



Laura J. Cook
Ogle County Clerk & Recorder

April 3, 2019

The Ogle County Board, at their regular meeting held on Tuesday, March 19, 2019, Janes presents #1-19SU ~ Carla & Brad Miller, 7 E. IL Rte. 72, Leaf River, IL for a Supplemental Special Use permit in the AG-1 Agricultural District to allow the expansion of a banquet facility on property described as follows and owned by the petitioner: Part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 34, Township 25 North, Range 10 East of the 4th P.M., Byron Township, Ogle County, IL, 7.5 acres, more or less - P.I.N.: 04-34-100-003 - Common Location: 7 E. IL Rte. 72

Janes states ZBA & RPC unanimously approved this item.

Janes moved to accept O-2019-0301 as presented Bowers seconds.

Motion carried. (Placed on file)



Laura J. Cook

Laura J. Cook
Ogle County Clerk

The contents of this letter are a portion of the tentative Ogle County Board minutes pertaining to your zoning request. These minutes are subject to approval at the next Ogle County Board meeting.

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2019-0301

AN ORDINANCE APPROVING A SUPPLEMENTAL SPECIAL USE
ON PROPERTY LOCATED AT 7 E. IL ROUTE 72 IN BYRON TOWNSHIP

WHEREAS, Carla & Brad Miller, 7 E. IL Rte. 72, Leaf River, IL have filed a petition for a Supplemental Special Use in the AG-1 Agricultural District (Petition No. 1-19SU) to allow the expansion of a banquet facility on property located at 7 E. IL Route 72 in Byron Township and legally described as shown in Exhibit “A” attached hereto; and

WHEREAS, following due and proper notice by publication in the Ogle County Life at least fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least fifteen (15) days prior thereto, the Ogle County Zoning Board of Appeals conducted a public hearing on February 28, 2019 at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use Permit, no member(s) of the public spoke in favor of the petition, and no member(s) of the public spoke in opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Supplemental Special Use be granted as set forth in the *Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals* dated February 28, 2019, a copy of which is appended hereto as Exhibit “B”; and

WHEREAS, the Ogle County Board, having considered the findings of fact and recommendation of the Zoning Board of Appeals, has determined that granting the Supplemental Special Use in the AG-1 Agricultural District (Petition No. 1-19SU) to allow the expansion of a banquet facility would be consistent with the requirements established by Section 16-9-8C of the *Ogle County Amendatory Zoning Ordinance*;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS, as follows:

SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit “B” attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

SECTION TWO: Based on the findings of fact set forth above, the petition of Carla & Brad Miller, 7 E. IL Rte. 72, Leaf River, IL for a Supplemental Special Use in the AG-1

Agricultural District (Petition No. 1-19SU) to allow the expansion of a banquet facility on property located at 7 E. IL Route 72 in Byron Township and legally described as shown in Exhibit "A" attached hereto, is hereby approved.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

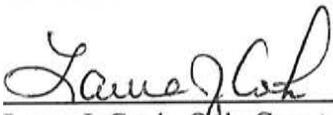
SECTION FOUR: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 16-9-10 of the *Ogle County Amendatory Zoning Ordinance*.

PASSED BY THE COUNTY BOARD THIS 19TH DAY OF MARCH 2019 A.D.



Kim P. Gouker, Chairman of the Ogle County Board

ATTEST:



Laura J. Cook, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board



EXHIBIT "A"

LEGAL DESCRIPTION

Part of the Northwest Quarter (1/4) of Section 34, Township 25 North, Range 10 East of the 4th P.M., Ogle County, Illinois described as follows:

Beginning at the Northwest corner of said Section 34; thence Southerly on the West line of said Section 34, 645.0 feet; thence Easterly parallel with the North line of said Section 34, 223.40 feet; thence Northerly parallel with the said West line, 27.0 feet; thence Easterly parallel with the said North line, 295.50 feet; thence Northerly parallel with the said West line, 618.0 feet to the said North line of Section 34; thence Westerly on the said North line, 518.90 feet to the said Point of Beginning, situated in the County of Ogle and State of Illinois.

Property Identification Number (PIN): 04-34-100-003

Common Location: 7 E. IL Route 72

EXHIBIT "B"

**FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS**

FINDINGS OF FACT AND RECOMMENDATION OF THE OGLE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of Carla & Brad Miller, 7 E. IL Rte. 72, Leaf River, IL in case #1-19SU. The applicants are requesting a Supplemental Special Use in the AG-1 Agricultural District to allow the expansion of a banquet facility on Parcel Identification No. 04-34-100-003, a 7.5-acre parcel located in part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 34, Township 25 North, Range 10 East of the 4th P.M., Byron Township, Ogle County, IL and located at 7 E. IL Route 72.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on February 28, 2019 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and recommendation(s) as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 16-9-8C (Standards for Special Use Permits) of the *Ogle County Amendatory Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large. **The site is located within a predominately agricultural area, is surrounded by farmland. The existing use is conducted on an occasional basis, and the proposed supplement to the existing use will not significantly alter the nature of the existing use, and will not alter the characteristics of the site. STANDARD MET.**
2. That the location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of building, structures, walls and fences on the site; and,
 - b. The nature and extent of proposed landscaping and screening on the proposed site.

The proposed supplemental use will not dominate the immediate neighborhood, as it will not alter the occasional nature of the existing use and will not alter the characteristics of the site. STANDARD MET.

3. That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations. **The site is large enough so that adequate off-street parking and loading areas can be provided. STANDARD MET.**

4. That adequate utilities, ingress/egress to the site, access roads, drainage and other such necessary facilities have been or will be provided. **Adequate utilities, ingress/egress to the site from IL Route 72, access roads, drainage and other such necessary facilities have been or will be provided. STANDARD MET.**
5. That the proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the zoning district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County. **Adequate utilities, ingress/egress to the site from IL Route 72, access roads, drainage and other such necessary facilities have been or will be provided. STANDARD MET.**
6. That the proposed special use complies with all provisions of the applicable district regulations. **The proposed special use appears to comply with all provisions of the AG-1 district regulations. STANDARD MET.**

RECOMMENDATION: After considering all the evidence and testimony presented, this Board finds that the application meets all the standards as found in Section 6-9-8C of the *Ogle County Amendatory Zoning Ordinance*.

Therefore, the Zoning Board of Appeals hereby recommends that a Supplemental Special Use Permit in the AG-1 Agricultural District be granted to allow the expansion of a banquet facility.

ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 28th day of February 2019 by the Ogle County Zoning Board of Appeals.

Randy Ocken, Chairman
Paul Soderholm
David Williams
Mark Hayes
Cody Considine

Randy Ocken, Chairman

ATTEST:


Michael Reibel, Secretary



April 3, 2019

The Ogle County Board, at their regular meeting held on Tuesday, March 19, 2019, Janes presents #2-19SU ~ Jeremy & Lisa Good, 5833 Skare Rd., Rochelle, IL; and Franklin Hintzsche, 3951 S. Mulford Rd., Rochelle, IL for a Special Use in the AG-1 Agricultural District to allow a single-family dwelling to be constructed on a lot divided and set aside from a farm for the daughter of the farm owner on property described as follows, owned by Franklin Hintzsche, and being purchased by Jeremy & Lisa Good: Part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 3, Township 40 North, Range 2 East of the 3rd P.M., Dement Township, Ogle County, IL, 5.0 acres, more or less - P.I.N.: Part of 25-03-300-005 - Common Location: 3900 Block of S. Mulford Rd.

Janes states ZBA & RCP unanimously approved this item.

Janes moved to accept O-2019-0302 as presented and McKinney seconds.

Droege shared that he had spoken with both the parties regarding the ordinance and the Goods are willing to sign a livestock waiver for the Petry's. Droege felt that the waiver should be started and taken care of quickly.

Janes stated he is making his recommendation based on the decision of the ZBA and has no further suggestions beyond his motion to accept the ordinance as presented.

Sparrow stated he had received a letter from the Petry's that they were not made aware that there was a Zoning change and that if that is true he does not think this ordinance was ready to be voted on by the County Board. Sparrow thought sending it back to the board to allow them to rectify it and add the verbiage for the waiver. Sparrow stated at this time he would be voting for it without the ordinance being complete and some sort of protections for the Petry family.

Chairman Gouker asked if a waiver could be agreed upon without having to send the item back to the ZBA.

Morrow states since this is the first he is hearing of this situation he'd rather not make a recommendation. But the waiver sounded like it was something that could be agreed upon between parties and not necessarily be taken back to the ZBA.

Clerk: 105 S. 5th St., Suite 104, Oregon, IL 61061 • Phone (815) 732-1110 • Fax (815) 732-3477

Recorder: 105 S. 5th St., Suite 212, Oregon, IL 61061 • Phone (815) 732-1115 • Fax (815) 732-1189

www.oglecounty.org



Laura J. Cook
Ogle County Clerk & Recorder

Chairman Gouker asked if there was a possibility of making the ordinance contingent on a waiver and Morrow stated yes, that was an option.

Sparrow stated the Petry's were not present at the ZBA because they were not aware of the livestock setbacks, he would feel more comfortable with sending it back to the ZBA and allowing the Petry family to be a part of the process. Sparrow shared that if it was passed this evening and allow for the waiver to be signed, what if the Good's change their mind?

Chairman Gouker suggested the reasoning for the approval with the contingency is so that the costs are not incurred for the petitioners to go back through the ZBA process. He also expressed the contingency should also be based on the approval of both parties and Reibel's approval.

Youman suggested the Board does need to be sure they are not making a precedent for future petitioners.

Hopkins stated he would be comfortable with the waiver between the Good/ Hintzsche and the Petry's.

Kenney stated that he is comfortable with passing the ordinance as is and then address the potential problem and make sure it doesn't reoccur.

Whalen is not comfortable supporting as is because there are too many, "unknowns". Stating that since there was a flaw in the process – not by the ZBA or Planning Commission - but by the lack of the notification and the proper process, that it would be better to make sure everything is correct.

Chairman Gouker stated just so everyone is clear it did meet all five standards and was approved unanimously by the ZBA as presented.

Sparrow stated according to the State Statute if you are going to have a livestock facility you cannot have a residence less than a quarter of a mile from a livestock facility. Sparrow stated from what he understood the property that was contiguous was notified but not the Petry's. Sparrow stated this is something that should be changed in the Zoning standards that if there is a property between even though it isn't contiguous but does come within a quart of a mile, those individuals should also be notified. Sparrow stated the fact that the Petry's weren't notified is what makes him feel the Zoning Hearing was not fairly represented.

Youman stated putting this item back through a full ZBA isn't worth the time and the money. Youman feels confident the waiver can be agreed upon but if for some reason the parties and Reibel cannot come to an agreement then it can go back to a full ZBA.



Laura J. Cook
Ogle County Clerk & Recorder

Reising spoke on behalf of Reibel in his absence to the signage that is out on the roadside for a month before the hearings so there was notification even if the Petry's were not mailed something directly. Roll was taken:

YES: Finfrock, Fox, Fritz, Griffin, Janes, Kenney, McKinney, McLester, Nordman, Oltmanns, Reising, Smith, Typer, Youman, Asp, Bowers, Corbitt, and Gouker

NO: Hopkins, Sparrow, Sulser, Whalen, and Droege

ABSENT: Heuer

Motion carries on roll call vote. (Placed on file)



Laura J. Cook

Laura J. Cook
Ogle County Clerk

The contents of this letter are a portion of the tentative Ogle County Board minutes pertaining to your zoning request. These minutes are subject to approval at the next Ogle County Board meeting.

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2019-0302

AN ORDINANCE APPROVING A SPECIAL USE ON PROPERTY
LOCATED IN THE 3900 BLOCK OF S. MULFORD ROAD IN DEMENT TOWNSHIP

WHEREAS, Jeremy & Lisa Good, 5833 Skare Rd., Rochelle, IL and Franklin Hintzsche, 3951 S. Mulford Rd., Rochelle, IL have filed a petition for a Special Use in the AG-1 Agricultural District (Petition No. 2-19SU) to allow a dwelling to be constructed on a lot divided and set aside from a farm for the daughter of the farm owner on property located in the 3900 Block of S. Mulford Road in Dement Township and legally described as shown in Exhibit “A” attached hereto; and

WHEREAS, following due and proper notice by publication in the Ogle County Life at least fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least fifteen (15) days prior thereto, the Ogle County Zoning Board of Appeals conducted a public hearing on February 28, 2019 at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use Permit, no member(s) of the public spoke in favor of the petition, and no member(s) of the public spoke in opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Special Use be granted as set forth in the *Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals* dated February 28, 2019, a copy of which is appended hereto as Exhibit “B”; and

WHEREAS, the Ogle County Board, having considered the findings of fact and recommendation of the Zoning Board of Appeals, has determined that granting the Special Use Permit in the AG-1 Agricultural District (Petition No. 2-19SU) to allow a dwelling to be constructed on a lot divided and set aside from a farm for the daughter of the farm owner would be consistent with the requirements established by Section 16-9-8C of the *Ogle County Amendatory Zoning Ordinance*;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS, as follows:

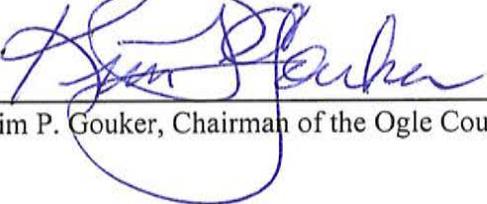
SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit “B” attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

SECTION TWO: Based on the findings of fact set forth above, the petition of Jeremy & Lisa Good, 5833 Skare Rd., Rochelle, IL and Franklin Hintzsche, 3951 S. Mulford Rd., Rochelle, IL for a Special Use in the AG-1 Agricultural District (Petition No. 2-19SU) to allow a dwelling to be constructed on a lot divided and set aside from a farm for the daughter of the farm owner on property located in the 3900 Block of S. Mulford Road in Dement Township and legally described as shown in Exhibit "A" attached hereto, is hereby approved.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

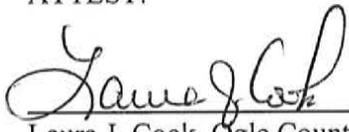
SECTION FOUR: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 16-9-10 of the *Ogle County Amendatory Zoning Ordinance*.

PASSED BY THE COUNTY BOARD THIS 19TH DAY OF MARCH 2019 A.D.



Kim P. Gouker, Chairman of the Ogle County Board

ATTEST:



Laura J. Cook, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board



EXHIBIT "A"

LEGAL DESCRIPTION

Part of the Southwest Quarter of Section 3, Township 40 North, Range 2 East of the Third Principal Meridian, bounded and described as follows: Commencing at the Northwest Corner of the Southwest Quarter of said Section 3; thence South 1 degree 26 minutes 40 seconds East along the West Line of said Southwest Quarter, a distance of 460.35 feet to the Point of Beginning of the hereinafter described tract of land; thence continuing South 1 degree 26 minutes 40 seconds West along said West Line, a distance of 361.50 feet; thence North 88 degrees 11 minutes 57 seconds East, parallel with the North Line of the South 53 acres of the North-half of said Southwest Quarter, a distance of 602.49 feet; thence North 1 degree 48 minutes 04 seconds West, a distance of 361.50 feet to the North Line of said South 53 acres; thence South 88 degrees 11 minutes 57 seconds West along said North Line, a distance of 602.49 feet to the Point of Beginning, containing 5.000 acres, more or less, subject to that land being used for public road purposes and also subject to all easements, agreements, county codes and/or ordinances of record, if any, all situated in the Township of Dement, the County of Ogle and the State of Illinois.

Property Identification Number (PIN): Part of 25-03-300-005
Common Location: 3900 Block of S. Mulford Road

EXHIBIT “B”

**FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS**

FINDINGS OF FACT AND RECOMMENDATION OF THE OGLE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of Jeremy & Lisa Good, 5833 Skare Rd., Rochelle, IL and Franklin Hintzsche, 3951 S. Mulford Rd., Rochelle, IL in case #2-19SU. The applicants are requesting a Special Use in the AG-1 Agricultural District to allow a single-family dwelling to be constructed on a lot divided and set aside from a farm for the daughter of the farm owner on part of Parcel Identification No. 25-03-300-005, a 5.0-acre parcel located in part of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section 3, Township 40 North, Range 2 East of the 3rd P.M., Dement Township, Ogle County, IL and located in the 3900 Block of S. Mulford Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on February 28, 2019 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and recommendation(s) as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 16-9-8C (Standards for Special Use Permits) of the *Ogle County Amendatory Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large. **The parcel proposed to be separated from the farm parcel for construction of a single-family dwelling is for the daughter of the farm owner, and it is within a reasonable proximity to the existing dwelling on the farm parcel. STANDARD MET.**
2. That the location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of building, structures, walls and fences on the site; and,
 - b. The nature and extent of proposed landscaping and screening on the proposed site.

The site is in close proximity to the existing farm buildings, and will not disrupt the agricultural use of the remainder of the farm or on adjacent land. STANDARD MET.

3. That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations. **The site is large enough so that adequate off-street parking and loading areas can be provided. STANDARD MET.**

4. That adequate utilities, ingress/egress to the site, access roads, drainage and other such necessary facilities have been or will be provided. **Adequate utilities, ingress/egress to the site from S. Mulford Road, access roads, drainage and other such necessary facilities have been or will be provided. STANDARD MET.**
5. That the proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the zoning district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County. **The proposed use of a single-family dwelling is for the daughter of the farm owner, and is within reasonable proximity to the existing dwelling on the farm. STANDARD MET.**
6. That the proposed special use complies with all provisions of the applicable district regulations. **The proposed special use appears to comply with all provisions of the AG-1 district regulations. STANDARD MET.**

RECOMMENDATION: After considering all the evidence and testimony presented, this Board finds that the application meets all the standards as found in Section 6-9-8C of the *Ogle County Amendatory Zoning Ordinance*.

Therefore, the Zoning Board of Appeals hereby recommends that a Special Use Permit in the AG-1 Agricultural District be granted to allow a single-family dwelling to be constructed on a lot divided and set aside from a farm for the daughter of the farm owner.

ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 28th day of February 2019 by the Ogle County Zoning Board of Appeals.

Randy Ocken, Chairman
Paul Soderholm
David Williams
Mark Hayes
Cody Considine

Randy Ocken, Chairman

ATTEST:



Michael Reibel, Secretary

DIVISION 5

FOOD SANITATION CODE

State Law References: Illinois Department of Public Health; Title 77: Public Health Chapter I: Department of Public Health Subchapter m: Foods Drugs and Cosmetics Part 750 Food Service Sanitation Code, Title 77: Public Health Chapter I: Department of Public Health Subchapter h: Local Health Departments Part 615 Local Health Protection Grant Code Section 615.30 Food Protection, Illinois State Plumbing Code, Illinois State Electrical Code, local zoning code, Illinois State Fire Code, Local or State Building Code

SECTION:

- 10-5-1: Definitions
- 10-5-2: State Rules Adopted
- 10-5-3: License Requirement
- 10-5-4: Food Establishment Licenses and Fees
- 10-5-5: Inspections for Violations; Corrections
- 10-5-6: Examination of Food, Equipment, Storage and Work Areas; Condemnation
- 10-5-7: License Suspension
- 10-5-8: License Revocation
- 10-5-9: Disease Control Provisions
- 10-5-10: Notice Provision
- 10-5-11: Hearing Provision
- 10-5-12: Penalties
- 10-5-13: Severability
- 10-5-14: Repeal and Date of Effect

10-5-1 DEFINITIONS

Category I Facility means a food establishment that presents a high relative risk of causing food-borne illness, based on 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 those where the following operations occur: Potentially hazardous foods are cooled, as part of the food handling operation at the facility, potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving, potentially hazardous cooked and cooled foods must be reheated complex preparation of foods or extensive handling of raw ingredients with hand contact for ready-to-eat foods occurs as part of the food handling operations at the facility, vacuum packaging, other forms of reduced oxygen packaging, or other special processes that require an HACCP plan, or immunocompromised individuals, such as the elderly,

young children under age four and pregnant women are served, in a facility in which these individuals compose the majority of the consuming population.

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 those where the following operations occur: Hot or cold foods are held at required temperatures for no more than 12 hours and are restricted to same-day services, foods are prepared from raw ingredients, using only minimal assembly, and foods that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food-processing plants, high-risk food service establishments or retail food stores.

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. Category III facilities include those where the following operations occur: Only potentially hazardous foods commercially pre-packaged in an approved processing plant are available or served at the facility, only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages, occurs at the facility, or only beverages (alcoholic and non-alcoholic) are served at the facility.

Commissary means a central, fixed non-mobile food establishment that meets the requirements of the Food Code and provides the necessary support for the mobile food establishment to operate in a safe and sanitary manner. It includes, but is not limited to, storage and preparation of food, storage of single use items, and cleaning supplies. A commissary may also serve as a servicing area for the servicing of the mobile unit and cleaning of the food contact and non-food contact surfaces.

Continuous Violation means a violation that is observed during a routine inspection, is documented, and persist on the next two subsequent routine inspections.

Core item means a provision in this Code that is not designated as a priority item or priority foundation item. Core item includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOPs), facilities or structures, equipment design, or general maintenance. (Good Retail Practice)

Embargo means an order issued by the Health Officer that acts as a temporary isolation or quarantine of food that the Health Officer believes or has reason to believe is in violation of this Ordinance.

Follow-up means a food safety assessment of a food establishment conducted by the Health Officer to verify correction of a violation(s) cited in the previous inspection.

Food means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or sale in whole or in part for human consumption, or chewing gum.

Food Establishments means an operation that: (a). stores, prepares, packages, serves, or 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 the consumer. (b). 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: (a). An element of the operation such as transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding operation is permitted by the local authority; and (b). An operation that is conducted in a mobile, stationary, temporary or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food.

Food Establishment does not include: (a). An establishment that offers only prepackaged foods that are not time/temperature control for safety foods; (b). A produce stand that offers whole, uncut fresh fruits and vegetables.

Governmental Service Entity: A governmental entity is that which is closely affiliated, generally by government ownership or control, with State and local governments and is a taxing body.

Hazard Analysis Critical Control Point Program (HACCP) means a food safety management system to identify, evaluate and control food safety hazards.

Home Kitchen Direct Sale means only non-Time/Temperature Control for Safety baked goods can be sold or delivery from the home to the consumer. No off site sales including, but not limited to farmer's markets, arts and craft fairs, festivals are permitted.

Mobile Unit means a food establishment that is operated from a movable, motor-driven, or propelled vehicle, a portable structure, or watercraft that can change location. All mobile units shall at a minimum have food storage and preparation area, mechanical hot and cold holding units, gas or electrical cooking equipment, hand sink, 3-compartment sink, liquid-waste holding tank and potable water tank, adequate storage for all food, single-use items and cleaning supplies.

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

Plan Review means an evaluation process conducted by the Health Officer to determine whether minimum standards are met for the sanitary design, facility layout, operational and product flow, menu processes and food handling procedures, construction, operation and maintenance of a food establishment and its premises.

Priority Foundation Item means a provision in this Code whose application supports, facilitates or enables one or more priority items. Priority foundation item

includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to foodborne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling; (Foodborne Illness Risk Factors and Public Health Interventions)

Priority Item means a provision in this Code whose application contributes directly to the elimination, prevention or reduction to an acceptable level, hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard. Priority Item includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, handwashing; (Foodborne Illness Risk Factors and Public Health Interventions)

Recurring Violation means a specific violation(s) that is observed during a routine inspection, is documented on two of the last three routine inspections, but need not be on consecutive routine inspections.

Repeat Violation means a violation noted on the previous inspection report that is observed again on the next routine inspection on the same piece of equipment, same area of the facility, or same practice.

Risk Control Plan means a concisely written management plan, developed by the Person in Charge with input from the Health Officer, that describes a management system for controlling specific identified and uncontrolled foodborne illness risk factors. The plan delineates necessary records, responsible personnel, risk factors that need to be controlled, and how those factors will be controlled to ensure the risk factors do not occur again. Examples includes but is not limited to, if food is improperly cooled in the establishment, a system of monitoring and record keeping outlined in a risk control plan can ensure that new procedures are established to adequately cool the food in the future.

Temporary Food Establishment means a food establishment that operates for a period of no more than 14 consecutive days in conjunction with a single event or celebration. Temporary food establishments serving raw, uncooked meat or seafood products shall be categorized as a level 1.

Time and Temperature Control for Safety Food(TCS) is formally potentially hazardous food or PHF and shall be defined as set forth in the food code as written and any subsequent amendments thereto.

Violation Order means an order issued by the Health Officer that acts to temporarily isolate, quarantine or restrict use of equipment, storage or work area that the Health Officer believes or has reason to believe is in violation of this ordinance.

10-5-2: STATE RULES ADOPTED

The inspection of food service establishments and retail food stores; the issuance, suspension and revocation of license to operate food service establishments and retail food stores; the prohibiting of the sale of unsound or mislabeled food or drink; and the enforcement of this division shall be carried out in accordance with the latest editions of the “Illinois Department of Public Health; Title 77:Public Health Chapter I: Department of Public Health Subchapter m :Foods Drugs and Cosmetics Part 750 Food Service Sanitation Code” along with all referenced State statues and Title 77: Public Health Chapter I: Department of Public Health Subchapter h: Local Health Departments Part 615 Local Health Protection Grant Code Section 615.30 Food Protection” , “which shall be on file in the office of the County Clerk and at the Ogle County Health Department (department). The Ogle County Health Department hereby adopts Section 3.6. Home Kitchen Operation of the 410 ILCS 625 Food Handling Regulation Enforcement Act.

10-5-3: LICENSE REQUIRMENT

A. License Required: No person shall operate a food service establishment, retail food store, mobile unit, temporary food event or prepare and/or serve food for public consumption without a valid license or permit issued by the Ogle County Health Department for said purposes, hereafter referred to as permit or license. Only a person who complies with the requirements of this division shall be entitled to receive or retain such a license. Licenses are not transferable to any other owner or address. A valid license shall be posted in every retail food store, food service establishment, or mobile unit both permanent and temporary. Change of ownership, location and “Doing Business As” Name shall require issuance of a new license.

1. Application for License: Any person desiring to operate a food service establishment shall make written application for a license on forms provided by the department. Such application shall include the name and address of each applicant, the location and type of the proposed food service establishment, and the signature of each applicant.

a. By obtaining a food permit in Ogle County a person is assuming liability, ensuring the food they are selling is safe for public consumption, the environment is safe and free of health hazards and that they will comply with the rest of Ogle County’s Food Sanitation Ordinance and any other provisions of this ordinance.

b. All annual permit holders shall apply for a temporary food permit for events held off licensed premises for temporary events. The application must be submitted to the Department 7 days prior to the event to avoid late fees.

2. Inspection of Facility: Prior to approval of an application for a license, the Ogle County Health Department shall confirm the proposed food service establishment is in compliance with:

- Illinois State Plumbing Code
- Illinois State Electrical Code

- Ogle County Zoning Regulations
- Land Subdivision Regulations
- Illinois State Fire Code
- Local or State Building Code
- Illinois Water Well Construction Code
- Illinois Private Sewage Disposal Code

3. Issuance: The department shall issue a license to the applicant if its inspection reveals that the proposed food service establishment complies with the requirements of this division. This license shall be prominently displayed on the premises in the view to the public of the approved establishment. Unless otherwise indicated, the license is valid for the period December 1st through November 30th of each year.

4. Temporary Food Establishment: A temporary food establishment shall comply with the rules and regulations set forth previously in section 10-5-1 of this ordinance, as well as all sections of the ordinance contained herein and all the provisions of this division which are applicable to its operation. The department may augment such requirements when needed to assure the service of safe food, may prohibit the sale of certain time-temperature control for safety food, and may modify specific requirements for physical facilities when no imminent health hazard will result.

5. Mobile Units: A mobile unit shall comply with the rules and regulations set forth previously in section 10-5-1 of this ordinance, as well as, all sections of the ordinance contained herein and all the provisions of this division which are applicable to its operation. Mobile units must submit plans for review and have pre-operational inspections in accordance with 10-5-5. All mobile units without an annual license must obtain a temporary food permit. All mobile food establishments shall be required to return to a commissary for supplies, cleaning and for all servicing operations.

6. Vending Machines: A vending machine that contains time/temperature control for safety food must have an annual vending machine license responsibility of the vendor. Vending machines shall comply with the rules and regulations set forth previously in section 10-5-1 of this ordinance, as well as all sections of the ordinance contained here within and all the provisions of this division which are applicable to its operation.

B. Exemption: The following entity shall be exempt from the provision of this ordinance:

1. Home kitchen operation.

a. Annual registration of home kitchen operations at the department shall be required. All operators of home kitchens shall possess Certified Food Protection Managers Certificate prior to registration.

b. For the purpose of this Section, "home kitchen operation" means a person who produces or packages non-time/temperature control for safety baked goods, as allowed by subsection vii, in a kitchen of that person's primary domestic residence for direct sale

by the owner or a family member. A home kitchen operation does not include a person who produces or packages non-time/temperature control for safety baked goods for sale by a religious, charitable, or nonprofit organization for fundraising purposes; the production or packaging of non-time/temperature control for safety baked goods for these purposes is exempt from the requirements of this Act. The following conditions must be met in order to qualify as a home kitchen operation:

- i. Monthly gross sales do not exceed \$1,000.
 - ii. The food is a non-time/temperature control for safety baked good, as described in Section 4 of this Act.
 - iii. A notice is provided to the purchaser that the product was produced in a home kitchen.
 - iv. The food package is affixed with a label or other written notice is provided to the purchaser that includes:
 - (1). the common or usual name of the food product; and
 - (2). allergen labeling as specified in federal labeling requirements by the United States Food and Drug Administration.
 - v. The food is sold directly to the consumer.
 - vi. The food is stored in the residence where it is produced or packaged.
 - vii. Baked goods, such as, but not limited to, breads, cookies, cakes, pies, and pastries are allowed. Only high-acid fruit pies that use the following fruits are allowed: apple, apricot, grape, peach, plum, quince, orange, nectarine, tangerine, blackberry, raspberry, blueberry, boysenberry, cherry, cranberry, strawberry, red currants, or a combination of these fruits.
- c. The Department of Public Health or the health department of a unit of local government may inspect a home kitchen operation in the event of a complaint or disease outbreak.
- d. The requirements of this Section apply only to a home kitchen operation located in a municipality, township, or county where the local governing body having the jurisdiction to enforce this Act or the rules adopted under this Act has adopted an ordinance authorizing home kitchen operations.

10-5-4: FOOD ESTABLISHMENT LICENSES AND FEES

A. Annual Food Establishment License

1. Submission and Review of Plans and Specifications Required: Whenever a food service establishment, retail food store or mobile unit is constructed or remodeled and whenever an existing structure is converted to use as a food service establishment, retail food establishment or mobile unit, properly prepared plans and specifications for such

construction, remodeling or conversion shall be submitted to the department for review and approval before construction, remodeling or conversion begins. A completed application will be required for this plan review and must be submitted to the department with a fee in accordance with the fee schedule set forth in division 1, article D of this chapter. Failure to obtain approval of the plan review prior to construction shall result in the fee being doubled.

2. Content of Plans: The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The department shall approve the plans and specifications if they meet the requirements of this division. No food service establishment, retail food establishment or mobile unit shall be constructed, remodeled, or converted except in accordance with plans and specifications approved by the department.

3. Preoperational Inspection: Whenever plans and specifications are required by paragraph A.1. of this section to be submitted to the department, the Health Officer shall inspect the food service establishment, retail food establishment or mobile unit prior to the start of operations, to determine compliance with the approved plans and specifications and with the requirements of this division.

4. License Obtained: License to operate a food service establishment, retail food store or mobile unit must be obtained from the department on or before November 30 each year. Fees will not be pro-rated. Before any new food service establishment may be established or put into operation, plans must be submitted and a license obtained.

5. License Renewals: Licenses for food service establishments, retail food stores and mobile units will be sent applications for renewal annually due by November 30 each year. At renewal time, the application is due along with any other fees or fines incurred during their previous permit year. If a license holder is delinquent on any money due at the renewal deadline, the department shall deny the renewal of the annual license until such a time as the license holder pays in full. If renewal payment and any other fees are not received by November 30, a late fee will be assessed as outlined in division 1, article D of this chapter.

6. Obligation to Notify: It is the permit holders responsibility to notify the department of any changes to the renewal application including change of ownership, location, menu change or procedures that deviates from the original category of risk level.

7. License Fees: License to operate a food service establishment, retail food store or mobile unit shall be in accordance with the fee schedule set forth in division 1, article D of this chapter. License fees will not be pro-rated. Any license fee that is late will have a late fee assessed as outlined in division 1, article D of this chapter.

B. Temporary Permit:

1. Permit Fees: License to operate a temporary food establishment shall be in accordance with the fee schedule set forth in division 1, article D of this chapter.

2. Not for profit: Not for profit shall be charged in accordance with the fee schedule set forth in division 1, article D of this chapter. State of Illinois certification for not for profit status must be current and verifiable via the Illinois Secretary of State website.

a. Exempt from fee: Governmental service entities.

2. Late fees: Temporary food license applications must be filed seven calendar days prior to the event. Otherwise, a late fee charge will be levied in accordance with the fee schedule set forth in division 1, article D of this chapter. Registered, not for profit organizations are not exempt from this late fee. Government entities are not exempt from a late fee and will be charged 50% of the risk category licensing fee.

All fees are nonrefundable.

10-5-5: INSPECTIONS FOR VIOLATIONS; CORRECTIONS

A. Inspections Required: The inspection schedule for each food service establishment shall be based on the relative risk category of foodborne illness as determined by the department using the criteria in the Illinois department of public health "rules and regulations for food sanitation". Food service establishment shall be rated as either category I, category II or category III. Facilities shall be inspected at least as often as the following schedule:

1. Category I: Three (3) inspections per year, or two (2) inspections if one of the following conditions is met:

a. A Certified Food Protection Manager is present at all times the facility is in operation;
or

b. The employees involved in food operations receive a hazard analysis critical control points (HACCP) training exercise, in-service training in another food service area, or attend an educational conference on food safety or sanitation, approved by the department.

2. Category II: One inspection per year.

3. Category III: One inspection every two (2) years.

4. Additional inspections shall be performed as often as necessary for the enforcement of this division.

B. Access to Inspectors: The Health Officer shall be permitted to enter any food service establishment, retail food store, mobile unit, temporary food event or any location preparing or serving food at any reasonable time for the purpose of making inspections to determine compliance with this division. "Reasonable time" for the purpose of this

section shall mean at all times the establishment is open to the public and/or any time food is being handled. The Health Officer shall be permitted to examine the records of the establishment to obtain information pertaining to food and supplies purchased, received or used, or to persons employed. When the Health Officer is denied access to a food service facility for inspection or investigation purposes, it shall be considered a violation of this division. The Health Officer shall have the authority to close any food service facility or suspend the permit of an establishment that denies access for inspection or investigation. This closure or suspension will be effective immediately. The food service facility shall cease all operations until a thorough inspection has been completed and all noted violations have been corrected or an administrative hearing has been requested or conducted.

C. Record Keeping: All food establishments shall maintain refrigeration, mechanical or manual ware washing sanitation and cooling logs. Refrigeration and sanitation logs shall be recorded twice per day. Cooling logs shall be recorded for individual food items. Records of the past 90 days must be maintained and made available to the Health Officer upon request.

D. Inspection Reports: Inspection finding shall be recorded on an inspection form that is substantially equivalent to the current or subsequent Illinois State Department of Public Health Food Inspection Report. The inspection remarks shall be written to reference by item number and shall state the correction to be made. A copy (hard copy or electronic copy) of the completed inspection report form shall be furnished to the person in charge of the establishment. The findings of the inspection will be posted on the Health Department's website.

1. Refusal to sign on the inspection report will not affect the permit holder's obligation to correct the violations noted in the inspection report within the time frames specified in the report. Acknowledgement of receipt does not indicate agreement with the inspection findings.

E. Correction Required: The completed inspection report form shall specify a reasonable period of time for the correction of the violations found; and correction of the violations shall be accomplished within the period specified. The inspection report may state that failure to comply with any time limits for corrections may result in cessation of food service operations or food sales.

1. If an imminent health hazard exists because of an emergency such as a fire, flood, power outage, water outage (Hot or Cold), contaminated water supply, sewage back up, vermin presence, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, unsanitary occurrence or conditions, or other circumstances that could result in the contamination of food, or that might prevent time/temperature control for safety food from being held at required temperatures, the permit holder or person in charge shall cease operations and contact the Health Officer. Upon receiving notice of this occurrence, the Health Officer shall take actions as it deems necessary to protect

public health. If operations are ceased, the establishment shall obtain approval from the Health Officer prior to reopening.

2. When a Priority item(s) and/or a Priority Foundation item(s) is documented as a violation during an inspection such item(s) shall be corrected on-site, if possible, but not to exceed a timeframe of 10 calendar days. If the 10th calendar day falls on a weekend or state holiday, the first work day following shall be treated as the 10th day. A follow up inspection shall be conducted to confirm correction(s) have been adequately made within 20 days of the violation. Certain violations may be verified by submitting evidence deemed acceptable by the Health Officer within the specified time frame. This follow-up and any subsequent follow-ups will be associated with a fee(s) as outlined in Article D of this ordinance.

a. Repeat violation(s) of a Priority and/or a Priority Foundation item(s) shall be corrected at the time of inspection to include implementing a risk control plan/standard operating procedure at the time of inspection, if possible, but at no time to exceed a period of 5 calendar days. If the 5th calendar day falls on a weekend or state holiday, the first work day following shall be treated as the 5th work day. A follow up inspection shall be conducted to confirm correction(s) have been adequately made within 10 days of the violation. This follow-up and any subsequent follow-ups will be associated with a fee(s) as outlined in Article D of this ordinance.

3. When Core item(s) is documented as a violation during an inspection, such item(s) must be corrected at the time of inspection if possible, or a time frame agreed upon by the Health Officer, but at least by the time of the next routine inspection. The Health Officer may require the completion of a violation compliance form to document and confirm corrections. If the establishment has received a violation compliance form and it is not sent back to the department by the date due as noted on the form, the establishment may be subject to a follow up inspection to confirm correction(s). This follow-up and any subsequent follow-ups will be associated with a fee(s) as outlined in Article D of this ordinance.

a. Repeat violation(s) of a Core item(s) shall be corrected at the time of inspection to include implementing a risk control plan at the time of inspection, if possible, but at no time to exceed a period of 5 calendar days. If the 5th calendar day falls on a weekend or state holiday, the first work day following shall be treated as the 5th work day. A follow up inspection shall be conducted to confirm correction(s) have been adequately made within 10 days of the violation. Certain violations may be verified by submitting evidence deemed acceptable by the Health Officer within the specified time frame. This follow-up and any subsequent follow-ups will be associated with a fee(s) as outlined in Article D of this ordinance.

4. Failure to comply with any notice regarding violations which pose imminent health hazard or continuous, recurring and/or repeat violation(s) issued within accordance of the

provisions of this ordinance and/or enforcement policy may result in the issuance of a noncompliance fee, as outlined in Article D of this ordinance, for each violation item and/or immediate suspension of the permit.

5. When a food service establishment, retail food store, or mobile unit is cited for seven or more Priority and/or Priority Foundation item(s) violations that are not correctable on site, they shall cease operations immediately. The Ogle County Health Official has final discretion on when operations are to be ceased. The establishment shall initiate corrective action on all identified violations within forty-eight hours. The department will conduct a re-inspection after this time period to confirm that the corrective actions have been made.

6. In the case of temporary food establishments, violations must be corrected within a reasonable period of time as determined by the Health Officer. Failure to comply with such notice shall result in immediate suspension of the license.

7. Home Kitchen and Cottage Food Operation, Bake Sale for A Charitable or Religious Organization.

a. Upon the outbreak of a disease that may be connected to any of such sites, the health department shall have the authority to inspect such sites involved. The Health Officer shall request consent to inspect such sites. In the absence of consent, the Health Officer shall obtain an administrative search warrant to inspect a kitchen of a private home, cottage food operation or bake sale.

b. In the event of disease outbreak reasonably connected to a kitchen in a private home or cottage food operation, the Health Officer shall request the kitchen in a private home, or cottage food operation to cease food sales to the public until the Health Officer has deemed the operations may continue. In the absence of voluntary compliance, the Health Officer may seek a court order for cessation of food preparation in a kitchen in a private home or cottage food operation.

F. Hearing Provided: An opportunity for hearing on the inspection findings or the time limitations or both will be provided according to the provisions in division 1, article C of this chapter.

G. Resumption of Operations, Re-inspection: Whenever a food service establishment, retail food store or mobile unit is required under the provisions of this section to cease operations, it shall not resume operations until it is shown upon re-inspection that conditions responsible for the order to cease operations no longer exist. Opportunity for re-inspection shall be offered within a reasonable time.

H. Inspection Results: Inspections results from routine inspections will be made public on the Ogle County Health Department website. Follow-up inspection(s) and complaint results will not be posted on the health department website.

**10-5-6: EXAMINATION OF FOOD, EQUIPMENT, STORAGE AND WORK AREAS;
CONDEMNATION**

A. Embargo: Food may be examined or sampled by the Health Officer as often as necessary for enforcement of this division. The department may, upon notice to the owner or person in charge, place an embargo on any food which it believes creates a potential hazard to health. The Health Officer shall tag, label or otherwise identify any food subject to the embargo. Anyone who alters, tampers, removes the embargo placard or food shall be subject to fines and/or suspension of permit.

1. During an inspection of a food establishment, the food shall be subject to immediate condemnation or destruction for the following reasons, but is not limited to:

a. Prepared Time/Temperature Control for Safety Foods held over 7 days;

b. Cold food stored above 41 degrees Fahrenheit;

c. Hot food held below 135 degrees Fahrenheit;

d. Food that is contaminated in the result of a fire, flood, sewage backup, power outage or similar events;

e. Food equipment used in the preparation of food products is found to be in a state of disrepair, unsafe, unsanitary or unsuitable for the use of preparation, display or service of food'

f. Food that is misbranded or adulterated; or

g. Food obtained from an unapproved source.

2. Restrictions on Food: No food subject to an embargo shall be used, served or moved from the establishment. The department shall permit storage of the food under conditions specified in the embargo, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished.

B. Violation Order: Any equipment or area of a food establishment that does not meet the standards of the state service sanitation code Title 77 part 750 or Ogle County Chapter 10 Division 5 shall be tagged with a violation order and not used until properly cleaned and sanitized, repaired or replaced. Once a Violation Order placard is placed, it may only be removed by the Health Officer. Anyone who alters, tampers, removes the embargo placard or food shall be subject to fines and/or suspension of permit.

C. Fines for Non-Compliance and Priority/Priority Foundation Violations: The Department may in the event of non-compliance or repeat priority and priority foundation items levy fines to a food establishment starting at \$500.00 and up to \$1,500.00 per violation in accordance to 10-5-11 of the Ogle County Code. Fine will be communicated in a standardized written format to the person in charge onsite. A copy will be given to the

person in charge or owner and a copy will be kept in the department in the corresponding inspection file.

D. Hearing Provided: The embargo shall state that a request for hearing may be filed according to the provisions set forth in division 1, article C of this chapter and that if no hearing is requested, the food shall be destroyed. If a request for hearing is received, the hearing shall be held in accordance with the provisions set forth in division 1, article C of this chapter. On the basis of evidence provided at that hearing, the embargo may be vacated or the owner or person in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of this division.

10-5-7: LICENSE SUSPENSION

A. Suspension Provided: License or permit for food service establishments, retail food stores, mobile units or temporary food service establishments may be suspended by the Health Officer upon notice to the license or permit holder of same. Reasons for suspending the license or permit include, but are not limited to, the following:

1. Failure to comply with the provisions of this ordinance;
2. Failure to comply with the provisions of this ordinance after notification by the Health Officer;
3. Failure to comply with the provisions of this ordinance within the timeframe established by the Health Officer;
4. Interference with the Health Officer in the performance of their duties, including, but not limited to, failure to allow the Health Officer access to the license holders building or records;
5. Failure to update the original and/or renewal application as required by this ordinance,
6. Knowingly furnishing false information to the Health Officer or any official document or,
7. Failure to pay any fines or fees owed to the department.
8. Smoke Free Illinois Act (419 ILCS 82): Permits may be suspended temporarily by the Health Officer for failure of the permit holder to comply with notices or citations issued for violation of the Smoke Free Illinois Act.

A. Whenever a permit holder or operator has received a Smoke Free Illinois Citation and failed to request a hearing within ten (10) calendar days, or pay the fine within twenty-eight (28) calendar days, or failed to obey the findings and final order of an Illinois Department of Public Health Administrative Law Judge, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended.

B. Suspension Effective: Suspension is effective upon service of the notice required by paragraph C of this section. When a license or permit is suspended, food service operations or food sale shall immediately cease. Whenever a license or permit is suspended, the holder of the license shall be afforded an opportunity for a hearing with the Health Officer within twenty (20) days of receipt of a request for hearing.

C. Notice of Hearing: Whenever a license or permit is suspended, the holder of the license or the person in charge shall be notified in writing that the license is, upon service of the notice, immediately suspended and that an opportunity for hearing with the Health Officer, according to the provisions set forth in division 1, article C of this chapter, will be provided, if a written request for hearing is filed with the department by the holder of the license within ten (10) days. The Health Officer may end the suspension at any time if reasons for suspension no longer exist.

10-5-8: LICENSE REVOCATION

A. Revocation Provided: Licenses or permit for food service establishments, retail food stores, mobile units and temporary food establishments may be revoked by the Health Officer upon notice to the license holder of same. Reasons for revocation of the license or permit include, but not limited to, the following:

1. Serious violation of the provisions of this ordinance;
2. Repeated failure to comply with the provisions of this ordinance;
3. Interference with the Health Officer in the performance of their duties, including, but not limited to, failure to allow the Health Officer access to the license holders building or records;
4. Failure to update the original and/or renewal application as required by this ordinance;
5. Knowingly furnishing false information to the Health Officer or any official document;
6. Failure to apply for re-inspection within 30 days of the end of a suspension period imposed for violations of the provisions of this ordinance or,
7. When continuous operation of the business has lapsed for a period of more than 90 days without notification to the department.

B. Notice and Hearing Provided: Prior to revocation, the department shall notify, in writing, the holder of the license or the person in charge, of the specific reason(s) for which the license or permit is to be revoked and that the license shall be revoked at the end of the ten (10) days following service of such notice unless a written request for hearing is filed with the department by the holder of the license or permit within such ten (10) day period.

If no request for hearing is filed within the ten (10) day period, the revocation of the license becomes final.

C. Application After Revocation: Whenever a revocation of a license has become final, the holder of the revoked license may make written application to the department. To make written application to the department, an application for license, plan review and all applicable fees must be submitted. It is up to the discretion of the department to approve re-instatement of licensure. All fees are non-refundable.

D. Hearing: The licensee shall be provided with the opportunity to a hearing in accordance with the provisions set forth in division 1, article C of this chapter.

10-5-9: DISEASE CONTROL PROVISIONS

A. Employee Restriction: The person in charge of a food service establishment, retail food store or mobile unit shall restrict or exclude any employee from work as per Section 750.500 General – Employee Health.

1. Whenever the department has reasonable cause to suspect possible disease transmission by an employee of a food service establishment or retail food store, it may secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take appropriate action. The department may require any or all of the following measures:

a. The immediate exclusion of the employee from employment in food service establishments, retail food stores or mobile units;

b. The immediate closing of the food service establishment, retail food store or mobile units concerned until, in the opinion of the department, no further danger of disease outbreak exists;

c. Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease;

d. Adequate medical and laboratory examination of the employee and of other employees and their body discharges. The Ogle County Health Officer may order that an employee is held out of work until they have been cleared by a physician in accordance to Section 690 Control of Communicable Diseases Code and ILCS 2305/2 Section 2. Powers. Physicians clearance should be in writing demonstrating that adequate testing was performed and the employee is not contagious with a communicable disease infection.

10-5-10: NOTICE PROVISION

A. A notice provided for in this division is properly served when it is delivered to the holder of the license, or the person in charge, or when it is sent by registered or certified mail,

return receipt requested, or e-mailed with read receipt requested to the last known address of the holder of the license. A copy of the notice shall be filed in records of the department.

10-5-11: HEARING PROVISION

A. The hearings provided for in this division shall be conducted in accordance with the provisions set forth in division 1, article C of this chapter.

10-5-12: PENALTIES

A. Any person who violates any of the provisions of this division and is convicted thereof shall be punished by fines ranging from five hundred dollars to one thousand five hundred dollars (\$500.00 - \$1,500.00). In addition, thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs constitutes a separate violation.

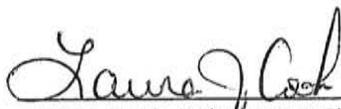
10-5-13: SEVERABILITY

A. If any provision of this ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, the decision shall not affect the validity of the remainder of the ordinance.

10-5-14: REPEAL AND DATE OF EFFECT

A. This division shall be in full force and effect from and after March 20, 2019. At that time, all resolutions and parts of resolutions in conflict with this division are hereby repealed.

Presented and adopted by the Ogle County Board on March 19, 2019.



Laura J. Cook, Ogle County Clerk



Kim P. Gouker, Ogle County Board Chairman



MOTION DEFEATED ON A ROLL CALL VOTE

O-2019-0304

DIVISION 1
ADMINISTRATIVE PROVISIONS
ARTICLE D. ENVIRONMENTAL FEE SCHEDULE

SECTION:

10 1D 1: Purpose 10 1D 2: Fee Schedule
10 1D 3: Unconstitutionality Clause
10 1D 4: Repeal and Date of Effect

10 1D 1: PURPOSE: The purpose for implementing fees is to help supplement state grant and local tax levy dollars that are used to provide both regulatory and voluntary environmental health services that are currently being provided by the Ogle County Health Department.

The Ogle County Health Department Administrator has the authority to revise or amend fees with the approval from the Ogle County Health Board. The Ogle County Health Department Administrator also has the authority to, transfer, waive, or reduce any of the fees if the situation warrants it (i.e. public health emergency, hardship cases, overpayment, or other circumstances which would require a fee alteration).

10 1D 2: Fee Schedule

Food Service License Fees

<u>Fee Description</u>	<u>Fees:</u>
<u>Facility</u>	
• Type III Facility (low)	\$ 175.00
• Type II Facility (medium)	\$ 250.00
• Type I Facility (high)	\$ 300.00
• Late Renewal Penalty Fee	50% of Lic. Cost
<u>Mobile Units</u>	
• Type III Facility (low)	\$ 100.00
• Type II Facility (medium)	\$ 150.00
• Type I Facility (high)	\$ 200.00
• Late Renewal Penalty Fee	50% of Lic. Cost
<u>Temporary Food Service Permit</u>	
• Type III Facility (low)	\$ 40.00
• Type II Facility (medium)	\$ 75.00
• Type I Facility (high)	\$ 100.00
• Non-Profit	50% of fee
• Late Filing Fee (Less than 1 week before event)	50% of fee
• Onsite Temporary Permit	Double Regular Fee
<u>Vending Machines</u>	\$25.00
• Late Renewal Penalty Fee	50% of Lic. Cost

Other Food Service Fees

<u>Fee Description</u>	<u>Fees:</u>
<u>Cottage Permit</u>	\$ 25.00
<u>Re-inspection</u> (Due to Violations and/or Closure)	\$ 50.00 First Visit \$ 75.00 Second Visit \$ 100.00 Third Visit
• Non-Compliance Fee	\$ 50.00 Per Violation
• Late Payment Penalty Fee	50% of fee
<u>Plan Reviews</u> (new or renovation)	
• Type III Facility (low)	\$ 95.00
• Type II Facility (medium)	\$ 175.00
• Type I Facility (high)	\$ 315.00
(Plan Review fee includes: application review, design review, 2 site visits, pre-opening visit)	
• Additional Site Visits	\$ 25.00
• Failure to obtain approval of plan review prior to construction	Double the Regular Fee
<u>Administrative Hearing</u>	\$ 200.00
<u>HACCP Special Process Review</u>	\$ 200.00

Private Sewage Disposal Fees

<u>Fee Description</u>	<u>Fees:</u>
<u>Installer</u>	
• Annual Private Sewage Contractor License	\$ 150.00
• License Reinstatement after 1-year lapse	\$ 50.00
• License Reinstatement after 3-year lapse	\$ 75.00
• Licensure Exam	\$ 100.00
<u>Pumper</u>	
• Annual Sewage Pumper	
o Contractor License	\$ 125.00
o Each Truck	\$ 50.00
o Aeration Service Provider	\$ 100.00
• Licensure Exam	\$ 75.00
• Late Renewal Penalty Fee	50% of fee
Private Sewage Disposal Permit	
• Residential Dwelling (new construction)	\$ 325.00
• Residential Dwelling (repair)	\$ 250.00
• Commercial Facility (new construction)	\$ 350.00
• Commercial Facility (repair)	\$ 275.00
• Mechanical Units	\$ 325.00
• Training Session for Homeowner Installation	\$ 150.00
• Engineering Plan Review	\$ 100.00
• Septic Permit Variance Change	\$75.00
• Mechanical Unit Annual Registration Fee	\$ 50.00
• Mechanical Unit Code Non-Compliance Penalty Fee (assessed per month)	\$ 25.00
• Septic Permit Transfer	\$ 50.00
• Late Documentation Fee (>90 days)	\$ 50.00

This Division shall be in full force and effect from and after March 20, 2019. At that time all ordinances and parts of ordinances in conflict with this division are hereby repealed.

Passed and Adopted March 19, 2019 by the Ogle County Board.

Ogle County Board Chairman

Ogle County Clerk

Private Well Fees

<u>Fee Description</u>	<u>Fees:</u>
• Water Well Construction Permit Fee	\$ 100.00
• Sampling New Well (paid with Well Permit)	\$ 85.00
• Re-sampling	\$ 65.00
• Dewatering Wells over 40' in depth	\$ 100.00 for First 10 Wells
	\$10.00 each added well
• Abandoned Well Sealing Permit Fee	\$ 100.00
If obtained with new well permit	\$50.00
• Vertical Geothermal Well	\$ 100.00 for First 10 Wells
	\$10.00 each added well
• Horizontal Geothermal Well	\$100.00

Water Sampling

Private Water Analytical Fees

• Bacteria	\$ 25.00
• Nitrate	\$ 25.00
• Iron	\$ 25.00
• Hardness	\$25.00
• Other Chemicals (lab cost + postage + handling 5%)	
• Private Water Sample Collection	\$50.00 + Lab Fee
• On Site Well Chlorination Assistance	\$50.00
• Well Placement On Site Visit and/or Variance	\$50.00

Other Service Fees

<u>Fee Description</u>	<u>Fees:</u>
• Building Permits requiring site visit	\$ 50.00
• On Site Zoning Consultations	\$ 50.00

Sanitary Property Evaluation

• Water & Sewage	\$ 180.00
• Water Only	\$ 150.00
• Sewage Only	\$ 150.00
• Feasibility Study	\$ 100.00
• Follow-up Site Visit	\$ 20.00 + Lab Fees
• One-Two Day Service for above (No Refunds for sanitary evaluation)	\$ 100.00
• Subdivision Plat – Well & Septic Feasibility Review Fee (\$150.00 Min.)	\$ 50.00/ Lot
• Freedom of Information Requests	\$ 0.15/Page
• Returned Check (NSF)	\$ 25.00
• License Replacement	\$ 10.00