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS

LORI GUMMOW
CLERK OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS



Visitor Signage Solutions

Submitted by



Contact:

Coleen Hammond

Sales & Business Development

Toll Free: 866-610-5554 ext. 2

Direct: 217-899-8285

Email: chammond@adgators.com

AdGators

Springfield, IL 62711

What we do

Helping courts and justice centers automate their visitor experience.



Our Visitor Signage solutions encompass a diverse array of features designed to effectively guide and inform your visitors. Likewise, our Visitor Check-In solutions integrate various features aimed at enhancing the operational efficiency of the court.

January 16, 2026

Winnebago County Circuit Court
Tom Lawson
400 W State Street
Rockford, IL 61101

Subject: AdGators Digital Signage Solution Proposal v2

Dear Tom Lawson,

Thank you for considering AdGators as your digital signage solution partner. With our extensive experience in designing customized digital signage solutions, we are excited to present this proposal, which aims to enhance your court efficiency and improve your visitor experience.

Our feature rich solutions are designed to streamline court operations, minimize staff disruptions, and provide clear, real-time information to visitors. Enclosed, you will find a detailed proposal outlining the key benefits and features tailored to meet your court's specific needs and objectives.

Key Benefits of Our Solution:

1. **Seamless Integration of Case Management Software (CMS):** Our system is compatible with more than 20 CMS providers, offering docket information in an easily accessible format. Visitors can easily find their names, court times, courtroom numbers, and directions via text or interactive maps.
2. **Customizable Display Configurations:** We collaborate with your team to design and configure displays that meet your specific requirements, whether for individual courtrooms, common areas, or wayfinding.
3. **Efficient Display Management:** Courts can manage display content and case data in real-time, with features like dynamic case updates, load balancing, sorting options, and scheduled content transitions.
4. **Enhanced Visitor Information & Navigation:** Our wayfinding and directional mapping reduces the need for staff assistance by providing clear visitor information and directional guidance.

Founded in 2011, AdGators is a trusted leader in delivering cost-effective, innovative solutions to Local Government Courts, Probation Departments, and Justice Centers. With a proven track record serving more than 100 courts across 16 states, our advanced technologies help modernize traditional court and probation processes, transforming them into efficient, visitor-focused digital experiences.

We would welcome the opportunity to support your court in enhancing operational efficiency and improving the visitor experience. Please don't hesitate to contact us to discuss how we can help.

Sincerely,

Josh Budd
Chief Executive Officer

Table of Contents

- **Executive Summary and Benefits of AdGators Solutions**
- **Signage Overview**
- **Digital Docket Display Central Management Tool**
- **Technical and Hardware Requirements**
- **Implementation Requirements**
- **Financial Requirements**
- **Pricing**
- **Acceptance**

EXECUTIVE SUMMARY AND BENEFITS OF ADGATORS SOLUTIONS

AdGators is an Illinois based full-service digital signage company, dedicated to providing superior customer service and flexible industry-leading technology. AdGators provides tools to Courts and Justice Centers of all sizes to design innovative enterprise-wide digital signage, automated check-in, and kiosk solutions to increase efficiencies and guide the public to their appropriate destination.

AdGators serves courts in 15 states within the United States for their digital signage wayfinding needs.

Screenseed™ Cloud: Optimizing Court Efficiency with Digital Signage

Screenseed™ Cloud, our advanced content management software, is specifically designed to meet the unique needs of courts and justice centers. Built for efficiency, our platform seamlessly displays case data and enhances the visitor experience from the moment they enter the courthouse. By leveraging both interactive and non-interactive technology, Screenseed™ replaces traditional paper dockets with automated schedules and easily updatable digital signage displayed across commercial screens throughout your courthouse.

At AdGators, we take a comprehensive approach to implementation, handling solution configuration, managing hardware shipments, and supporting deployment from start to finish.

Key Benefits of AdGators Solutions:

1. **Self-Service Accessibility** – Enables visitors to find case information independently, reducing reliance on court personnel.
2. **Operational Efficiency** – Eliminates paper-based processes and manual updates, streamlining courthouse operations.
3. **Proven Reliability** – A trusted partner with a strong track record of successful court implementations and ongoing support.
4. **End-to-End Management** – Handles everything from hardware procurement and system setup to content design and deployment.
5. **Custom User-Friendly Design** – Custom designed for you based on your input

AdGators is committed to delivering cutting-edge digital signage solutions that improve efficiency, reduce administrative burden, and enhance the visitor experience in courts of all sizes.

Digital Docket Display Central Management Tool

AdGators' DocketVision and Screenseed, both web-based content management platforms, are equipped with an array of features tailored to meet the needs of our court clients. This user-friendly interface empowers court staff to efficiently control and generate content or messages, upload images, edit, delete, or modify case information, and instantly disseminate notifications to one or all displays across multiple court locations.

Our centralized administration tool enables the court to establish user accounts and allocate roles (Administrators, Regular Users, and Viewers) with specific permissions to execute designated functions. Upon logging in, the initial page provides court staff with a comprehensive dashboard and overview of all displays across both court locations, including real-time updates on heartbeat status and case data—records imported and assigned for the specific day within each court location.

AdGators Digital Signage Solution – Key Features

- ✓ **Seamless CMS Integration** – Connects effortlessly with various Case Management Systems (CMS) for real-time docket display.
- ✓ **Customizable Display Options** – Configurable layouts to showcase case details, visitor information, wayfinding, and announcements.
- ✓ **Display Multiple Dockets or Courtrooms on a Single Display** – Easily view multiple court schedules on a single screen.
- ✓ **A Customized Banner with Court-Specific Graphics** – Options include your County, City, or Court seal combined with pictures of key officials, weather, time, and date.
- ✓ **Optional Bottom Footer & Scrolling Text Area for Messages** – Create custom notifications and announcements.
- ✓ **Real-Time Updates & Management** – Instantly update displays to reflect schedule changes and important alerts.
- ✓ **User-Friendly Control Panel** – Allows court staff to manage displays, swap courtroom assignments, and sort case data easily.
- ✓ **Automated Scheduling & Content Management** – Eliminates manual updates by pulling data directly from the CMS.
- ✓ **Docket Displays and Informational Displays** – Supports full docket displays, dockets displays combined with information, or informational displays by themselves.
- ✓ **Multi-Screen Synchronization** – Ensures consistent information display across multiple courthouse screens.

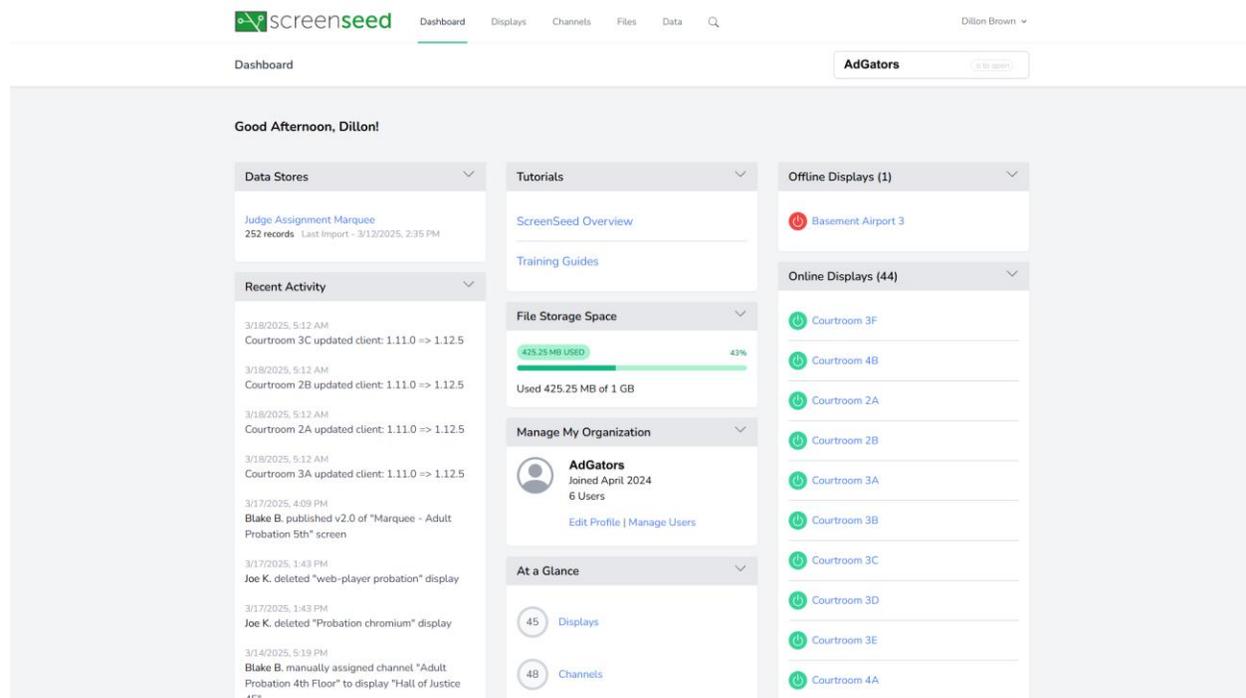
✓ **Monitor Display Status to Ensure Uptime** – Track each display’s status to ensure it remains online and active.

✓ **Accessibility & Compliance** – Designed to meet ADA standards for improved accessibility.

✓ **Durable & Scalable Solutions** – Engineered for high-traffic environments with the flexibility to expand as needed.

✓ **Comprehensive Support & Maintenance** – Ongoing technical support and updates for long-term reliability.

AdGators provides **court-specific digital signage solutions** that enhance efficiency, improves your visitor experience, and streamline court operations.



TECHNICAL AND HARDWARE REQUIREMENTS

Data File Requirements & Integration Methods

AdGators seamlessly integrates with various Case Management Software (CMS) data file extracts to ensure an efficient and accurate display of court calendar information. As your court’s data resides within its existing software or database, it is the court’s responsibility to provide an acceptable data file to meet solution requirements.

Before implementation, we will collaborate with your team to determine the best extraction strategy and request a sample file containing the data fields you wish to display on digital signage or kiosks.

Integration Methods

AdGators offers multiple integration options to accommodate different court system requirements:

- **Direct API Integration (Recommended):** Secure, real-time data transfer via web services (docs.docketvision.com/api).
- **Automated or Manual FTP/SFTP Transfer:** A commonly used method for securely sending data files to our servers.
- **Remote File Access:** AdGators can retrieve files from a designated server directory or web service endpoint.
- **Manual File Import:** Courts can manually upload CSV files directly into the DocketVision platform.

Supported File Types

We support a variety of data file formats, including:

- **Recommended:** CSV (Comma-Separated Values)
- **Other Accepted Formats:** XML, TAB, PIPE, TEXT, Flat File

Our expertise lies in working with multiple CMS providers to display data in a format that best suits your needs.

Signage Media Players

To explore our full lineup of media players, visit: [AdGators Media Players](#)

- **Wired & Wireless Support:** Screenseed OS (64-bit Linux Kernel)

By leveraging this structured approach, we ensure a seamless integration process, enabling your court to efficiently display case data while reducing manual workload.

Mounting the hardware

We source product hardware based on the scope of each project. We have many vendors offering various enclosure and mounting options. AdGators will work with the court regarding the hardware mounting options that best fit each location.

Our software provides a solution for both interactive and non-interactive displays. AdGators traditionally purchases LG Commercial Displays. We can also repurpose the Courts existing displays provided a compatible HDMI connection exists.



Wall, ceiling, or floor mounts are all available from our primary source Peerless. Mounts support display sizes from 24" to 80" with custom mounts for additional sizes. Visit peerless-av.com to see product options.



Hardware Warranty

AdGators understand the importance of warranty and that electronic hardware can be subject to multiple points of failure. The hardware and equipment quoted within this response provide a manufacturer warranty period.

- The Commercial displays provide a 3-year manufacturer warranty.
- The custom-built Screenseed media players provide a 3-year manufacturer warranty.

AdGators will continue to act as your single source of support throughout an unexpected hardware failure. Should a failure occur, that cannot be resolved remotely, the warranty will be utilized. Should the hardware warranty expire, AdGators will work towards providing a hardware solution that will resolve the issue which may require the purchase of new hardware.

Josh Budd will serve as the primary contact handling all aspects of warranty replacement and shipment to said location.

****Warranty does not cover electrical or power surge that damages components of the media player.***

- Warranty Contact:
AdGators Support
Email: support@adgators.com

IMPLEMENTATION REQUIREMENTS

Setup, configuration, and operations with knowledge transfer

AdGators is committed to offering setup and implementation support for your project. Since our establishment, we have prioritized delivering maximum value to our courts by enhancing their technological capabilities. We welcome innovation and ideas to continually improve our product. Our team will engage with all stakeholders involved and provide the necessary expertise regarding our industry-leading solutions.

We offer two options for successful implementations: customer installation or 3rd party. In either case, our team will collaborate with the Court to coordinate the delivery of hardware and equipment before the installation date, ensuring the smooth setup of your digital signage network.

- **Remote installation – over 90% of our customers install the hardware**
AdGators has successfully implemented most of our clients remotely, preparing and configuring the Media Players before shipment. The court has the responsibility to install the hardware.
- **Onsite Installation** – Should the Court not perform the hardware installation, AdGators has partnerships with several of the largest audio-visual installation companies in the Court space. We can provide the Court with their contact information for onsite installation services and will help manage their process during the implementation.

Connection Requirements

AdGators' platform is a cloud-based solution. This allows us to be cost-effective, offer resilience, and be reliable. Segregating the media players on a separate VLAN with outbound internet access is generally the best approach. Should firewall rules need to be added, we have a knowledge base that will provide the details to your network administrators.

The following are the required services to operate successfully.

- Remote assistance access over port 80 and Port 443 to support installation and ongoing support. Outgoing firewall adjustments to allow access to AdGators services
- Routine maintenance communication over UDP port 5938
- Access and support of case data transfers from customer or CMS vendor's environment

Training

AdGators team of experienced professionals will support the Court and its employees. We offer training sessions for your entire staff and are available for ongoing support and additional training once your solution is implemented.

Business Hours: Monday through Friday 8:00 AM – 6:00 PM CST

Financial Requirements

Payment Terms:

Once the Court agrees to engage with AdGators, a purchase order must be submitted for the required equipment and services. Upon receipt of the purchase order, AdGators will proceed with ordering the equipment. Payment terms are as follows:

- 50% of the total invoice is due upon order placement.
- The remaining 50% balance is due at service implementation.
- Invoice terms: NET 10 AdGators will provide an itemized invoice

Pricing & Quotation Validity:

- Pricing is based on prior email communications and excludes applicable taxes.
- On-site implementation or support costs are not included unless requested by the Court.
- The pricing quotation remains valid for 45 days from the stated date.

Scope & Additional Costs:

- If the project scope exceeds the listed items, additional costs will apply and require prior written approval from the Court.
- Any hourly-billed items will have cost impacts outlined in advance and will also require written approval before work begins.

Purchase Flexibility:

- The Court may choose to purchase one or all of the items in the pricing quotation.
- The Court is not obligated to purchase the exact equipment specified but must coordinate with AdGators if requirements change.
- Any modifications require a Court-issued purchase order reflecting the agreed-upon equipment specifications.

Final Pricing & Acceptance:

AdGators' final pricing quotation will include an Acceptance section for signature.

As a single-source vendor, AdGators offers a complete solution, including all hardware, annual licensing, and support for Visitor Signage and/or Visitor Check-In solutions.

Pricing

Annual Software Licensing and Support

QTY	Unit Price	Description	Extended
1		Annual Any additional services added during the term of this Agreement shall be priced on a pro-rata basis for the remainder of the then-current license term and incorporated into the existing software license.	
	\$4,500.00	Additional Annual Software License and Support Services	\$4,500.00

Set Up and Implementation

QTY	Unit Price	Description	Extended
1	\$3,000.00	One-Time Set-Up Fee	\$3,000.00
		Additional Features	

Bill of Materials and Shipping

QTY	Unit Price	Description	Extended
15	\$825.00	Media Player - 3 Year Warranty Wired	\$12,375.00
15	\$20.00	HDMI Cable	\$300.00
10	\$948.00	43" LG Commercial Display - 3 Year Warranty	\$9,480.00
5	\$1,099.00	50" LG Commercial Display - 3 Year Warranty	\$5,495.00
12	\$145.00	Peerless Universal Flat Wall Mount 32-50" Displays	\$1,740.00
3	\$413.00	Peerless Ceiling Pole Mount - Ceiling Wood Adapter Plate, Column Extender 2'-3', Ceiling Mount Tilt Box, 200x200 Vesa Adapter Plate	1,239.00
		Estimated Shipping	975.00

Subtotal Annual Software Licensing & Support	\$4,500.00
Subtotal Set Up and Implementation	\$3,000.00
Subtotal Bill of Materials plus Shipping	\$31,604.00
Sales Tax Exemption Certificate Requested	N/A
Total Base Price	\$39,104.00

Quotation Acceptance & Terms

This quotation is contingent upon **Winnebago County IL Circuit Court's** acceptance of the outlined **setup/implementation, hardware, shipping, applicable taxes, and annual licensing support services.**

As an **AdGators client**, you agree to:

- Assist in standard setup tasks as detailed in the requirements.
- Allow necessary ongoing maintenance to ensure reliable service.

Annual Software & Licensing Support is billed on a yearly basis and will automatically renew unless canceled in writing by either party.

Hardware: Hardware orders are based on specifications provided by the customer, are non-refundable or subject to restocking fees. Customers are responsible for inspecting shipments for damage or defects upon arrival—declining the shipment or notifying us at support@adgators.com within 24 hours—while any authorized returns remain subject to a restocking fee and customer-paid shipping.

Payment Terms:

- **50% of the total invoice** is due **NET 10** upon receipt of the Purchase Order.
- **50% balance** is due upon service implementation.

To accept this quotation, please provide:

- A **Purchase Order**
- A **signed acceptance** of this quotation

Send the completed documents via **email scan** to chammond@adgators.com.

Customer

Signature: _____

Printed Name: _____

Title: _____

Date: _____

TOTAL: \$39,104.00

Adgators.com LLC

By: Joshua Budd

Name: Josh Budd

Title: Chief Executive Officer

Date: 01/21/2026 v3



Resolution Executive Summary

Prepared By: Purchasing Department of behalf of DoIT
Committee Name: Operations & Administrative Committee
Committee Date: March 5, 2026
Board Date: March 12, 2026
Resolution Title: Resolution Awarding PC Replacement Project

Budget Information

Budgeted? YES		
If not, originally budgeted, explain the funding source?		
ORG/OBJ/Project Codes: 19501-42210	Budget: \$510,000	Budget Impact? \$398,221
Descriptor: IT Infrastructure Funds	UNDER: \$111,779	
ORG/OBJ/Project Codes: 82200-46320-C2510	Budget: \$250,000	Budget Impact? \$62,476
Descriptor: PSB Owner-Direct Funds		
Total Budget Impact: \$460,697		

Background Information: The County of Winnebago Department of Information Technology is in the process of replacing approximately 300 PCs annually to replace existing units whose warranties have expired or will expire in the near future. The bid also included 59 pieces of equipment to support Court Operations within the newly renovated Family Court Center. This was incorporated in the bid to ensure the most favorable overall pricing and quantity discounts.

In February of 2026, the Purchasing Department issued IFB 26B-2458 PC Replacement Project and six bid submissions were received, with Entre Computer Solutions, Inc. being the lowest responsive bidder (See Resolution Exhibit A).

Recommended By: Dan Magers, Chief Information Officer

Follow-Up Steps: Purchasing will prepare the Purchase Order to Entre Computer Solutions, Inc.

RESOLUTION
of the
COUNTY BOARD OF THE COUNTY OF WINNEBAGO, ILLINOIS

Sponsored by: Paul Arena

Submitted by: Operations and Administrative Committee

2026 CR

RESOLUTION AWARDING PC REPLACEMENT PROJECT

WHEREAS, the Code of Ordinances for the County of Winnebago, Illinois, provides as in Section 2-357 (b) (1), Conditions for use. All procurements whose value equals or exceeds the competitive bidding threshold of \$30,000.00 shall be awarded by competitive sealed bidding in accordance with this section except as otherwise provided in 2-357(c) (Request for Proposals), 2-357(d) (Professional Services), 2-357(e) (Sole-Source), 2-357(f) (Emergency Procurements), 2-357 (g) (Cooperative Joint Purchasing) or as provided by State statute; and

WHEREAS, the Purchasing Department went out for IFB 26B-2458 PC Replacement Project for the County of Winnebago Department of Information Technology (DoIT) in February to replace approximately 300 PC's annually where the warranty has or is soon to expire; and,

WHEREAS, the Purchasing Department also included 59 pieces of equipment to support Court Operations within the Public Safety Building; and,

WHEREAS, the funding source for this purchase is tied to the IT Infrastructure funding as well as PSB Owner Direct funding; and,

WHEREAS, the Operations & Administrative Committee of the County Board for the County of Winnebago, Illinois has reviewed the bids for the PC replacement equipment, (Resolution Exhibit A) and recommends awarding the purchase to Entre Computer Solutions, Inc.

NOW, THEREFORE, BE IT RESOLVED, by the County Board of the County of Winnebago, Illinois, that the Director of Purchasing is authorized to issue Purchase Orders, on behalf of the County of Winnebago, Illinois to Broski Enterprises, Inc., DBA Entre Computer Solutions, Inc., 8900 N 2nd Street, Machesney Park, Illinois 61115; in the amount of \$460,697;

BE IT FURTHER RESOLVED, that this Resolution shall be in full force and effective immediately upon its adoption and the Clerk of the County Board is hereby authorized to prepare and deliver certified copies of this Resolution to the Director of Purchasing, Finance Director, County Administrator, County Board Office, Chief Information Officer, and County Auditor.

Respectfully Submitted,
OPERATIONS AND ADMINISTRATIVE COMMITTEE

AGREE

DISAGREE

PAUL ARENA, CHAIR

PAUL ARENA, CHAIR

VALERIE HANSERD, VICE CHAIR

VALERIE HANSERD, VICE CHAIR

JOHN BUTITTA

JOHN BUTITTA

JOE HOFFMAN

JOE HOFFMAN

KEITH McDONALD

KEITH McDONALD

MICHAEL THOMPSON

MICHAEL THOMPSON

CHRISTINA VALDEZ

CHRISTINA VALDEZ

The above and foregoing Resolution was adopted by the County Board of the County of
Winnebago, Illinois this ____ day of _____ 2026.

ATTESTED BY:

JOSEPH CHIARELLI
CHAIR OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS

LORI GUMMOW
CLERK OF THE COUNTY BOARD
OF THE COUNTY OF WINNEBAGO, ILLINOIS

26B-2458 PC REPLACEMENT PROJECT BID OPENING

VENDORS	Quantity	Entre Computer Solutions Machesney Park, IL		KD Dynamic Solutions LLC Oswego, IL		Southern Computer Warehouse, Inc Marietta, GA		Non-Responsive CDW Government Vernon Hills, IL		Non-Responsive CDS Office Technologies Springfield, IL		Non-Responsive Government Goods, Inc. Brooklyn, NY	
		Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
HP ALL-IN-ONES (C7GL6UT#ABA)	147	\$1,765.29	\$ 259,497.63	\$1,862.87	\$ 273,841.89	\$1,851.06	\$ 272,105.82	\$1,722.56	\$ 253,216.32	\$1,769.00	\$ 260,043.00	\$1,785.79	\$ 262,511.13
HP LAPTOPS (BB3Q6UT#ABA)	176	\$1,022.86	\$ 180,023.36	\$1,101.36	\$193,839.36	\$1,075.42	\$189,273.92	\$1,026.64	\$180,688.64	\$1,065.00	\$187,440.00	\$1,026.45	\$180,655.20
HP LAPTOPS (A6TD8UT#ABA)	15	\$1,102.69	\$ 16,540.35	\$1,549.51	\$ 23,242.65	\$1,576.48	\$ 23,647.20	\$1,134.14	\$17,012.10	\$1,559.00	\$ 23,385.00	\$1,586.88	\$ 23,803.20
HP MONITORS (9D9L6UT#ABA)	20	164.05	\$ 3,281.00	186.26	\$ 3,725.20	158.01	\$ 3,160.20	\$158.10	\$ 3,162.00	\$169.00	\$ 3,380.00	\$159.06	\$ 3,181.20
SURFACE PRO	1	\$1,222.73	\$ 1,222.73	\$890.00	\$890.00	\$1,177.72	\$1,177.72	No Bid	-	\$1,219.00	\$1,219.00	\$1,192.77	\$1,192.77
SURFACE PRO KEYBOARD COVER	1	\$131.59	\$ 131.59	\$340.00	\$340.00	\$125.13	\$125.13	No Bid	-	\$131.00	\$131.00	\$127.65	\$127.65
GRAND TOTAL			\$ 460,696.66		\$495,879.10		\$489,489.99		\$454,079.06		\$475,598.00		\$471,471.15
									Non-Responsive due to Incomplete Bid Requirements	Bid Specifications Not Met By Required Products	Non- Responsive due to Delivery Requirements and Product Requirements		