
CHAMPAIGN COUNTY BOARD OF HEALTH

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Champaign County Board of Health

**Tuesday, June 16, 2015
5:30 PM**

**Location: Champaign-Urbana Public Health District
201 W. Kenyon, Champaign, IL
Main Conference Room
(Park & Enter on North Side of Facility)**

AGENDA

<u>ITEM</u>	<u>PAGE NO.</u>
A. Call to Order	
B. Roll Call	
C. Approval of Agenda/Addenda	
D. Approval of Minutes	
1. March 17, 2015 – Monthly Meeting	1-4
E. Public Participation on Agenda Items Only	
F. Correspondence and Communications	
G. SmileHealthy	
1. Monthly Report – February 2015	5-8
2. Monthly Report – March 2015	9-13
3. Monthly Report – April 2015	14-17
4. Approval of Participation Agreement with Central Illinois Dental Education and Services (CIDES)	18-26
H. CUPHD	
1. Approval of CUPHD Invoice for February 2015 Services	27-28
2. Approval of CUPHD Invoice for March 2015 Services	29-30
3. Approval of CUPHD Invoice for April 2015 Services	31-32
4. Update on Ebola	
5. Discussion of Statue Regarding “Home Kitchen Operation”	33-53
6. Discussion of New Food Establishments in Champaign County as a Corresponding Item to the News-Gazette article on 4/19/2015, “New restaurants in C-U over the Last Year”	54-62
7. Discussion of the Environmental Health Division Role in the Diesel Release Site, Sidney, 5/2/2015	
8. Adopt Fees for Closed Well Loop System: a) Closed Loop Well System Construction Permit Fee: \$100 for the first 10 closed loop well boreholes drilled and \$10 for each additional borehole drilled {per Illinois Water Well Construction Code 77 Ill. Adm. Code 920.200 d} and b) Closed Well Loop System Inspection Fee: \$150 for residential and \$300 for non-residential	63

Champaign County BOH Meeting Agenda
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9. CUPHD Monthly Division Reports – April 2015 thru June 2015
Reports can be viewed at: <http://www.c-uphd.org/monthly-reports.html>
 - a. Administrative Training
 - b. Environmental Health
 - c. Human Resources
 - d. Infectious Disease
 - e. Maternal & Child Health
 - f. Planning & Research
 - g. Wellness & Health Promotion

I. Old Business

1. Environmental Health
 - a. Changes to the Champaign County Health Ordinance to Reflect Changes in Statute, Administrative Regulation, and County Ordinances and Resolutions – Action Required 64-119
 - b. Fee Schedule for Environmental Health Programs 120-123
2. Discussion of Payment to Mitchell Plumbing & General Contracting as requested by Jonathan Schroeder (County Board District 4) and Al Kurtz (former Chairperson) 124-134

J. Other Business

1. Slate of Officers/Elections
2. County Board of Health By-Laws 135-143

K. Public Participation on Non-Agenda Items Only

L. Adjournment

1 CHAMPAIGN COUNTY BOARD OF HEALTH 1

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4 *Tuesday, March 17, 2015*
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6 **Call to Order**

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8 The Champaign County Board of Health held a meeting on March 17,
9 2015 at the Champaign-Urbana Public Health District office, 201 W. Kenyon
10 Road, Champaign. The meeting was called to order at 5:30 PM by President,
11 Krista Jones.
12

13 **Roll Call**

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15 Upon roll call, the following Board members were found to be present:
16 Krista Jones, President, Dr. John Peterson, Secretary/Treasurer, David Thies,
17 Betty Segal, David King, and Jim McGuire. Dr. Michael Ruffatto was in
18 attendance at 5:39 PM.
19

20 Also present were: Julie Pryde, CUPHD Administrator, Jim Roberts,
21 CUPHD Director of Environmental Health, Patricia Robinson, CUPHD, and
22 Nancy Greenwalt, SmileHealthy Executive Director.
23

24 **Approval of Agenda/Addendum**

25
26 Mr. David Thies made a motion to approve the March 17, 2015 agenda.
27 Mr. David King seconded the motion. With all in favor, the motion carried.
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29 **Approval of Minutes**

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31 Dr. John Peterson made a motion to approve the November 4, 2014
32 monthly meeting minutes. Mr. David Thies seconded the motion. With all in favor,
33 the motion carried.
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35 **Public Participation on Agenda Items Only**

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37 Ms. Patti Petrie addressed the Board regarding Agenda Item 9, stating
38 that she would like to see rural members of the county be able to participate in
39 the discussion regarding fees.
40

41 Ms. Patti Petrie addressed the Board regarding Agenda Item 7, stating
42 that it appears the original Participation Agreement with Central Illinois Dental
43 Education and Services (CIDES) was included in the Board packet, but that the
44 renewal agreement was not attached.
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46 **Correspondence and Communications**

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48 There was no correspondence.
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55 **Smile Healthy**

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Dr. Michael Ruffatto made a motion to receive and place on file the October 2014, November 2014, December 2014 and January 2015 SmileHealthy monthly reports. Mr. David Thies seconded the motion. With all in favor, the motion carried.

CUPHD

Mr. Jim McGuire expressed concern that the agenda and board packets for this meeting were not made available on the County website. Ms. Julie Pryde commented that approved agendas and board minutes are forwarded to the County for the County staff to post on the website and apparently the staff didn't have time to post them ahead of the meeting. It was suggested that the board packets be distributed on the Thursday before a board meeting as some board members received the board packets on Monday the day before the meeting. Ms. Pryde said that she would make sure that the board packets are timely moving forward.

Dr. Peterson made a motion to approve the CUPHD invoices for October 2014, November 2014, December 2014, and January 2015 services. Dr. Ruffatto seconded the motion. With all in favor, the motion carried.

Ms. Julie Pryde gave an update on Ebola and noted that there were no cases in Illinois. She reported that CUPHD has assisted with a few low priority self-monitoring cases involving individuals who returned to Champaign-Urbana after visiting West Africa. Ms. Pryde also reported to the Board that Carle Hospital is working to become an approved Ebola treatment center.

Ms. Julie Pryde reported to the Board that Mr. Andy Quarnstrom, Champaign-Urbana Public Health District Board Chair, sent a letter to CUMTD to ask them to make CUPHD a permanent stop. She further reported that the response letter from CUMTD states they will evaluate for the fall schedule. A few Board members expressed interest in assisting in the effort and asked that CUMTD Board members contact information be presented to the Board.

Approval of the Participation Agreement with Central Illinois Dental Education and Services (CIDES) was tabled to the next meeting as the renewal agreement was not attached to the Board packet and the Board would like to have time to review before approving.

Mr. Jim Roberts updated the Board on the proposed amendment to the County Zoning Ordinance regarding new private sewage disposal system requirements. Mr. Roberts reported that prior to February 10, 2014 county citizens were allowed to have surface discharge of treated sewage. The U.S. Environmental Protection Agency then told the State that from that date forward in order to have surface discharge residents must have a National Pollutant

105

106 Discharge Elimination System (NPDES) permit. Mr. Roberts reported that without
107 the NPDES permit the county health department could not issue a construction
108 permit for a sewage system. CUPHD is working with the Planning & Zoning
109 Department to have some joint information so that when people go to apply in the
110 County that they have common information from both departments on sequence
111 of events. The County Department of Planning & Zoning is working on revising its
112 ordinance to include some language on this new process and then will work with
113 the health department so that there is similar language in both ordinances.

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115 Mr. Jim McGuire expressed concern that the report given by Mr. Roberts
116 on the proposed amendment to the County Zoning Ordinance regarding new
117 private sewage disposal system had no supporting documentation included in the
118 board packets. Mr. McGuire expressed interest in having this information ahead
119 of meetings in order to be fully informed about a topic prior to the meeting.

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121 Mr. Jim Roberts reported on evaluating fees for Environmental Health
122 programs. Ms. Betty Segal commented that it would seem appropriate to be
123 given an update on what the Environmental Health programs are currently
124 costing so that there is a basis for the decision to implement fees or increase
125 fees for some services. Mr. Thies agreed with Ms. Segal that it would seem
126 appropriate to analyze the costs of the different programs when deciding to
127 charge fees or increase fees for some programs. Ms. Krista Jones requested that
128 the Board be given a current list of fees along with a list of recommended fee
129 increases. More information on this agenda item will be presented at a future
130 board meeting.

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132 Mr. Jim Roberts reported on an invoice for \$588 from Mitchell Plumbing &
133 General Contracting which Mr. Jonathan Schroeder (County Board District 4) and
134 Mr. Al Kurtz (former County Board Chair) recommended that the Board pay. The
135 invoice was for returning some plumbing back to its original state after the
136 operator of Judy's Sweets in Tolono cut the pipe when told that they needed an
137 air gap in the plumbing in order to pass inspection to open their restaurant. The
138 CUPHD inspector had missed that the establishment had a floor drain and the air
139 gap was, therefore, not necessary. Mr. Schroeder addressed the board to explain
140 that the building owner had approached him for assistance in getting the
141 plumbing invoice reimbursed by CUPHD. Mr. Thies further commented that he
142 wasn't sure the Board had the authority to make that decision. Ms. Pryde will
143 check with the State's Attorney office to see if the Board had the legal authority to
144 reimburse the invoice. Mr. Thies then suggested that if the Board had the
145 authority to pay the invoice that they discuss the policy behind paying the invoice
146 as it sets a precedent moving forward.

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148 CUPHD Monthly Reports are available on-line. Mr. Peterson made a
149 motion to approve December 2014, January 2015, February 2015 and March
150 2015 monthly division reports. Dr. Ruffatto seconded the motion. With all in favor,
151 the motion carried.

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157 **Old Business**

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166 **Other Business**

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Mr. Jim Roberts reported to the Board that he just received back from the States Attorney's office a draft of proposed changes to the Champaign County Health Ordinance. CUPHD requested changes to references in the water, sewage, food and infectious disease codes. Mr. Roberts stated he knew the Board had no time to review prior to the meeting so he will place it on the agenda for the next board meeting.

No other business.

Public Participation on Non-Agenda Items Only

No public participation on non-agenda items.

Adjournment

David Thies made a motion to adjourn. Dr. Peterson seconded the motion. With all in favor, the meeting was adjourned at 8:10 PM.



**Champaign County Board of Health
Monthly Report for February 2015, Fiscal Year 2015**

Total number of children seen from all programs this month: **301**

Total number of unique pediatric dental patients in BOH Fiscal Year 2015: **455**

Breakdown of current month of patients for all programs by town.

- Champaign: **110**
- Mahomet: **3**
- Ogden: **2**
- Philo: **16**
- Rantoul: **32**
- Sadorus: **2**
- Savoy: **16**
- Seymour: **3**
- Sidney: **23**
- St. Joseph: **2**
- Thomasboro: **4**
- Tolono: **21**
- Urbana: **49**
- Other/Unknown: **18**

Education and Outreach

Tuesday February 3rd

Staff hygienist went to the Rantoul Head Start and presented to **152** children. All children were provided with education materials and supplies.

Wednesday February 4th

Staff hygienist went to the Daily Bread Soup Kitchen at New Covenant Fellowship Center and had contact with **10** adults. Education materials and toothpaste samples were provided and handed out.

Staff hygienist did prenatal visits at Frances Nelson Health Center and had contact with **12** women. Education materials were presented to each woman. **2** appointments were made during these visits.

Tuesday February 10th

Staff hygienist went to Savoy Head Start and presented to **180** children. All children were provided with education materials and supplies.

Wednesday February 11th

Staff hygienist led the Dental Emergency and Education Program. **3** adults attended this program. Education materials and supplies were provided to each adult present.

819 Bloomington Road • Champaign, IL 61820
(217) 359-7404 Mobile/Head Start (217) 403-5477 Dental Center • www.promisehealth.org

Staff hygienist did prenatal visits at Frances Nelson Health Center and had contact with 6 women. Education materials were presented to each woman. 2 appointments were made during these visits.

Staff hygienist did medical visits at Frances Nelson Health Center and had contact with 1 person. Education materials were presented.

Friday February 13th

Staff hygienist did prenatal visits at Frances Nelson Health Center and had contact with 2 women. Education materials were presented to each woman.

Staff hygienist did well child visits at Frances Nelson Health Center and had contact with 1 family. Education materials and supplies were presented. 1 appointment was made during this visit.

Tuesday February 17th

Staff hygienist went to Urbana Head Start and presented to 76 children. All children were provided with education materials and supplies.

Wednesday February 18th

Staff hygienist went to St. Thomas School in Philo and did an oral health presentation to 24 children. All children were provided with education materials and supplies.

Thursday February 19th

Staff hygienist went to a Diabetes Coalition Meeting and had contact with 18 people.

Friday February 20th

Staff hygienist did prenatal visits at Frances Nelson Health Center and had contact with 1 woman. Education materials were presented. 1 appointment was made during this visit.

Staff hygienist did well child visits at Frances Nelson Health Center and had contact with 1 family. Education materials and were presented. 1 appointment was made during this visit.

Monday February 23rd

Staff hygienist did prenatal visits at Frances Nelson Health Center and had contact with 4 women. Education materials were presented. 1 appointment was made during this visit.

Wednesday February 25th

Staff hygienist did prenatal visits at Frances Nelson Health Center and had contact with 6 women. Education materials were presented to each woman. 3 appointments were made during these visits.

Staff hygienist did medical visits at Frances Nelson Health Center and had contact with 2 people. Education materials were presented to each patient.

Staff hygienist did well child visits at Frances Nelson Health Center and had contact with 2 families. Education materials and were presented to each family. 2 appointments were made during these visits.

Thursday February 26th

Staff hygienist went to Unity West and did an oral health presentation for 71 children. All children were provided with education materials and supplies.

Friday February 27th

Staff hygienist did prenatal visits at Frances Nelson Health Center and had contact with 3 women. Education materials were presented to each woman.

Staff hygienist did well child visits at Frances Nelson Health Center and had contact with 2 families. Education materials and were presented to each family.

Total number of contacts: 575

Total number of prenatal visits: 34

Total number of well child visits: 6

SmileHealthy Dental Center is dental home: 4

Other dental home: 1

No dental home, need follow up phone call: 0

Infant, no teeth yet: 1

Grand Total
 12/18/2018 - 12/31/2018
 Project: 2018 Report

	Jan 15	Feb 15	March 15	April 15*	May 15	June 15	July 15	Aug 15	Sep 15	Oct 15	Nov 15	Dec 15	Total
Bondville													0
Broadlands													0
Champaign	86	110											196
Dewey													0
Fisher													0
Foosland													0
Gifford													0
Homer													0
Ivesdale													0
Ludlow													0
Mahomet	8	3											11
Ogden		2											2
Penfield	1												1
Pesotum	3												3
Philo	1	16											17
Rantoul	28	32											60
Royal													0
Sadorus	5	2											7
Savoy	10	16											26
Seymour	2	3											5
Sidney		23											23
St. Joseph	1	2											3
Thomasboro	1	4											5
Tolono	28	21											49
Urbana	35	49											84
Other/Unk	10	18											28
Total	219	301	0	0	0	0	0	0	0	0	0	0	

Total Unique Patients In FY 219 455

Education Contacts 532 575 1107



**Champaign County Board of Health
Monthly Report for February 2015, Fiscal Year 2015**

Total number of children seen from all programs this month: **292**
Total number of unique pediatric dental patients in BOH Fiscal Year 2015: **671**

Breakdown of current month of patients for all programs by town.

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|-----------------|-------------------------|
| • Broadlands: 1 | • Royal: 1 |
| • Champaign: 81 | • Savoy: 12 |
| • Gifford: 1 | • Sidney: 1 |
| • Homer: 3 | • St. Joseph: 2 |
| • Mahomet: 5 | • Thomasboro: 1 |
| • Ogden: 6 | • Tolono: 6 |
| • Penfield: 3 | • Urbana: 43 |
| • Philo: 1 | • Give Kids A Smile: 68 |
| • Rantoul: 45 | • Other/Unknown: 12 |

Education and Outreach

Wednesday March 4th

Staff hygienist went to the Daily Bread Soup Kitchen at New Covenant Fellowship Center and had contact with 24 adults. Education materials and toothpaste samples were provided and handed out.

Staff hygienist did prenatal visits at Frances Nelson Health Center and had contact with 12 women. Education materials were presented to each woman. 3 appointments were made during these visits.

Friday March 6th

Staff hygienist did prenatal visits at Frances Nelson Health Center and had contact with 3 women. Education materials were presented to each woman. 2 appointments were made during these visits.

Saturday March 7th

Staff hygienist along with 5 volunteers went to Read Across America at Lincoln Square Mall and had contact with 349 people. Education materials and samples were presented to each contact.

Monday March 9th

Staff hygienist along with 2 volunteers went to Prince of Peace Learning Center in St. Joseph and did an oral presentation to 100 people. Education materials and goody bags were presented to each person.

Wednesday March 11th

Staff hygienist went to Champaign Head Start and presented to 64 children. All children were provided with education materials and supplies.

Staff hygienist did prenatal visits at Frances Nelson Health Center and had contact with 3 women. Education materials were presented to each woman.

Friday March 13th

Staff hygienist did medical visits at Frances Nelson Health Center and had contact with 2 people. Education materials were presented to each patient.

Saturday March 14th

Staff hygienist along with 4 volunteers went to Give Kids A Smile Day at the Fluid Events Center and had contact with 72 people. Education materials and samples were provided to each person.

Staff hygienist along with 2 volunteers went to Orchard Downs Annual Health Fair at Orchard Downs Community Center and had contact with 13 people. Education materials and samples were provided to each person.

Monday March 16th

Staff hygienist went to La Petite Academy in Champaign and did an oral health presentation for 90 people. Education materials and samples were provided to each person.

Tuesday March 17th

Staff hygienist went to Urbana Head Start and presented to 76 children. All children were provided with education materials and supplies.

Staff hygienist went to a meeting for the Annual Campana de Salud event and had contact with 5 adults.

Wednesday March 18th

Staff hygienist did prenatal visits at Frances Nelson Health Center and had contact with 5 women. Education materials were presented to each woman.

Thursday March 19th

Staff hygienist went to Savoy Head Start and presented to 180 children. All children were provided with education materials and supplies.

Staff hygienist and 1 volunteer went to an event called Type One, Type Two, Type You: A Diabetes Event at the Hilton Garden Inn Banquet Center and had contact with 181 people. Education materials and samples were presented to each person.

Tuesday March 24th

Staff hygienist went to Champaign Head Start and presented to 64 children. All children were provided with education materials and supplies.

Wednesday March 25th

Staff hygienist led the Dental Emergency and Education Program. 6 people attended this program. Education materials and supplies were provided to each adult present. Staff hygienist did prenatal visits at Frances Nelson Health Center and had contact with 8 women. Education materials were presented to each woman. 2 appointments were made during these visits.

Staff hygienist did medical visits at Frances Nelson Health Center and had contact with 1 person. Education materials were presented.

Friday March 27th

Staff hygienist did prenatal visits at Frances Nelson Health Center and had contact with 9 women. Education materials were presented to each woman. 1 appointment was made during these visits.

Staff hygienist did well child visits at Frances Nelson Health Center and had contact with 1 family. Education materials and supplies were presented.

Monday March 30th

Staff hygienist and volunteer went to the Early Learning Center in Champaign and had contact with 30 children. All children were provided with education materials and supplies.

Tuesday March 31st

Staff hygienist went to Courage Connection and did an oral health presentation and had contact with 20 women. All women were provided with education materials and supplies.

Staff hygienist and volunteer went to the Crisis Nursery and did a Spanish presentation and had contact with 6 people. Everyone was provided with education materials and supplies.

Total number of contacts: 1324

Total number of prenatal visits: 40

Total number of well child visits: 1

SmileHealthy Dental Center is dental home: 0

Other dental home: 1

No dental home, need follow up phone call: 0

Infant, no teeth yet: 0

SmileHealthy
 Champaign County Board of Health
 Fiscal Year 2014 Report

	Jan 15	Feb 15	March 15*	April 15*	May 15	June 15	July 15	Aug 15	Sep 15	Oct 15	Nov 15	Dec 15	Total
Bondville													0
Broadlands			1										1
Champaign	86	110	81										277
Dewey													0
Fisher													0
Foosland													0
Gifford			1										1
Homer			3										3
Ivesdale													0
Ludlow													0
Mahomet	8	3	5										16
Ogden		2	6										8
Penfield	1		3										4
Pesotum	3												3
Philo	1	16	1										18
Rantoul	28	32	45										105
Royal			1										1
Sadorus	5	2											7
Savoy	10	16	12										38
Seymour	2	3											5
Sidney		23	1										24
St. Joseph	1	2	2										5
Thomasboro	1	4	1										6
Tolono	28	21	6										55
Urbana	35	49	43										127
Other/Unk	10	18	80										108
Total	219	301	292	0	0	0	0	0	0	0	0	0	

Total Unique Patients in FY 219 455 671

Education Contacts 532 575 1324

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**Champaign County Board of Health
Monthly Report for April 2015, Fiscal Year 2015**

Total number of children seen from all programs this month: **263**

Total number of unique pediatric dental patients in BOH Fiscal Year 2015: **840**

Breakdown of current month of patients for all programs by town.

- Broadlands: 2
- Champaign: 112
- Fisher: 1
- Mahomet: 9
- Penfield: 2
- Rantoul: 58
- Savoy: 8
- Seymour: 1
- Sidney: 1
- St. Joseph: 3
- Thomasboro: 1
- Tolono: 4
- Urbana: 47
- Other/Unknown: 14

Education and Outreach

Wednesday April 1st

Volunteer from Frances Nelson went to the Daily Bread Soup Kitchen at New Covenant Fellowship Center and had contact with **43** adults. Education materials and toothpaste samples were provided and handed out.

Staff hygienist did prenatal visits at Frances Nelson Health Center and had contact with **9** women. Education materials were presented to each woman. 2 appointments were made during these visits.

Friday April 3rd

Staff hygienist did prenatal visits at Frances Nelson Health Center and had contact with **2** women. Education materials were presented to each woman. 1 appointment was made during these visits.

Staff hygienist did well child visits at Frances Nelson Health Center and had contact with **5** families. Education materials and supplies were presented.

Tuesday April 7th

Staff hygienist went to Rantoul Head Start and presented to **112** children. All children were provided with education materials and supplies.

Staff hygienist had a meeting with 2 volunteers to discuss an event coming up. Education materials and supplies were presented to each volunteer.

Wednesday April 8th

Staff hygienist did prenatal visits at Frances Nelson Health Center and had contact with 7 women. Education materials were presented to each woman. 1 appointment was made during these visits.

Staff hygienist led the Dental Emergency and Education Program. 1 person attended this program. Education materials and supplies were provided to each adult present.

Saturday April 11th

Staff hygienist along with 2 volunteers went to Ready, Set Grow! at Lincoln Square Mall and had contact with 353 people. Education materials and samples were provided to each person.

Sunday April 12th

Staff hygienist along with 3 volunteers went to the 4th Annual Campana de Salud at Oscar Romero Parish Center and had contact with 32 people. Education materials and samples were provided to each person.

Tuesday April 14th

Staff hygienist went to Savoy Head Start and presented to 120 children. All children were provided with education materials and supplies.

Wednesday April 15th

Staff hygienist did prenatal visits at Frances Nelson Health Center and had contact with 8 women. Education materials were presented to each woman. 2 appointments were made at these visits.

Staff hygienist along with 5 volunteers went to the Special Populations Health Fair held at the University of Illinois Student Union and had contact with 173 college students. Education materials and samples were provided.

Thursday April 16th

Staff hygienist went to Rantoul Head Start and presented to 40 children. All children were provided with education materials and supplies.

Tuesday April 21st

Staff hygienist went to Urbana Head Start and presented to 76 children. All children were provided with education materials and supplies.

Wednesday April 22nd

Staff hygienist led the Dental Emergency and Education Program. 1 person attended this program. Education materials and supplies were provided.

Staff hygienist did prenatal visits at Frances Nelson Health Center and had contact with 5 women. Education materials were presented to each woman.

Thursday April 23rd

Staff hygienist went to Savoy Head Start and presented to 60 children. All children were provided with education materials and supplies.

Friday April 24th

Staff hygienist did prenatal visits at Frances Nelson Health Center and had contact with 4 women. Education materials were presented to each woman.

Staff hygienist did well child visits at Frances Nelson Health Center and had contact with 1 family. Education materials and supplies were presented.

Monday April 27th

Staff hygienist did prenatal visits at Frances Nelson Health Center and had contact with 3 women. Education materials were presented to each woman.

Tuesday April 28th

Staff hygienist went to Champaign Head Start and presented to 44 children. All children were provided with education materials and supplies.

Wednesday April 29th

Staff hygienist did prenatal visits at Frances Nelson Health Center and had contact with 7 women. Education materials were presented to each woman. 2 appointments were made.

Staff hygienist went on the medical side of Frances Nelson and had visits with 1 person. Education materials and supplies were presented.

Staff hygienist went to the University of Illinois and did an oral health presentation for 250 college students. Education materials and supplies were provided for each student.

Total number of contacts: 1359

Total number of prenatal visits: 45

Total number of well child visits: 6

SmileHealthy Dental Center is dental home: 0

Other dental home: 4

No dental home, need follow up phone call: 0

Infant, no teeth yet: 2

SmileHealthy
 Champaign County Health Board - 4400
 Board Meeting 2019 Report

	Jan 15	Feb 15	March 15	April 15*	May 15	June 15	July 15	Aug 15	Sep 15	Oct 15	Nov 15	Dec 15	Total
Bondville													0
Broadlands			1	2									3
Champaign	86	110	81	112									389
Dewey													0
Fisher				1									1
Foosland													0
Gifford			1										1
Homer			3										3
Ivesdale													0
Ludlow													0
Mahomet	8	3	5	9									25
Ogden		2	6										8
Penfield	1		3	2									6
Pesotum	3												3
Philo	1	16	1										18
Rantoul	28	32	45	58									163
Royal			1										1
Sadorus	5	2											7
Savoy	10	16	12	8									46
Seymour	2	3		1									6
Sidney		23	1	1									25
St. Joseph	1	2	2	3									8
Thomasboro	1	4	1	1									7
Tolono	28	21	6	4									59
Urbana	35	49	43	47									174
Other/Unk	10	18	80	14									122
Total	219	301	292	263	0								

Total Unique Patients In FY 219 455 671 840

Education Contacts 532 575 1324 1359

3790

RENEWAL OF PARTICIPATION AGREEMENT

WHEREAS, the Champaign County Health Department, through its duly authorized agent, the Champaign County Board of Health, hereinafter known as the "Board", and SmileHealthy also known as Promise Healthcare, NFP, entered into a Participation Agreement dated December 15, 2005, a copy of which is attached to this Renewal of Participation Agreement and marked as "Exhibit A"; and

WHEREAS, the Champaign County Board has approved its budget for the County's Fiscal Year from January 1, 2015 to December 31, 2015 in which it has included a grant for the cost of the renewal of the Participation Agreement between the Board and SmileHealthy in the amount of \$45,000; and

WHEREAS, the Board believes it is in the best interest of residents served by the Champaign County Health Department that the Participation Agreement should be renewed for the period January 1, 2015 to December 31, 2015, with all of the terms and conditions previously contained in the Participation Agreement attached to this Renewal of Participation Agreement and marked as "Exhibit A", with the following exception:

The Board and SmileHealthy agree that should SmileHealthy merge with the Champaign-Urbana Public Health District or any other entity during the term of this Renewal of Participation Agreement, or alternatively should the services presently performed by SmileHealthy be subsumed by the Champaign-Urbana Public Health District, the parties shall modify the terms and conditions of this Renewal of Participation Agreement as necessitated by the said merger or take-over; and

WHEREAS, the Board and SmileHealthy agree that the annual contract cost for the renewal of the Participation Agreement shall be the sum of \$45,000;

The Champaign County Board of Health and SmileHealthy enter into this Renewal of Participation Agreement for the period January 1, 2015 to December 31, 2015 in the amount of \$45,000, with the monthly payments to be \$3,750 per month, and with the said Renewal to be pursuant to the remaining terms and conditions outlined in this Renewal of Participation Agreement and the attached "Exhibit A", on this _____ day of _____, 2014.

CHAMPAIGN COUNTY HEALTH
DEPARTMENT

SMILEHEALTHY, NFP

BY: _____
Chair, Champaign County Board
of Health

BY: _____
President, SmileHealthy dba
Promise Healthcare, NFP

Originally Prepared by:

Susan W. McGrath
Senior Assistant State's Attorney
Office of the Champaign County State's Attorney
1776 E. Washington
Urbana, IL 61802
217/384-3776

With edits for dates and budgeted amounts by Promise Healthcare

PARTICIPATION AGREEMENT

WHEREAS, Central Illinois Dental Education and Services, hereinafter known as “CIDES”, is a not for profit corporation organized and existing under the laws of the State of Illinois and in good standing; and

WHEREAS, CIDES has organized and coordinates a program involving the recruitment of area dentists and dental hygienists who are willing to provide low cost dental hygiene services to children for whom such services might otherwise be unavailable; and

WHEREAS, the Champaign County Health Department, hereinafter known as “DEPARTMENT”, is a duly organized and existing County Health Department; and

WHEREAS the DEPARTMENT and CIDES had previously entered into agreements for the participation of children residing outside of the Champaign-Urbana Public Health District service area in the program organized and coordinated by CIDES; and

WHEREAS, the program established and coordinated by CIDES results in low cost dental hygiene services being provided to such children without cost to them; and WHEREAS, said dentists and dental hygienists have agreed to participate in said program and to accept as full and final payment for their services, payments below the market value for those services as a result of their desire to assure that such services are provided to said children; and

WHEREAS, CIDES’ program has resulted in the education of county residents on the importance of dental hygiene and dental care; and

WHEREAS, CIDES has engaged in out-reach efforts to generate community support and increased access to dental providers for eligible children; and WHEREAS, CIDES has coordinated and organized screenings and evaluations of such children by registered dental hygienist in

accordance with the Dental Practice Act; and

WHEREAS, the DEPARTMENT wishes to continue its pre-existing relationship with CIDES so as to ensure that eligible county children and families are provided access to education and services, the DEPARTMENT and CIDES hereby enter into this agreement as follows:

1. The term of this agreement commences on the date of approval by both CIDES and the DEPARTMENT and shall continue in full force and effect until November 30th, 2006 unless otherwise terminated as provided for herein.
2. The DEPARTMENT and CIDES may mutually agree to extend the term of this agreement at any time or to enter into a new agreement at any time prior to November 30th, 2006, but there shall be no automatic renewal of this agreement absent such mutual assent.
3. The DEPARTMENT shall pay to CIDES the sum of \$105,168.00 in equal monthly installments of \$8,764.00 per month payable on or before the 1st day of each month during the term of this agreement, with the first such payment hereunder to be prorated so as to insure that the total payment for December 2005 pursuant to this agreement and the existing agreements equals but does not exceed \$8,764.00.
4. CIDES shall, for all intents and purposes, be an independent contractor and shall, for no purposes, be considered to be in a joint venture relationship with the DEPARTMENT; and furthermore no employee or independent contractor of CIDES shall be considered to have a joint venture or an employer-employee relationship with the DEPARTMENT.

5. CIDES shall be solely responsible for the payment of all payroll, taxes, Social Security payments, unemployment payments, and all other financial obligations in the performance of this agreement, including obligations for personnel hired by CIDES to perform the services set forth herein.
6. CIDES shall not, without prior authorization from the DEPARTMENT, submit any grants on behalf of the DEPARTMENT, and nothing in this agreement shall be construed as rendering CIDES an agent of the Department for such purposes absent such prior authorization.
7. CIDES shall provide to the DEPARTMENT a copy of it's annual audit within (30) days after the said audit is completed and available for distribution.
8. CIDES shall provide to the DEPARTMENT contact information, including a telephone number at which the public can contact CIDES concerning the program offered by it, including the access and education services provided pursuant to this agreement and shall implement a system by which the public can communicate with representatives of CIDES concerning said program and access thereto at reasonable times. It is the intent of the parties, absent unforeseen circumstances, that contacts to CIDES by members of the public shall be responded to within (1) regular business day following the receipt of said requests.
9. It shall be the sole responsibility of CIDES to ensure the adequacy of it's staff and that all participating dentists and dental hygienists have appropriate professional certifications to provide the services to be under the CIDES program.
10. The DEPARTMENT shall have not be deemed to be a party to any agreements for

the provision of said services nor in anyway to be responsible for the sufficiency of said services or the manner in which they are provided. Instead, it is the express intent of the parties hereto that the DEPARTMENT is contracting with CIDES to ensure access to the program and educational services provided by CIDES for county residents and, in no manner, shall the DEPARTMENT be deemed to have any obligation to exercise control or responsibility for the provision of any services organized by CIDES.

11. The DEPARTMENT and CIDES expressly acknowledge, however, that the DEPARTMENT has a substantial interest in assuring that the children sought to be served by participation with CIDES are adequate in number and level of service in light of the compensation provided hereunder and thus CIDES shall provide to the DEPARTMENT monthly reports at the DEPARTMENT's regular Board meetings which shall include information concerning the number of children served pursuant to participation in this agreement; a brief description of the services provided; and such other further and additional information, if any, reasonably requested by the DEPARTMENT through it's Board, so as to enable the DEPARTMENT to be fully informed with respect to the type, manner, and number of services being provided hereunder. Such further additional information may include, if necessary for the DEPARTMENT to fulfill it's review of services provided, financial information, to the extent that the same reflects upon the provision of services hereunder.
12. CIDES shall maintain, at it's own expense, such insurance, including worker's compensation insurance, liability insurance, and other such insurance as it deems

necessary and shall provide a certificate of such insurance to the DEPARTMENT upon execution of this agreement. The provision of said certificate shall be for information purposes only and shall not be deemed to constitute a relationship of any type or nature other than the contractual relationship provided for hereunder.

13. CIDES represents, however, that it has and shall maintain liability insurance in an amount not less than \$1,000,000.00 per occurrence and such worker's compensation insurance as required by Illinois Law.
14. CIDES and the DEPARTMENT further agree that should either party fail to fulfill it's obligations hereunder the other party may bring an action to specifically enforce the obligations hereunder, but that such an action shall not exclude the availability of any other remedy permitted by law.
15. In the event that either party fails to fulfill it's respective obligations, the party claiming such breach shall provide notice to the purportedly breaching party and shall afford that party and opportunity to remedy said breach or for the parties to reach an agreement with respect thereto of not less than (14) days following the effective date of service. Service shall be deemed effective upon actual receipt by personal delivery by service upon the registered agent or any officer of CIDES or personal service upon the Chair of the Champaign County Board of Health, or it's administrator.
16. CIDES and the DEPARTMENT further agree that the nature of the agreement provided for herein is in the nature of a personal services contract and thus CIDES shall not assign or delegate it's contractual responsibilities and obligations hereunder

to any third party without the express written consent of the DEPARTMENT.

- 17. CIDES and the DEPARTMENT further agree that neither the dentists nor dental hygienists who are participating in the program organized and administrated by CIDES, nor any child for whom services thereunder may be provided, are or shall be deemed to be third party beneficiaries, intended or otherwise, of this agreement; that nothing herein shall be construed to create any relationship between CIDES and the DEPARTMENT other than as an independent contractor; that nothing shall be construed herein, or interpreted, to provide that the DEPARTMENT or CIDES are providing dental hygiene services, but instead shall be construed and interpreted so as to ensure that the scope and extent of the DEPARTMENT's involvement in the provision of services recruited and organized by CIDES is for the purpose of ensuring access for said eligible children and public education.
- 18. This agreement shall be interpreted, construed, and enforced in accordance with the provisions of applicable Illinois Law.
- 19. This agreement contains the entirety of the parties agreement regarding the relationship established hereby and no prior discussions, negotiations, or agreements are a part hereof the same being conclusively deemed to have merged herein.

CENTRAL ILLINOIS DENTAL EDUCATION SERVICES, NFP, AN ILLINOIS NOT FOR PROFIT CORPORATION,

CHAMPAIGN COUNTY HEALTH DEPARTMENT,

BY: _____
President

BY: _____
Chair, Champaign County Board of Health

Prepared by:
Robert G. Kirchner
Attorney at Law
100 Trade Centre Drive, Suite 402

Champaign, IL 61820
Phone: 217-355-5660
Fax: 217-355-5675
G:\WPDOCS\bob\CIDES\PARTICIPATION AGREEMENT.wpd

Invoice Number:	1502
Date of Invoice:	March 24, 2015
Billing Period:	February-15

To:

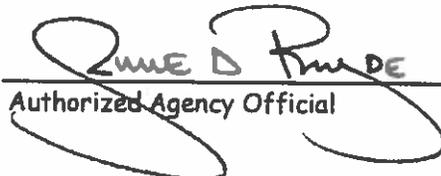
Champaign County Public Health Department
 1776 East Washington Street
 Urbana, Illinois 61802

For the Following Expenses:

533.07 Professional Services - LHPG Communicable Disease	\$	3,725.84
533.07 Professional Services - LHPG Disease Intervention	\$	6,248.66
533.07 Professional Services - LHPG Tuberculosis	\$	3,058.58
533.07 Professional Services - LHPG Food	\$	18,773.76
533.07 Professional Services - LHPG Water	\$	3,858.83
533.07 Professional Services - LHPG Sewage	\$	6,362.00
533.07 Professional Services - Administration	\$	11,906.41
533.07 Professional Services - PHEP Grant	\$	4,176.99
533.07 Professional Services - TFC Grant	\$	1,937.93
533.07 Professional Services - Smoke-Free IL Citation Fee Reimb.	\$	-
533.07 Professional Services - Vector Surveillance & Control Grant	\$	-
533.07 Professional Services - County Well Water Testing	\$	197.35
Total Amount Due to CUPHD per Contract	\$	60,246.35

CERTIFICATION:

I hereby certify that the amounts billed above agree with the approved budget; that appropriate purchasing procedures have been followed, and that reimbursement has not previously been requested or received.


 Authorized Agency Official

County Well Water Testing
February 2015

	Feb-15
PERSONAL SERVICES	
Michael Flanagan	\$64.60
Tammy Hamilton	\$9.15
Ian Rolon	\$16.00
Total Personal Services	89.75
FRINGE BENEFITS	
FICA	6.71
IMRF	8.14
Health Insurance	16.59
Life Insurance	0.06
Illinois Unemployment Insurance	2.32
Workers Compensation	3.90
Total Fringe Benefits	37.72
Total Personal Services & Fringe Benefits	127.47
CONTRACTUAL SERVICES	
Printing	0.05
Postage	20.49
Total Contractual Services	20.54
SUPPLIES	
Office Supplies	28.64
Total Supplies	28.64
TRAVEL	
Mileage	20.70
Total Travel	20.70
EQUIPMENT	
Total Equipment	-
Total	197.35

Invoice Number:	1503
Date of Invoice:	April 20, 2015
Billing Period:	March-15

To:

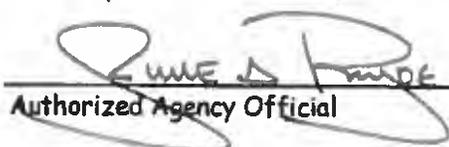
Champaign County Public Health Department
 1776 East Washington Street
 Urbana, Illinois 61802

For the Following Expenses:

533.07 Professional Services - LHPG Communicable Disease	\$	3,725.84
533.07 Professional Services - LHPG Disease Intervention	\$	6,248.66
533.07 Professional Services - LHPG Tuberculosis	\$	3,058.58
533.07 Professional Services - LHPG Food	\$	18,773.76
533.07 Professional Services - LHPG Water	\$	3,858.83
533.07 Professional Services - LHPG Sewage	\$	6,362.00
533.07 Professional Services - Administration	\$	11,906.41
533.07 Professional Services - PHEP Grant	\$	4,706.17
533.07 Professional Services - TFC Grant	\$	2,047.44
533.07 Professional Services - Smoke-Free IL Citation Fee Reimb.	\$	-
533.07 Professional Services - Vector Surveillance & Control Grant	\$	-
533.07 Professional Services - County Well Water Testing	\$	229.73
Total Amount Due to CUPHD per Contract	\$	60,917.42

CERTIFICATION:

I hereby certify that the amounts billed above agree with the approved budget; that appropriate purchasing procedures have been followed, and that reimbursement has not previously been requested or received.


 Authorized Agency Official

County Well Water Testing
March 2015

	Mar-15
PERSONAL SERVICES	
Michael Flanagan	\$103.36
Tammy Hamilton	\$46.93
Total Personal Services	150.29
FRINGE BENEFITS	
FICA	11.28
IMRF	13.66
Health Insurance	27.20
Life Insurance	0.08
Illinois Unemployment Insurance	2.54
Workers Compensation	5.20
Total Fringe Benefits	59.96
Total Personal Services & Fringe Benefits	210.25
CONTRACTUAL SERVICES	
Postage	18.33
Total Contractual Services	18.33
SUPPLIES	
Total Supplies	-
TRAVEL	
Mileage	1.15
Total Travel	1.15
EQUIPMENT	
Total Equipment	-
Total	229.73

Invoice Number:	1504
Date of Invoice:	May 22, 2015
Billing Period:	April-15

To:

Champaign County Public Health Department
 1776 East Washington Street
 Urbana, Illinois 61802

For the Following Expenses:

533.07 Professional Services - LHPG Communicable Disease	\$	3,725.84
533.07 Professional Services - LHPG Disease Intervention	\$	6,248.66
533.07 Professional Services - LHPG Tuberculosis	\$	3,058.58
533.07 Professional Services - LHPG Food	\$	18,773.76
533.07 Professional Services - LHPG Water	\$	3,858.83
533.07 Professional Services - LHPG Sewage	\$	6,362.00
533.07 Professional Services - Administration	\$	11,906.41
533.07 Professional Services - PHEP Grant	\$	5,397.34
533.07 Professional Services - TFC Grant	\$	6,960.04
533.07 Professional Services - Smoke-Free IL Citation Fee Reimb.	\$	-
533.07 Professional Services - Vector Surveillance & Control Grant	\$	-
533.07 Professional Services - County Well Water Testing	\$	100.08
Total Amount Due to CUPHD per Contract	\$	66,391.54

CERTIFICATION:

I hereby certify that the amounts billed above agree with the approved budget; that appropriate purchasing procedures have been followed, and that reimbursement has not previously been requested or received.



 Authorized Agency Official

County Well Water Testing
April 2015

	Apr-15
PERSONAL SERVICES	
Michael Flanagan	\$57.43
Tammy Hamilton	\$7.32
Total Personal Services	64.75
FRINGE BENEFITS	
FICA	4.83
IMRF	5.87
Health Insurance	11.32
Life Insurance	0.03
Illinois Unemployment Insurance	0.04
Workers Compensation	2.79
Total Fringe Benefits	24.88
Total Personal Services & Fringe Benefits	89.63
CONTRACTUAL SERVICES	
Printing	0.27
Postage	10.18
Total Contractual Services	10.45
SUPPLIES	
Total Supplies	-
TRAVEL	
Total Travel	-
EQUIPMENT	
Total Equipment	-
Total	100.08

Information Memorandum

To: Champaign-Urbana Public Health District & Champaign County Boards of Health
From: Jim Roberts
 Director of Environmental Health, Champaign-Urbana Public Health District
Subject: Home Kitchen Operations statute
Date: May 28, 2015

Background

- **Public Act 098-0643; effective 6/10/2014**
<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=098-0643&GA=98>
- **Illinois Public Health Association; October 2014**
 - Analysis of Public Act 098-0643, the Home Kitchen Operation statute informally known as the "Cupcake Law; Lisa Harms Hartzler, Attorney with Sorling Northrup Attorneys.
 - Draft Ordinance authorizing and regulating home kitchen operations.
 - Chart comparing requirements for Home Kitchen Operations with Cottage Food Operations.
- **Illinois Public Health Association; survey of local health departments; May 12, 2015**
 - Question: Is there a home kitchen operations ordinance in your jurisdiction? 84 contacted; 67 responded:
 - 59 (88%) No
 - 8 (12%) Yes
- **Information Memorandum from Jim Roberts**
- **Proposed legislative changes: HB2486 Home Kitchen & Cottage Food Ops**
<http://www.ilga.gov/legislation/BillStatus.asp?DocNum=2486&GAID=13&DocTypeID=HB&LegId=87873&SessionID=88&GA=99>
 Amends the Food Handling Regulation Enforcement Act. Provides that a home kitchen operation does not include a person who produces or packages non-potentially hazardous baked goods for sale by a religious, charitable, or nonprofit organization for fundraising purposes. Adds additional requirements in order to qualify as a home kitchen operation. Makes changes concerning the jurisdiction of the local governing body over home kitchen operations. Defines a term. Removes a provision prohibiting certain types of jams and jellies from cottage food operations. Increases the gross receipt threshold of exempt food from \$25,000 to \$36,000. Allows the Department to adopt rules to implement the requirements of the amendatory Act. - House Floor Amendment No. 2 - Provides that a food package produced by a home kitchen operation must have a label or other written notice provided to the purchaser containing certain information.

Current Status: 5/19/2015 - Passed Both Houses

Public Act 098-0643

HB5354 Enrolled

LRB098 19952 RPM 55177 b

AN ACT concerning public health.

Be it enacted by the People of the State of Illinois,
represented in the General Assembly:

Section 5. The Food Handling Regulation Enforcement Act is amended by adding Section 3.4 as follows:

(410 ILCS 625/3.4 new)

Sec. 3.4. Home kitchen operation.

(a) For the purpose of this Section, "home kitchen operation" means a person who produces or packages non-potentially hazardous food in a kitchen of that person's primary domestic residence for direct sale by the owner or a family member, or for sale by a religious, charitable, or nonprofit organization, stored in the residence where the food is made. The following conditions must be met in order to qualify as a home kitchen operation:

(1) Monthly gross sales do not exceed \$1,000.

(2) The food is not a potentially hazardous baked food, as defined in Section 4 of this Act.

(3) A notice is provided to the purchaser that the product was produced in a home kitchen.

(b) 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.

(c) This Section applies only to a home kitchen operation located in a municipality, township, or county where the local governing body has adopted an ordinance authorizing the direct sale of baked goods as described in Section 4 of this Act.

Section 99. Effective date. This Act takes effect upon becoming law.

Effective Date: 6/10/2014

SORLING NORTHROP

ATTORNEYS

Reply To:

1 North Old State Capitol
Plaza, Suite 200
P.O. Box 5131
Springfield, IL 62705

P: 217-544-1144
F: 217-522-3173

www.sorlinglaw.com

MEMORANDUM

Lisa Harms Hartzler
Attorney
lhartzler@sorlinglaw.com

TO: BRITTAN BOLIN
FROM: LISA HARMS HARTZLER
DATE: OCTOBER 1, 2014
SUBJECT: ILLINOIS HOME KITCHEN OPERATION STATUTE

Public Act 98-643 became effective on June 10, 2014. Known informally as the Illinois “Cupcake Law,” the Home Kitchen Operation statute was passed in reaction to the shuttering of a young girl’s in-home cupcake business by the Madison County Health Department for failure to have a certified kitchen. The Illinois Public Health Association has asked for an analysis of the law and a draft model ordinance for local governments.

The Home Kitchen Operation statute amended the Food Handling Regulation Enforcement Act (the “Food Handling Act”), codified at 410 ILCS 625/0.01 *et seq.* by adding a new Section 3.4—Home Kitchen Operation. Although brevity is frequently a positive characteristic for legislation, what this amendment omits or fails to address raises a number of questions that have no easy answers and may create enforcement issues for health departments. The issues this statute raises are so numerous that not all can be addressed, even though this memorandum is lengthy.

This memorandum will first set forth the Home Kitchen Operation statute and briefly summarize the Food Handling Act. It will then analyze some of the various issues the Home Kitchen Operation amendment raises, including its definitions, notice requirements, inspection problems, and the lack of enforcement authorization. Answers to questions forwarded to us from local health departments are incorporated where possible. The memo will conclude with a draft model ordinance for local governing bodies.

I. The Home Kitchen Operations Law

The Home Kitchen Operation statute is short:

Sec. 3.4. Home kitchen operation.

(a) For the purpose of this Section, “home kitchen operation” means a person who produces or packages non-potentially hazardous food in a kitchen of that person’s

primary domestic residence for direct sale by the owner or a family member, or for sale by a religious, charitable, or nonprofit organization, stored in the residence where the food is made. The following conditions must be met in order to qualify as a home kitchen operation:

- (1) Monthly gross sales do not exceed \$1,000.
- (2) The food is not a potentially hazardous baked food, as defined in Section 4 of this Act.
- (3) A notice is provided to the purchaser that the product was produced in a home kitchen.

(b) 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.

(c) This Section applies only to a home kitchen operation located in a municipality, township, or county where the local governing body has adopted an ordinance authorizing the direct sale of baked goods as described in Section 4 of this Act.

The fundamental rule of statutory construction is to ascertain and give effect to the intent of the Legislature. The best indicator of the Legislature's intent is the language in the statute, which must be accorded its plain and ordinary meaning. Where the language in the statute is clear and unambiguous, this court will apply the statute as written without resort to extrinsic aids of statutory construction. *Landis v. Marc Realty, L.L.C.*, 235 Ill.2d 1, 6-7 (2009). When construing a statute, a court will always try to harmonize conflicting sections and to give effect to every clause. *See Oak Park Federal Savings and Loan Association v. Village of Oak Park*, 54 Ill.2d 200, 203 (1973). In this case, interpreting the Home Kitchen Operations amendment, even when applying the rules of statutory construction, is a challenge.

II. Food Handling Regulation Enforcement Act

A. In general

In general, the Food Handling Act requires all business establishments to comply with safe food handling procedures. Sections 3.1 (potluck dinners) and 4 (cottage food operations) carve out exceptions to the general rule that the Department of Public Health and local health departments may regulate the handling of food for public consumption. Persons preparing and selling food to the public, therefore, must comply with the Food Handling Act unless they qualify for one of the exceptions.

B. Cottage Food Operations

Section 4 of the Food Handling Act is most relevant and important to interpreting the Home Kitchens Operations amendment. It is worth summarizing here not only because it is referred to twice in the new amendment, but also because it demonstrates what could have been included in the Home Kitchen Operations amendment and was left out. Section 4 governs “cottage food operations.” The section defines a cottage food operation in a way that is nearly identical to the Home Kitchen Operations definition, but without any reference to sales by religious, charitable or nonprofit organizations. Section 4 also defines “potentially hazardous food” as “a food that is potentially hazardous according to the Department’s administrative rules. Potentially hazardous food (PHF) in general means a food that requires time and temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.”

Notably, Section 4(b) *prohibits* the Departments of Public Health and Agriculture and local health departments from regulating the service of food by a cottage food operation as long as it is “not a potentially hazardous baked good, jam, jelly, preserve, fruit butter, dry herb or blend, or dry tea blend” that is intended for end-use only. Baked goods include, but are not limited to breads, cookies, cakes, pies and pastries. Pies must use only high-acid fruit and cannot include potentially hazardous fillings or toppings like pumpkin, sweet potato, cheesecake, custard and crèmes. The food must be sold at a farmers market for no more than \$25,000 in a calendar year.

Section 4(b) also requires food packaging to conform to labeling requirements in the Illinois Food, Drug and Cosmetic Act, contain the name and address of the cottage food operation, the common name of the product, all ingredients, the date the product was processed, allergen labeling as specified in federal labeling requirements, and the following phrase: “*This product was produced in a home kitchen not subject to public health inspection that may also process common food allergens.*” This statement must be prominently displayed at the point of sale.

Section 4(b) requires the person preparing the product to be registered with the local health department and have a Department of Public Health approved Food Service Sanitation Management Certificate. Section 4 grants the State and local health departments the power to require the cessation of sales upon receipt of a consumer complaint or when there is reason to believe that an imminent health hazard exists or that a product has been found to be misbranded, adulterated, or not in compliance with Section 4. This section also gives State-certified local health departments the authority to regulate the service of food by cottage food operations, including requiring annual registration for a \$25 fee; requiring the cottage food operation to agree to grant access to the local health department for inspection purposes; and to make those inspections upon consumer complaint or the outbreak of a food borne illness.

III. Issues Raised by the Home Kitchens Operations Law

The Home Kitchens Operations amendment, in its brevity, creates some ambiguities and raises a number of issues with regard to how it should be interpreted and enforced.

A. Section 3.4 does not by itself create an exception to the Food Handling Act

First and foremost, the Home Kitchens Operation statute does not, by itself, create an exception to the requirements of the Food Handling Act similar to the exceptions created for potluck events and cottage food operations. Those exceptions both explicitly state that neither the State nor a local health department may regulate those activities as long as certain conditions are met. The Home Kitchens Operations section does not contain that prohibition. It does not explicitly prohibit the State or any local governments from regulating home kitchen sales if the home kitchen operation meets the statutory definition. It simply defines a home kitchen operation, requires certain conditions to qualify as a home kitchen, authorizes inspections, and then *limits the application of the section to home kitchen operations located within local governing units that have authorized the direct sale of baked goods.*

The inescapable conclusion is that the statute has no effect and is not applicable to any person or operation *unless* a local government passes an ordinance. Thus, home kitchen operations may continue to be regulated fully under other sections of the Food Handling Act until a local government chooses to authorize them. Local governments that want to prohibit home kitchen operations should not pass an ordinance authorizing them. Local health departments may then continue to regulate food preparation in accordance with the rest of the Food Handling Act. A local government that does want to authorize home kitchen operations may pass an ordinance authorizing them; however, the question then becomes what that ordinance may require beyond what the face of the Home Kitchen Operations amendment states.

1. Ordinance adopted by a home rule unit

Home rule municipalities and counties have all of the powers of the State except as they are limited by the Legislature under Section 6 of Article VII of the Illinois Constitution. A court may preempt a home rule unit's ordinances if they do not pertain to its own government and affairs or the Legislature has explicitly limited home rule powers under Sections 6(g) or (h) of the Constitution. The Food Handling Act contains two explicit limitations on home rule powers. Sections 3.05(d) and 3.06(h) state that the regulation of food handling training is an exclusive function of the State and local regulation is prohibited and is an explicit denial and limitation of home rule powers and functions under subsection 6(h) of Article VII of the Illinois Constitution. Section 3.3, establishing a Farmers' Market Task Force to facilitate the uniform statewide implementation of standards established by the Department of Public Health, does prohibit "local public health departments and all other units of local government" from creating sanitation guidelines, rules, or regulations for farmers' markets that are more stringent than those adopted by the Department of Public Health; however, that prohibition is not accompanied by a specific reference to a denial of home rule powers under the Constitution. None of the other sections of the Food Handling Act, including the Home Kitchens Operations amendment, contains any explicit home rule limitations.

Consequently, in order to prohibit a home rule unit from regulating home kitchen operations as it sees fit and without regard to the amendment, a court construing the Home Kitchens Operations

amendment would have to find that regulating those activities did not pertain to a home rule unit's government and affairs. The statute itself belies this interpretation because it allows local governments to decide whether or not to authorize home kitchens. Consequently, it appears that a home rule unit would not be limited, except as to food handler training, in the types of restrictions or requirements it may impose on home kitchen operations, and could even be contradictory to State law.

2. Ordinance adopted by a non-home rule unit

A non-home rule unit has only those powers explicitly granted by the Legislature and those powers necessary to implement powers explicitly granted. Municipalities and counties have the authority to impose health regulations on operations providing food to the public. The Illinois Municipal Code gives all municipalities the authority to regulate the sale of all beverages and food for human consumption, including the places where and the manner in which food is sold, to provide for and regulate the inspection of all food for human consumption, and to do all acts and make all regulations that may be necessary or expedient for the promotion of health. 65 ILCS 5/11-20-2, 11-20-3, and 11-20-5. A municipality may also provide for a board of health and prescribe its powers and duties. 65 ICLS 5/11-16-1. Similarly, counties are authorized to establish health departments, which may initiate and carry out programs and activities of all kinds and not inconsistent with law that may be deemed necessary or desirable in the promotion and protection of health and in the control of disease. 55 ILCS 5/5-25001 and 5-25013. Such authority includes promulgating necessary regulations and making inspections of public food-service operations. *Macon County v. Board of Education of Decatur School District No. 61*, 165 Ill.App.3d 1, 5 (4th Dist. 1987).

Unlike a home rule unit, a non-home rule unit may not adopt an ordinance that is inconsistent with or contrary to a State statute. Thus, while non-home rule units have plenty of authority to regulate and inspect food produced for public consumption, the effect of the Home Kitchen Operation amendment to the Food Handling Act appears to place some limits on that authority, should a non-home rule government decide to authorize home kitchen operations.

In *Kavanagh v. County of Will*, 293 Ill.App.3d 880 (3d Dist. 1997), the State Legislature authorized local governing bodies to adopt an ordinance regulating lobbying activities that impose requirements similar to those imposed by the State Lobbyist Registration Act. The court held that by using the word "similar," that statute permitted local governments to enact legislation that was not identical, but it could not differ in substance or in essential elements. The local ordinance being challenged added disclosure requirements that were substantially more intrusive than those in the statute and some were in direct conflict with the statute. The court concluded that the additional mandates were not minor modifications or details added to suit local circumstances and procedural variations. They were, therefore, *ultra vires* and void.

Consequently, any ordinance regarding home kitchen operations that is adopted by a non-home rule municipality or county must be consistent with, and not contrary to, the Home Kitchens Operations amendment to the Food Handling Act. If the amendment is construed as a limitation

on the power of a local government, then a non-home rule unit that authorizes home kitchen operations will indeed be restricted in how far beyond the amendment's minimal requirements it can go in adding requirements or conditions not included in the State statute.

3. Problems for a model ordinance

The different authorities of home rule and non-home rule units may create difficulties in drafting a model ordinance satisfying both types of local governments. By necessity, a single model ordinance will have to meet the requirements of the most restrictive unit. The draft model ordinance attached generally tracks the Home Kitchen Operations amendment. It changes some wording and it adds some details with regard to inspections and enforcement (as discussed below) in an attempt to add some clarity.

B. Who is a home kitchen operator

The Home Kitchens Operations amendment begins with an unusual definition, calling a home kitchen operation a "person" as opposed to a type of operation. The amendment applies to individuals producing non-potentially hazardous food in their own home kitchens. That food must be sold directly to the consumer. In addition to allowing the Madison County girl to continue to bake and sell her cupcakes, the new law allows such food to be sold through a religious, charitable, or nonprofit organization. According to one article reporting on the law, Representative Charlie Meier, the sponsor of the bill that became the Food Handling Act, noted that "many churches and other charitable organizations have dinners as fundraisers, where individual members of the organization each bring baked items. For example, he said, a church might sell chicken dinners, with each dinner including a slice of home-baked pie or cake. Meier said he's OK with the church's kitchen having to meet health regulations, but it's going too far to impose health regulations on every home kitchen where a pie is baked." B. Brueggemann, "Revised 'cupcake' bill passes Illinois House, *News-Democrat*, April 10, 2014 (found on www.bnd.com on 8-22-14).

The Home Kitchens Operations amendment is, consequently, designed to reach individuals selling relatively small amounts of their baked goods directly to the public and to traditional bake sales and fundraisers conducted by churches, schools and other not-for-profit organizations throughout the state. Thus, activities that take on the appearance of a retail business will not be in compliance with the law. For example, three women who each bake goods in their own homes but sell them from one woman's home would not meet the definition of a home kitchen operation. They are not individually baking and selling their own goods; they would appear to be running a joint bakery business.

In addition, the statute requires inclusion of gross sales in the calculation of the \$1,000 limit on monthly proceeds. No deductions for expenses for ingredients, supplies, or utility costs can be considered, nor is the use of the income relevant. Charitable donations of proceeds may be reported on a person's income tax forms but do not reduce the monthly limit.

C. What food is allowed

1. Baked goods only

The definition of home kitchen operation refers to production or packaging of “non-potentially hazardous food” without any qualification that the food be a baked food. As defined in Section 4 of the Food Handling Act, a “non-potentially hazardous food” is any food that does not require time and temperature control for safety. Consequently, the definition of a home kitchen operation introduces some ambiguity as to whether the statute only applies to baked goods or as more broadly defined and permitted under Section 4 to include jams, fruit butters and herbs.

There are three reasons why the Home Kitchens Operations amendment would probably be interpreted as applying only to baked goods. First, Subsection 3.4(c) provides that the law is not effective unless a local government has adopted an ordinance authorizing the direct sale of *baked* goods as described in Section 4” (emphasis added). Second, Subsection 3.4(a)(2) requires that the food be “not a potentially hazardous *baked* food” (emphasis added). This condition is less than eloquent, but supports the conclusion that the Legislature intended the Section to apply only to baked goods. Third, paragraph (b) of Section 4 specifically exempts from regulation baked goods sold at farmers’ markets if conditions are met with regard to the type of fruits used, gross proceeds, packaging and labeling (described above in Part I). Although jams, jellies, preserves, fruit butters, dry herbs or blends, or dry tea blends are also exempted in Section 4, paragraph (b), taken as a whole, a reasonable interpretation of the Cupcake Law would be that it applies only to the baked goods that are specifically exempted in paragraph (b) of Section 4. Further, they must be baked fully so that no time and temperature considerations come into play.

2. Other foods and storage

Candy does not appear to be considered a baked good (and, further, is not a permitted food in a cottage food operation). There are no restrictions in the statute on storing baked goods in the owner’s own freezer as long as it is in the home kitchen operator’s residence.

D. Where sales are allowed

Section 3.4 offers little guidance on where sales may be made. There are no explicit restrictions on the location of sales in the statute. Sales must be “direct” but whether that means customers must travel to the home kitchen operator’s residence or whether goods may be delivered (in person or by mail) is not clear. The only clue as to where sales must take place is in the requirement that baked goods must be stored in the owner’s residence. Consequently, taking baked goods to another location where they would sit on a shelf, a counter or anywhere other than the operator’s residence, waiting to be sold, could be considered storing them in a location that is not the owner’s home. Thus, goods may not be taken to a retail store that otherwise sells commercially prepared food, a restaurant, or any other type of food establishment where they would be offered for sale to the general public, including a farmers’ market. As an example, an

owner of a bridal shop who bakes wedding cakes (and who might qualify as a home kitchen operation) may not sell cake samples at her shop because the samples would be “stored” at the shop, not her residence. On the other hand, a home kitchen operator who delivers baked goods directly to a buyer who has ordered or agreed to buy them may be authorized, although “storing” the baked goods in a car veers into a gray area. A home kitchen operator would not be able to pack the vehicle with baked goods and sell to all takers in a public place, but making direct deliveries of orders does not seem unreasonable.

The problem with this reasoning, of course, is that Section 3.4 does allow religious, charitable or non-profit organizations to accept and sell baked goods prepared at home. The goods are obviously “stored” somewhere other than the home kitchen operator’s residence while waiting to be sold to the public as part of the organization’s fund raiser. This inconsistency points up the inadequacies of the statute and may simply have to be reconciled as a commingling of two different concepts in one statute: an exception under the Food Handling Act for small home businesses and an exception for the traditional fund raiser/bake sale.

E. What notice is required

Section 3.4(a)(3) requires only that a notice be provided to the purchaser that the product was produced in a home kitchen. It omits the many other notice requirements placed on cottage food operations, such as the name and address of the producer, ingredients and allergens, and the date the food was produced. The limited notice requirement in the statute may raise questions as to whether a non-home rule local government may impose stricter labeling standards. The draft model ordinance does not add any additional statements to the notice.

F. Inspections

Section 3.4(b) gives the Department of Public Health or the local health department authority to inspect a home kitchen operation only in the event of a complaint or disease outbreak. Thus, home kitchens cannot be subject to regular inspections. Indeed, a regular inspection program would be impossible to carry out if home kitchens are not registered or licensed. Unlike Section 4’s exemption of cottage food operations, available only if the operation is registered with a local health department, Section 3.4 neither requires nor prohibits registration or licensure. To make sense of 3.4(b), one must assume that the Legislature intended that regular inspections would not be conducted and that inspections, at least for non-home rule units, are authorized only after a complaint has been lodged or an outbreak of disease.

Under the Fourth Amendment to the United States Constitution, an individual has a right to be protected from unreasonable searches and seizures both in the home and in a commercial establishment. *Camara v. Municipal Court of City and County of San Francisco*, 387 U.S. 523 (1967); *See v. City of Seattle*, 387 U.S. 541 (1967). Generally, a search is unreasonable if it is conducted without consent or a warrant. The warrant procedure is designed to guarantee that a decision to search private property is justified by a reasonable governmental interest. *Camara*, 387 U.S. at 539. If a valid public interest justifies the intrusion, then there is probable cause to

issue a suitably restricted search warrant. *Id.* Thus, a warrant is generally required; there are exceptions, of course, for emergency situations, or where a person is engaged in a heavily regulated industry and has impliedly consented to impromptu inspections by virtue of securing a license to participate in that industry. *United States v. Biswell*, 406 U.S. 311 (1972) (warrantless search of gun dealer's locked storeroom during business hours as part of inspection procedure authorized by Gun Control Act did not violate Constitution); *Marcowitz v. Department of Public Health*, 106 Ill.App.3d 422, 427-28 (1st District 1982) (plaintiff's pursuit and receipt of surgery center license under state statute was acceptance of rules and regulations attached to license, including inspections at reasonable times).

In this case, a heavily regulated industry—food service to the public—is combined with an activity carried out in one's home—a generally private place that cannot be inspected without consent or a warrant—but that is not registered or licensed. Although courts have acknowledged that most people gladly consent to inspections that are carried out for a public health or welfare purpose, not all are willing. Consequently, even though the statute authorizes certain inspections, any local government that authorizes home kitchen operations should be prepared to obtain an administrative search warrant to inspect a home kitchen. Particularly in following up on a complaint, local health departments should be careful that there is adequate probable cause for the inspection. Only in extreme emergencies would a non-consensual, warrantless search of a person's home be considered reasonable. The draft model ordinance attached anticipates voluntary compliance with a request to inspect a home kitchen operation and authorizes a local health department to obtain an administrative search warrant if necessary.

G. Enforcement

1. Verification of income

Section 3.4 provides no mechanism for verification of income. Without any registration or licensing requirement, as there is for cottage food operations, a local government or health department has no ability to determine whether a home kitchen operation is exceeding the \$1,000 income limit per month. Inspections would appear to apply only to health safety issues in food production, not an inspection of receipts or bank accounts. There really is no way to address this problem under the statute as it is.

2. Cessation orders

Unlike other sections of the Food Handling Act, Section 3.4 does not explicitly give a local health department the authority to order cessation of a home kitchen operation. Even non-home rule units, however, have all powers necessary to carry out the authority granted to them by the Legislature. The power to inspect and do all things necessary for the protection of public health should include the ability to shut down a home kitchen operation that has caused, or is alleged to have caused, a health hazard. It would not be inconsistent with the Food Handling Act as a whole to provide for this type of enforcement in State or local regulations. Nevertheless, since the Home Kitchen Operations amendment does not explicitly authorize this type of enforcement,

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MARCH 19, 2015
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it is conceivable that a court might interpret that absence of authority in this section, while explicitly granting it in other sections, to mean that the Legislature did not intend to bestow such authority. As a result, the draft model ordinance attached anticipates voluntary compliance but also authorizes a local health department to seek a court order for cessation of home kitchen operations.

IV. Conclusion

The Home Kitchen Operations amendment to the Food Handling Act raises a number of concerns for implementation and enforcement. Because the amendment is not effective unless a local government enacts an ordinance authorizing home kitchen operations, a non-home rule unit would retain broader powers under existing statutes and regulations if it did not enact such an ordinance. If it does, however, it should be aware that some aspects of any local ordinance might be subject to challenge, although an ordinance that is substantially consistent with the amendment and the Food Handling Act in general may pass judicial scrutiny. Home rule units do not appear to be limited in an ability to regulate home kitchen operations. This inequality in authority may make drafting single model ordinance for both types of local governments unworkable. Nevertheless, the attached draft of home kitchen operations ordinance attempts that task.

LHH:dw

Attachment

ORDINANCE
AUTHORIZING AND REGULATING
HOME KITCHEN OPERATIONS

WHEREAS, _____ is a [municipality, township, county] with the authority and power to do all acts necessary to protect the public health and welfare; and

WHEREAS, the preparation and sale of food for public consumption is an activity that greatly affects the public health and welfare; and

WHEREAS, home kitchen operations that prepare and package non-potentially hazardous baked goods on a small scale have been determined by the Illinois State Legislature to need less regulation than larger-scale operations; and

WHEREAS, the Illinois State Legislature has enacted Section 3.4 of the Illinois Food Handling Regulations Enforcement Act (410 ILCS 625/0.01 *et seq.*) to govern home kitchen operations but has provided that such Section 3.4 is applicable only in a municipality, township, or county where the local governing body has adopted an ordinance authorizing direct sales of baked goods by home kitchen operations; and

WHEREAS, this governing body has determined that authorizing such home kitchen operations is in the best interests of the citizens of the community; and

WHEREAS, this governing body has determined that the _____ Health Department shall be delegated the responsibility and authority to enforce the provisions of this ordinance;

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1. This ordinance shall be called the Home Kitchen Operations Authorization Ordinance. The recitals set forth above are hereby incorporated into and made a part of this Ordinance as though set forth in this Section.

SECTION 2. Section ___ of the Code of Ordinances is hereby amended to add the following:

Section __. Definitions.

- 1) "Home kitchen operation" means an operation conducted by a person who produces or packages non-potentially hazardous baked goods in a kitchen of that person's primary domestic residence for direct sale by the owner or a family member, or for sale by a religious, charitable, or nonprofit organization, stored in the residence where the baked goods are made.
- 2) "Non-potentially hazardous baked goods" mean breads, cookies, cakes, pies and pastries that are not potentially hazardous food and which, if included, contain only high-acid fruit as described in Section 4(b)(1)(C) of the Illinois Food Handling Regulations Enforcement Act; pumpkin pie, sweet potato pie, cheesecake, custard pies, crème pies, and pastries with potentially hazardous fillings or toppings are prohibited.

- 3) "Potentially hazardous food" means food that is potentially hazardous according to the Illinois Department of Public Health's administrative rules issued under the Illinois Food Handling Regulations Enforcement Act. Potentially hazardous food (PHF) in general means a food that requires time and temperature control for safety (TCS) to limit pathogenic microorganism growth or toxin formation.

Section __. Conditions for qualifying as a home kitchen operation. In order to be a qualified home kitchen operation, the following conditions must be met:

- a) Monthly gross sales may not exceed \$1,000.
- b) Only non-potentially hazardous baked goods may be sold.
- c) A notice is provided to the purchaser that the product was produced in a home kitchen.

Section __. Notice. When non-potentially hazardous baked goods produced by a home kitchen operation are sold directly to the public for off-premises consumption, the notice provided to the purchaser shall be affixed to the package containing the baked goods. When such goods are sold to the public as part of a meal provided by a religious, charitable, or nonprofit organization, notice may be given on a placard placed at the point of sale.

Section __. Inspections. Upon receipt of a complaint involving products produced in a home kitchen operation or upon the outbreak of a disease that may be connected to a home kitchen operation, the _____ Health Department shall have authority to inspect the home kitchen operation involved. The Health Department Director or designee shall request consent to inspect a home kitchen operation during daytime hours. In the absence of consent, the Health Department Director or designee shall obtain an administrative search warrant to inspect a home kitchen.

Section __. Cessation of Operations. In the event of a disease outbreak reasonably connected to a home kitchen operation, the Health Department Director or designee shall request the home kitchen operation, or a religious, charitable, or nonprofit organization, as applicable, to cease food sales to the public until the Health Department has determined that operations may continue. In the absence of voluntary compliance, the Health Department Director or designee may seek a court order for cessation of a home kitchen operation or food sales by a religious, charitable, or nonprofit organization.

SECTION 3. All other parts of the Code of Ordinances as amended, except as modified herein, are hereby reaffirmed and ratified and are in full force and effect.

SECTION 4. This ordinance shall become effective upon its passage and publication as required by law.

In general, the Food Handling Act requires all business establishments to comply with safe food handling procedures. Sections 3.1 (potluck dinners) and 4 (cottage food operations) carve out exceptions to the general rule that the Department of Public Health and local health departments may regulate the handling of food for public consumption. Persons preparing and selling food to the public, therefore, must comply with the Food Handling Act unless they qualify for one of the exceptions.

Questions	Home Kitchen Requirements	Cottage Food Requirements
What food can be sold?	Non-potentially hazardous baked goods. Baked goods include, but are not limited to breads, cookies, cakes, pies and pastries. Pies must use only high-acid fruit and cannot include potentially hazardous fillings or toppings like pumpkin, sweet potato, cheesecake, custard and crèmes. (Ambiguity jam, jelly, preserve, fruit butter, dry herb or blend, or dry tea blend that is intended for end-use only)	Non-potentially hazardous baked goods, jam, jelly, preserve, fruit butter, dry herb or blend, or dry tea blend that is intended for end-use only. Baked goods include, but are not limited to breads, cookies, cakes, pies and pastries. Pies must use only high-acid fruit and cannot include potentially hazardous fillings or toppings like pumpkin, sweet potato, cheesecake, custard and crèmes.
Where it can be sold?	For direct sale by the owner or family member, or for sale by a religious, charitable or nonprofit organization, stored in the residence where the food is made.	Only at Farmer's Markets
What a Local Health Department or Municipality must do to make sales legal?	Pass ordinance, specifically allowing direct sales of baked goods.	Nothing, part of Food Handling Act
Annual sales limit?	\$12,000	\$25,000
Food preparer training requirement?	None	Food Service Sanitation Manager Course/Certificate
Labeling requirement?	"This product was produced in a home kitchen"	Contain the name and address of the cottage food operation, the common name of the product, all ingredients, the date the product was processed, allergen labeling as specified in federal labeling requirements, and the following phrase: "This product was produced in a home kitchen not subject to public health inspection that may also process common food allergens."
Public health inspection/enforcement?	The health department may inspect a home kitchen operation in the event of a complaint or disease outbreak	Allow local health departments that power to require cessation of sales upon receipt of a consumer complaint or when there is reason to believe that an imminent health hazard exists or that a product has been found to be misbranded, adulterated, or not in compliance with Section 4. Also it requires the cottage food operation to agree to grant access to the local health department for inspection purposes; and to make those inspections upon consumer complaint or the outbreak of a food borne illness
LHD authority if not in compliance?	None	Can require cessation of sales upon receipt of a consumer complaint or when there is reason to believe that an imminent health hazard exists or that a product has been found to be misbranded, adulterated, or not in compliance with Section 4
Registration?	None	Annual registration in the County in which the person resides including fee of \$25.00.

Information Memorandum

To: Municipality, township, or county officials in Champaign County
From: Jim Roberts, Director of Environmental Health, Champaign-Urbana Public Health District
Subject: Comments on the direct sale of baked goods from a home kitchen operation as defined in 410 ILCS 625/3.4
Date: May 27, 2015

While I appreciate and support artisan entrepreneurship, including food and drink, unlike art or crafts, there is potential health risk involved in food and drink production. Whether the danger is from microbial contamination; from a poisonous or harmful substance; from putrid or decomposed ingredients; or is produced, prepared, packed and held under unsanitary conditions, the food or drink can be unfit for human consumption or result in illness. While the food industry is responsible for growing/producing safe food, the government agencies are responsible for creating (minimal) food safety standards, conducting inspections to check that standards are met, and enforcement when standards are not met. The intent of the food service code is to prevent illness and/or injury to the public through preventative actions. From production to consumption or from farm to fork, everyone in the food supply web has a role and responsibility to make wholesome and safe food.

Recent Illinois legislatures and the former governor have passed Public Acts that have removed government oversight from certain food businesses by allowing the production of certain foods (for public consumption) to take place in private home kitchens. Public Act 97-393 defines and exempts Cottage Food Operations (CFOs), while Public Act 98-0643 creates and exempts home kitchen bakery operations. A common food type to both exemptions is “non-potentially hazardous baked goods”, e.g. breads and pies; however, all foods have food safety risks and can be associated with foodborne illness, including breads and bakery foods (see attachment).

Public Act 97-393 (CFOs) created a uniform exemption throughout the state from the food code and health permits. However, Public Act 98-0643 (home kitchens) allows local governments to make a choice through local ordinance to decide whether to exempt home kitchens (operating as bakery businesses) from the food code and health permits. Before considering whether adopting an ordinance authorizing the direct sale of baked goods from home kitchens is in the best interest of the public, I recommend that local governments consider the following:

1. Unlike CFOs, home kitchen bakers have no food preparer training requirement. Without basic food safety knowledge, home kitchen bakers may have gaps in knowledge and practices that would help prevent foodborne illness (e.g. personal habits associated with poor hand sanitation, cross-contamination, and improper cold holding of food ingredients {e.g. raw eggs}). In Illinois (2010-2014; Illinois Department of Public Health Communicable Disease Division Annual Food and Waterborne Outbreaks in Illinois), restaurants {ranked #1} (including caterers {#2} and banquet halls {#3}) were the most common food preparation location for outbreaks (71.6 percent), while grocery stores {#4} and private home kitchens {#5} were 5.2 percent and 4.9 percent respectively. Ironically, Public Act 98-566 required basic food handling principles training for all food handlers in restaurants (including caterers and banquet halls) effective July 1, 2014 and grocery stores effective July 1, 2015. Without any food training, home kitchen bakers may increase the possibility of foodborne illness associated with their baked goods.
2. Unlike CFOs, home kitchen bakers have no ingredient label requirement. Consumers want to know about their food ingredients, e.g. nutrition content, genetically modified organisms, and allergens. The lack of ingredient labeling is especially important for allergic consumers who rely upon labels to avoid exposure that could provoke a potentially life-threatening reaction. The lack of any required ingredient label presents a significant health hazard for food allergic consumers.

3. Unlike CFOs, home kitchen bakers are not required to have a source label. The source label is used to identify the manufacturer and location where the baked goods were produced. In the cases of consumer injury (e.g. cracked tooth from consuming a baked good), investigation of an illness/chemical poisoning, or even a deliberate act of contamination, knowing the name and address of the source would speed any investigation in the correct direction. A source label benefits all bakers as it would aid in trace-back investigations or ingredient recalls because it would point to the exact source of any problematic baked good, and thereby eliminate other bakers. Ironically, Public Act 98-660, effective June 23, 2014, requires vendors selling specialty crops and raw agricultural commodities at a farmers' market to identify by a placard, label, or packing slip, the physical address of the farm or farms where they were grown or produced, which would aid in any trace-back investigation.
4. Like CFOs, home kitchen bakers use a residential kitchen that may have multiple functions that may impact food safety. Although home-based bakers may strive for safe food handling and good sanitation, the multiple uses of a home kitchen (and kitchen sink) raises concerns for the increased introduction of pathogens and resulting illness (e.g. from household pets, sick children, changing diapers, the use of the home as a day care center for pre-school children, or using the kitchen sink for washing hands as well as raw food preparation). More than just for food preparation, home kitchens are multipurpose areas with multiple opportunities for food contamination.
5. Like CFOs, home kitchen bakers are not required to allow access by the government to their home kitchens. Some home kitchen bakers may choose to provide access, but it may be denied. Although the government would not conduct routine inspections of home kitchens, the government is responsible for investigating complaints, foodborne illnesses, injury or recall investigations. Access could be denied even during an investigation. Additionally, there are legal concerns associated with government staff inspecting private homes during investigations, as well as staff safety issues, e.g. dangerous pets, weapons, and illegal activities. Without

government staff access for inspections, food safety is “trust, without verification.”

Passing a local ordinance to allow home kitchens to operate as bakery businesses would create gaps in the food safety web in our local communities. Rather, I urge local governments to encourage entrepreneurship by supporting local food incubating commissaries, like Marble’s in Savoy (11 businesses utilizing the commissary kitchen), or to encourage the Champaign County Local Foods Policy Council to support a shared-use community kitchen or food business incubator, like the City of Freeport, IL ([http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=\\$TELPDRC5100605](http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=$TELPDRC5100605); <http://web.extension.illinois.edu/jsw/fec/>). Doing so would give us the best of both worlds – artisan baked goods and a safe food supply.



Outbreak Alert! DATABASE

[← Return to Food Safety Database Home](#)

Breads and Bakery - BB

The Breads & Bakery category includes outbreaks where breads and bakery foods such as pies and cakes are the primary food associated with illness. Breads and bakery items are regulated by the Food and Drug Administration (FDA).

Results for "Breads" (41)

Food ↕	Pathogen	Date	Cases	States	Location
Bagels	S. Typhimurium	2010	10	Connecticut	Private Home; Restaurant - "Fast-food"(drive up service or pay at counter)
Beef (ground), hamburger	Norovirus	2006	5	New York	Restaurant or deli
Biscuits	Norovirus	2010	23	Virginia	Restaurant - Sit-down dining
Bread	Norovirus (Suspected)	1999	14	North Carolina	Other
Bread	S. Typhimurium, Calicivirus/Norovirus	1999	14	Florida	Prison/jail
Bread	Norovirus (Suspected)	2001	5	California	Restaurant/deli
Bread	Salmonella spp.	2004	9	Florida	Restaurant/deli
bread (FDA); Hot dog (USDA);	C. perfringens (Suspected)	2000	235	California	Fair
Bread (unspecified)	Norovirus (Suspected)	2006	9	California	Unknown or undetermined
Bread, banana	Norovirus	2008	8	California	Workplace, not cafeteria
Bread, garlic	Staphylococcus spp. (Suspected)	2002	3	Maryland	Restaurant/deli
Bread, garlic	B. cereus (Suspect); S. aureus (Suspect)	2008	5	Arizona	Other
Bread, white	Norovirus (Suspected)	2005	2	Florida	Restaurant/deli
Bread, white	Norovirus (Suspected)	2005	25	New York	Restaurant/deli
Bread; butter	Norovirus	1999	23	Illinois	Other
Bread; salad	Viral (Suspected)	1999	14	New York	Restaurant/deli
Breading mix	S. aureus	1998	5	Oregon	Restaurant
Breads	Norovirus	2005	13	Wisconsin	

Bun	S. aureus (Suspected)	2000	2	Florida	Workplace, not cafeteria Restaurant/deli
Bun	Norovirus	2002	9	Indiana	Private home
Bun	Norovirus	2004	24	Wisconsin	Community center
Bun	Sapovirus (Suspected)	2004	18	South Dakota	Camp
Bun, hamburger	S. Thompson	2000	6	Multi-state	Unknown
Bun, hamburger; cookies	Norovirus	1992	250	Minnesota	School
Bun; doughnuts (unspecified); danish pastries	Other Chemical	2006	11	Multi-state	Private home
Cereal, puffed rice; cereal, puffed wheat	S. Agona (Confirmed)	2008	35	Multi-state	
Cereal, toasted oats	S. Agona	1998	209	Multi-state	Multiple locations
mexican wheat snack	E.coli, Shiga toxin-producing	2010	11	Minnesota	Private Home
Potato, "French fries" (FDA); sandwich, beef (USDA); sandwich, turkey (USDA)	Norovirus	2006	16	Idaho	Restaurant or deli
Rolls	Salmonella spp.	1993	36	Missouri	Convention center
Rolls	Norovirus (Suspected)	1999	12	Minnesota	Private home
Rolls	C. perfringens	1999	4	Florida	Restaurant
Rolls	Norovirus	2000	15	Minnesota	Hall
Rolls	Norovirus (Suspected)	2000	6	Illinois	Banquet
Rolls	Norovirus	2006	39	New York	Restaurant or deli
Rolls	Norovirus	2009	23	California	School
Rolls; butter	Norovirus	2000	25	New York	Restaurant/deli
Rolls; butter	Norovirus, GII / undefined cluster by sequence (Confirmed)	2008	20	Florida	Banquet facility
Rolls; butter; ice	Norovirus	2002	9	Florida	Restaurant/deli
Sandwich, chicken	Norovirus	2002	116	Iowa	School
Stuffing, bread	S. Enteritidis	1991	26	Georgia	Restaurant

If you have questions or comments about the Outbreak Alert! Database, please email foodsafety@cspinet.org

Information Memorandum

To: Champaign County Board of Health
From: Jim Roberts
 Director of Environmental Health, Champaign-Urbana Public Health District
Subject: New Food Establishments in Champaign County's Jurisdiction
Date: May 27, 2015

Background

- News-Gazette, Don Dodson, 04/19/2015: New restaurants in C-U over the last year (Mar 2014-Feb 2015).
- What about in Champaign County? List of new food establishments in county over the same time range.
- The Champaign County Chamber of Commerce, July/August 2014 publication, Commerce Connection, printed that "According to data pulled from the 2010 Census, Champaign County has more than 53.2 restaurants per 10,000 households. This figure is higher than cities such as San Francisco, California and Fairfield County, Connecticut with 39.2 and 27.6 restaurants per 10,000 households."
- Restaurant Business, April 2013: The Best Places to open a restaurant; Champaign-Urbana metro area Restaurant Growth Index (RGI) was 167 which signals better opportunities for expansion and growth (national average is 100).
- Restaurant Business, October 2014: Best and Worst Places to Open a Restaurant; Champaign-Urbana metro area RGI was 160.
- As of May 27th in the County (CU) for 2015:
 - 18 (47) food establishments in plan review
 - 25 (34) new permits for new food establishments (new construction, extensively remodeled, or change of ownership)
- Where can you find a list of new restaurants and other food establishments?
 - CUPHD website in the Popular Pages side panel-- Food Establishments (New)
<http://c-uphd.org/new-restaurants.html>

26 new restaurants in C-U over the last year

Sun, 04/19/2015 - 7:00am | Don Dodson (/author/don-dodson)

How many new restaurants opened up in Champaign-Urbana over the past year?

Twenty-six by our count — and that doesn't include food trucks, food operations inside convenience stores and hotels, catering kitchens or restaurants that either remodeled or changed owners (*66 total*)

That's equivalent to a new restaurant opening every other week.

A perusal of restaurant openings listed by the Champaign-Urbana Public Health District from March 2014 to February 2015 included:

- Seven restaurants with East Asian influence (Caffe Bene, Masijta Grill, Miga, Koto Ramen, Pho Cafe, Hot Pot Lab, Voice KTV).
- Five video gaming parlors (Emma's Eatery in Champaign and Urbana, Hot Spot in Champaign and Urbana, Lacey's Place in Champaign).
- Three sub/sandwich shops (Firehouse Subs, Doughbelly Subs, Which Wich).
- Three pizza places (Villa Pizza, Little Caesar's on Neil Street, Jet's Pizza on Springfield Avenue).

- Three burger joints (McDonald's on Green Street, Wendy's on Cunningham and Jurassic Grill, which morphed from Empanadas House).
- Two Mediterranean/Middle Eastern restaurants (Super Niro's Gyros on Town Center Boulevard, Mashawi Grill).
- One Mexican restaurant (Don Juan Cocina Mexicana and Cantina).
- One sports bar (Uncle Martin's Sports Bar).
- One frozen-yogurt shop (Orange Leaf).

That list doesn't include restaurants that have opened in the last seven weeks, or eateries that plan to open their doors later this year.

Conspicuously missing from the list are any restaurants serving calling birds, French hens, turtle doves or partridges.

But just wait ...

Login (</user/login?destination=comment/reply/1351568#comment-form>) or register (</user/register?destination=comment/reply/1351568#comment-form>) to post comments

Facility Name/Address	N,R,C ????	Date
4-Stop Food & Liquor	N _{new}	5/27/2014
Autumn Fields Savoy	N	10/16/2014
Best Western Paradise Inn	N	11/14/2014
Butcher's Choice Truck No. 1172 - CO	N	7/14/2014
Butcher's Choice Truck No. 1578 - CO	N	7/14/2014
Butcher's Choice Truck No. 1993 - CO	N	7/14/2014
Butcher's Choice Truck No. 2789 - CO	N	7/14/2014
Butcher's Choice Truck No. 9973 - CO	N	7/14/2014
Cameron's Catering Inc. @ Marble's	N	12/16/2014
Chuck's Locker Service	Change counter top	1/13/2015
Circle K No. 1445	N	2/2/2015
Colonial Liquors	C	6/6/2014
Days Inn Rantoul	N	4/7/2014
Dragon Fire Commissary @ Marble's	N	10/29/2014
Fusilli Tony's Italian Food @ Marble's	N	9/19/2014
Green Machine Catering @ Marble's	N	8/28/2014
Homer Country Market	C	8/4/2014
Homer Country Market	C	1/22/2015
Just Cupcakes by Pepper @ Marble's	N	2/27/2015
KAAM's Choice Steak & Seafood Truck (Co.)	N	9/23/2014
Kaffee Mahomet @ Mahomet IGA	N	12/15/2014
Kona Ice of Champaign @ Marble's - CO	N	5/9/2014
Lake of the Woods Bar & Liquors	C	6/3/2014
Liquor Locker	C	5/14/2014
Loose Cobra	C	9/10/2014
Lu & Denny's	C	6/5/2014
Mahomet Family Restaurant	N	4/25/2014
Mahomet Pizza Place	N	9/12/2014
Main Street Belly Deli	N	1/20/2015
Marathon Gas Station	C	12/2/2014
Middletown-Prairie Elementary School	N	8/15/2014
North Forty	N	1/8/2015
Oasis	N	7/2/2014
Pizza Roma	C	5/21/2014
Pop-A-Licious Gourmet Popcorn @ Anabel Huling	N	6/19/2014
Regal Chocolates @ Marble's	N	7/9/2014
Rube's Country Cooking Commissary	N	12/8/2014
Sadon's Food Pantry @ Village Hall	N	9/2/2014
Schwan's Truck No. 12009	N	1/26/2015
Scotsman's Kitchen @ Marble's	N	7/10/2014
Sidney Dairy Barn Moo Mobile (County)	N	6/5/2014
Smoky's House BBQ	C	9/12/2014
Tailgaters Chill 'n Grill	N	3/5/2014
Villas of Holly Brook	N	2/20/2015
Willowbrook of Savoy	N	2/12/2015

45 total

APRIL 2013

RESTAURANT BUSINESS.

PURCHASING

How to buy right | [http://bit.ly/101x](#) PG.12

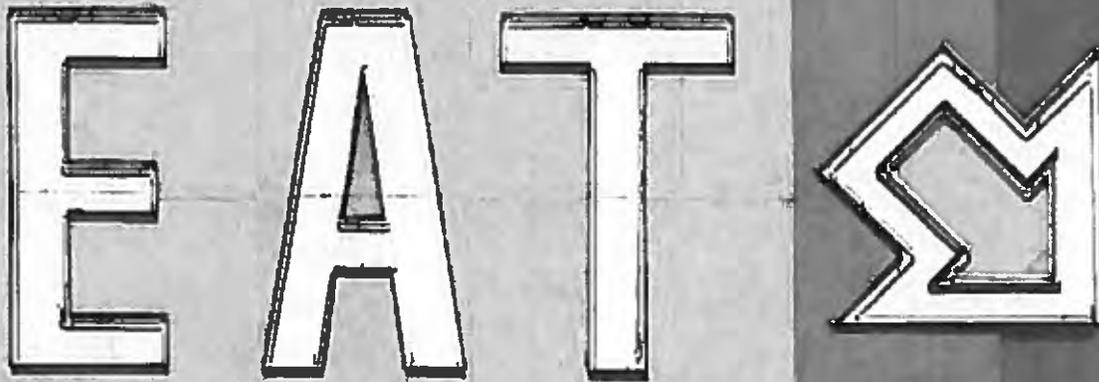
SELF-PUBLISHING

With Facebook, it's easy PG.52

GUN VIOLENCE

Protecting employees PG.16

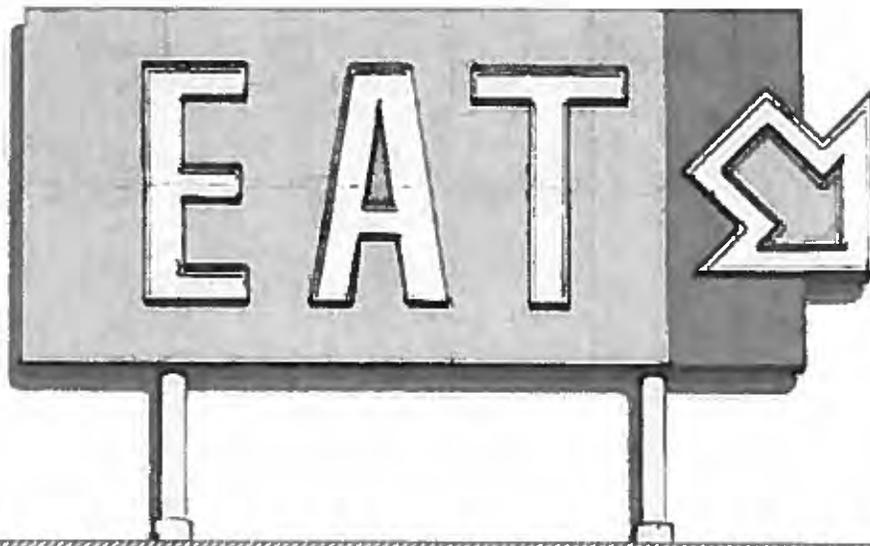
The BEST PLACES to open a restaurant



WE'VE GOT A NEW #1 TOWN IN OUR ANNUAL RANKING OF THE BEST CITIES TO OPEN YOUR NEXT UNIT

PG. 22

www.mozkeyfish.com



The BEST PLACES to open a restaurant

The 2013 Restaurant Growth Index points the way

By John Torres & Song Ln

If there is one thing to take away from the 2013 Restaurant Growth Index it's this: competition is more intense than ever.

The 2013 RGI—compiled for *Restaurant Business* by Nielsen, a global provider of information and insights into what consumers watch and buy—shows weakening restaurant sales, but more restaurants—a volatile combination.

Nielsen tracked a \$3.8 billion dip in total industry sales last year, a rollercoaster drop from the increase in sales of \$17.5 billion reported in last year's RGI. That uptick in 2011 helped fuel the significant jump in the number of restaurants we're now seeing: an increase of 47,161 units (as opposed to the almost 16,000 unit drop reported last year). But with more

restaurants opening, we're seeing per-unit sales dropping: a 7 percent decline from \$719,276 down to \$666,116. Likewise, we're seeing restaurant sales dropping year-over-year by \$24 per capita (from \$1,533 to \$1,509), despite a .07 percent rise in average per capita income.

The top 5 markets

Despite those contractions in sales, the 2013 top 10 RGI markets look to be more profitable relative to the average market than their top 10 counterparts last year. If we total the index scores for the top 10 markets in last year's RGI, we have 4,052 index points. Totaling the same in 2013 yields 4,731 points. Translation: the restaurants in those markets are doing gangbusters. And it

THE RGI FORMULA:

$$\left[\frac{\text{Persons per establishment in market}}{\text{Persons per establishment in U.S.}} \right] \times \left[\frac{\text{Restaurant sales per capita in market}}{\text{Restaurant sales per capita in U.S.}} \right] \times \left[\frac{\text{Restaurant sales per capita as a \% of per capita income in market}}{\text{Restaurant sales per capita as a \% of per capita income in U.S.}} \right] \times 100$$

Note: The national average is 100. Higher scores signal better opportunities; scores dipping below 100 suggest weaker opportunities than average. Markets are scored as whole. All markets, when scrutinized at lower levels of geography, i.e. ZIP codes, show pockets of better and worse opportunities.

suggests, in a shrinking market, the competition sharpens and magnifies the difference in performance between the best and the average. The top index last year was 692 compared to 732 for the top spot now.

Ocean Pines, Maryland, the #6 market last year, has claimed that top spot. This market constitutes the eastern most county in Maryland, which includes the entire length of the state's Atlantic coast, and is home to the popular vacation resort area of Ocean City. With the large influx of tourists, the per-capita restaurant sales rise. That drives the RGI score higher.

Jumping all the way from the #99 spot in 2012 to the current #2 spot is Findlay, Ohio. This market, with strong ties to the Toledo metropolitan area, nearly doubled restaurant sales year-over-year. Nielsen's Business Growth Index, which tracks changes in the number and size of all businesses over time, shows this market ranks in the top 10 nationally for overall economic growth. The town has seen an economic boom, of sorts, with Marathon Petroleum recently headquartered in Findlay and Cooper Tire and Rubber Company opening a global tech center.

In the #3 spot this year is Liberal, Kansas. This market more than doubled restaurant sales from last year. Much like Findlay, businesses have many openings, and coupled with a shortage of housing units, visitors and temporary residents eat out more frequently. The success of their local semi-pro Bee Jays, frequent national and state champions, draws more visitors to the area.

Sevierville, Tennessee—gateway to Smoky Mountain Nation Park and last year's #3 market—drops to #4. The average restaurant sales per capita for the market tipped \$4,400 in last year's RGI but dropped to roughly \$3,600 per capita this year, still more than double the national average. More net restaurants (14) were added to this market year-over-year creating a bit more competition.

Boone, North Carolina, reaches the fifth spot this year, rising from #37 in the 2012 RGI. Boone is a tourist destination, drawing 225,000 each year. It's also home to Appalachian State University, which has seen dramatic growth in the last decade

and ranks in the top 5 percent for general business growth in Nielsen's BGI. The influx of students and tourists helped drive up its RGI score.

Among the top 50 markets by population, Orlando and Las Vegas rank high, with Las Vegas swapping places with Orlando for the top spot. Nevada also tops the state-level market rankings this year. Again, tourism dollars and disproportionate restaurant sales as percentage of per capita income keeps these markets high in the ranks.

How we ranked them

The RGI ranks both metro and micro markets, where a metro area contains a core urban area of 50,000 or more population, and a micro area contains an urban core of at least 10,000 (but less than 50,000) population. Each metro or micro area consists of one or more counties encompassing the core urban area while integrating adjacent counties that have a high degree of social and economic similarities.

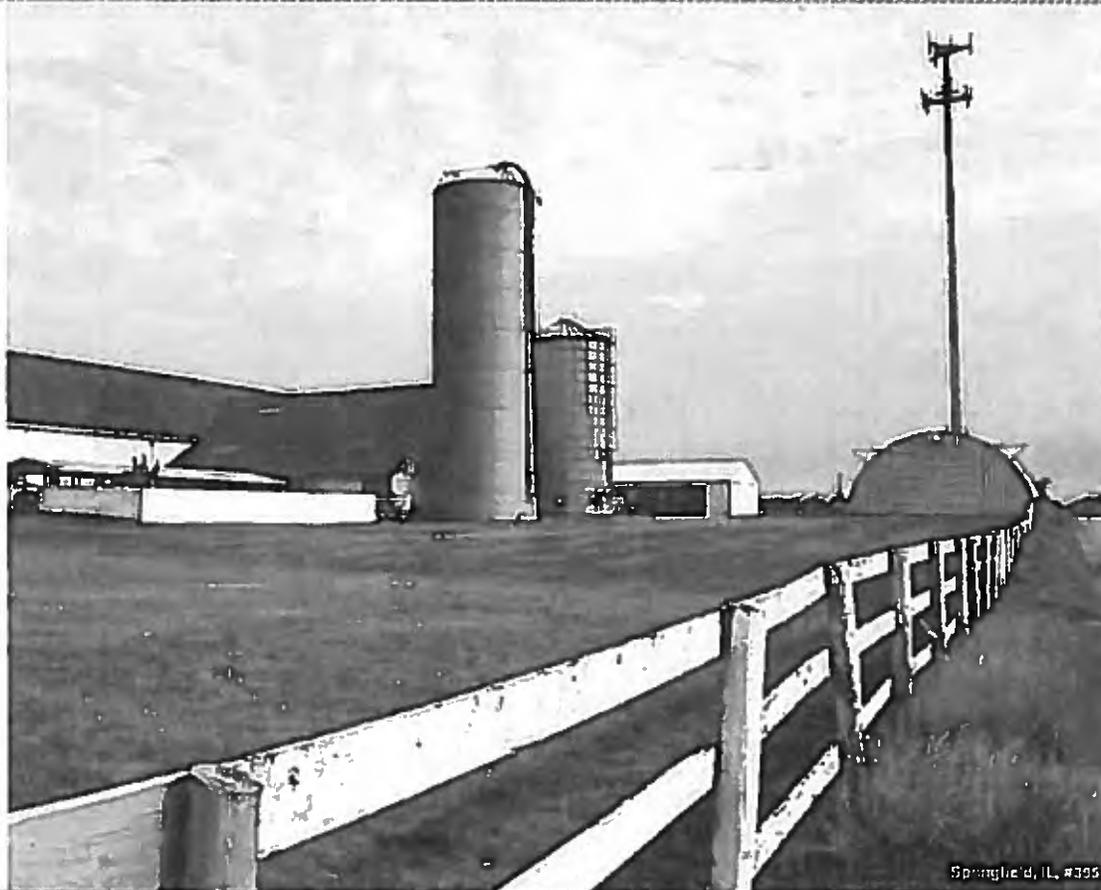
The RGI is designed to help restaurants screen markets and find attractive areas for expansion and growth. These market rankings represent underserved areas that signal strong restaurant sales relative to the national average.

The RGI uses restaurant sales collected by the U.S. Census of Retail Trade and per capita income reported by the U.S. Census Bureau and updated by Nielsen. Restaurant location data comes by way of Nielsen through Infogroup. Sales figures conflate visitors and residents of each market. So, smaller markets that are tourist destinations with high transience and heavy thru traffic tend to index high. Market size should be considered in addition to market rank in assessing opportunities for future restaurants.

For more information on Nielsen's market research—including the RGI as well as the BGI (the Business Growth Index, that evaluates the general economic health of each market down to ZIP codes), please contact Nielsen at www.nielsen.com or 800-234-5973.

John Torres is Vice President of Product Innovation and Song Lin is Director & Senior Statistician, Product Leadership, Nielsen.

MIDWEST Restaurant Growth Index



Springfield, IL #395

Metropolitan area	ROI	ROI rank	Population	Income per capita	Sales per capita	Sales as % of income	Total restaurants	Sales per restaurant	Persons per establishment
Illinois									
Effingham	256	22	34,311	\$24,498	\$2,583	10.42%	92	\$952,174	373
Decatur	195	48	110,834	\$20,358	\$1,898	9.32%	259	\$810,039	427
Macomb	192	51	32,532	\$18,741	\$1,875	10.01%	82	\$743,902	397
Mount Vernon	190	54	48,940	\$20,427	\$1,889	8.27%	89	\$891,011	527
Charleston-Mattoon	181	70	85,092	\$21,489	\$1,917	8.92%	150	\$784,908	406
Carbondale	179	74	60,512	\$21,024	\$1,982	9.28%	158	\$747,488	383
Champaign-Urbana	167	101	232,787	\$25,938	\$2,090	8.06%	806	\$802,805	384
Bloomington-Normal	148	170	171,854	\$29,935	\$1,908	6.37%	384	\$898,828	472
Marion-Herrin	137	220	68,900	\$23,008	\$1,847	7.18%	149	\$739,587	449
Rockford	133	243	348,918	\$21,908	\$1,524	6.96%	716	\$738,408	485
Davenport-Moline (includes IL)	129	275	383,147	\$25,705	\$1,908	7.40%	1,084	\$874,539	353
Jacksonville	129	276	40,893	\$23,470	\$1,817	8.89%	91	\$723,077	447
Kankakee-Bradley	128	282	113,940	\$21,394	\$1,811	7.53%	279	\$857,708	408
Harrisburg	117	370	25,051	\$19,712	\$1,401	7.11%	55	\$638,182	455
Freeport	115	392	47,358	\$18,881	\$1,485	7.76%	121	\$573,554	381
Springfield	114	395	213,104	\$28,727	\$1,908	6.64%	608	\$888,092	351

■ Top 20

Best and Worst Places to Open a Restaurant

The Restaurant Growth Index, ranking the best markets for new restaurants
Published in Restaurant Business October 2014

<http://www.restaurantbusinessonline.com/data/best-and-worst>

Tourism remains the strong driver of restaurant traffic and opportunity. As the 2014 Restaurant Growth Index—compiled exclusively for Restaurant Business by Nielsen—shows, consumers continue to loosen their purse strings and indulge in restaurant dining while on vacation.

5 best places to open a restaurant

- 1. Kahului-Wailuku-Lahaina, HI
- 2. Las Vegas-Henderson-Paradise, NV
- 3. Kapaa, HI
- 4. Findlay, OH
- 5. Sevierville, TN

Read more

- [Tourism drives top markets in 2014 \(article\)](#)
- [Insights from restaurateurs in top metro areas](#)
- [How we rank the markets](#)

Search by Metro Area

Champaign, IL

Metro area	State	RGI value	Rank	Population	Per capita income	Restaurant sales per capita	Sales as percentage of income	Total restaurants	Sales per restaurant	Persons per establishment
Kahului-Wailuku-Lahaina	HI	506	1	160,528	\$28,264.76	\$4,887.61	17.29%	509	\$1,541,451.87	315
Hilo	HI	262	19	191,916	\$20,949.80	\$2,734.19	13.05%	497	\$1,055,802.82	386
Hailey	ID	67	777	27,518	\$26,868.87	\$2,152.52	8.01%	135	\$438,762.96	204
Champaign-Urbana	IL	160	122	234,836	\$25,002.80	\$2,313.40	9.25%	598	\$908,476.59	393
Jacksonville	IL	136	208	40,258	\$24,474.33	\$2,420.91	9.89%	135	\$721,933.33	298
Danville	IL	121	303	79,899	\$20,819.60	\$1,597.13	7.67%	154	\$828,629.87	519
Taylorville	IL	82	631	34,434	\$25,590.70	\$1,966.02	7.68%	120	\$564,150.00	287

Information Memorandum

To: Champaign County Board of Health
From: Jim Roberts
Director of Environmental Health, Champaign-Urbana Public Health District
Subject: New Fees for Closed Loop Well Systems in Champaign County
Date: May 27, 2015

Background

- **Proposed**
 - a) **Closed Loop Well System Construction Permit Fee:** \$100 for the first 10 closed loop well boreholes drilled and \$10 for each additional borehole drilled (per Illinois Water Well Construction Code 77 Ill. Adm. Code 920.200 d) and
 - b) **Closed Loop Well System Inspection Fee:** \$150 for residential and \$300 for non-residential systems.
- **Expenses**
 - December 1, 2014 (the start date to implement Closed Loop Well construction permits and inspections) to May 27, 2015.
 - 8 residential and 0 non-residential Closed Loop Well Systems permitted and installed in Champaign County.
 - Expenses (salary, fringe benefits, contractual services, and mileage) tracked using cost code 7422 (county Closed Loop Well) was \$2019.45.
 - Divided by 8 = \$252.43 per residential system.
- **Fee Exemptions**

Any fee waivers and, if so, similar to the food operating permit criteria as defined in section 12.4 of the Health Ordinance?

ORDINANCE NO. _____

**HEALTH ORDINANCE
Of Champaign County, Illinois**

WHEREAS, the Champaign County Public Health Department was created by referendum passed on November 4, 1996;

WHEREAS, the Champaign County Board adopted Resolution Number 3812, *Resolution Establishing a County Health Department* on April 15, 1997 and the Champaign County Board has appointed a Board of Health;

WHEREAS, the County Board is empowered to "do all acts and make all regulations which may be necessary or expedient for the promotion of health or the prevention of disease..." by Section 5/5-1052 of the Illinois Counties Code (55 ILCS 5/5-1052);

WHEREAS, the County Board adopted Ordinance No. 573, *Health Ordinance of Champaign County, Illinois*, on September 30, 1998, and amended the Health Ordinance through the adoption of Resolution 7146 on October 20, 2009 and Ordinance 936 on November 21, 2013;

WHEREAS, that since the adoption of Ordinances 573 and 936 and Resolution 7146, there have been statutory and administrative code changes which necessitate the revision of that Ordinance; and

WHEREAS, Ordinance 573, as amended, should be replaced in its entirety by this Ordinance so that the County Health Department is compliant with the latest revisions made by the Illinois legislature and the Illinois Department of Public;

NOW THEREFORE BE IT ORDAINED by the County Board of Champaign County, Illinois as follows:

That Ordinances 573 and 936 are hereby rescinded;

That Resolution 7146 is hereby rescinded; and

That the following be adopted as the Health Ordinance of Champaign County, Illinois:

CHAPTER 1. TITLE, AUTHORITY, AND EFFECTIVE DATE

1.1 TITLE

This Ordinance shall be known and may be cited as the *Champaign County Health Ordinance*.

1.2 AUTHORITY

1.2.1 Illinois Counties Code

This Ordinance is adopted pursuant to the authority granted to the Champaign County Board by the *Illinois Counties Code* (55 ILCS 5/5-1052 and 55 ILCS 5/5-25001 *et seq.*).

1.2.2 Other Statutes and Rules

The scope of the County's authority is further defined by:

- A. The *Department of Public Health Act* (20 ILCS 2305/1.1 *et seq.*);
- B. The *Civil Administrative Code of Illinois* (20 ILCS 2310/2310-1 *et seq.*);
- C. The *Private Sewage Disposal Licensing Act* (225 ILCS 225/1 *et seq.*);
- D. The *Illinois Water Well Construction Code* (415 ILCS 30/1 *et seq.*);
- E. The *Illinois Water Well Pump Installation Code* (415 ILCS 35/1 *et seq.*);
- F. The *Illinois Groundwater Protection Act* (415 ILCS 55/9);
- G. The *Sanitary Food Preparation Act* (415 ILCS 650/11.01 *et seq.*);
- H. The *Food Handling Regulation Enforcement Act* (410 ILCS 625/0.01 *et seq.*);
- I. The *Illinois Food, Drug and Cosmetic Act* (410 ILCS 620/1 *et seq.*);
- J. The *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615.100 *et seq.*);
and
- K. The *Illinois Food Service Sanitation Code* (77 Ill. Adm. Code 750 *et seq.*)

1.3 JURISDICTION

1.3.1 Subject Matter

This Ordinance constitutes the regulations of Champaign County with respect to:

- A. The control of infectious diseases;
- B. The preparation, manufacture, packing, storing or distributing of food except for establishments governed by the *Meat and Poultry Inspection Act* (225 ILCS 650/2.5);
- C. The handling, storage, transportation, and disposal of sewage from private sewage disposal systems;
- D. The provision of water supplies for drinking, culinary and sanitary purposes; and
- E. The operation of the Champaign County Health Department and of the Champaign County Board of Health.

1.3.2 Geographic Limitations

This Ordinance shall govern the subject matter described in Subsection 1.3.1 throughout Champaign County, including areas falling within the corporate limits of municipalities, except for the following areas:

- A. Areas falling within the *Champaign-Urbana Public Health District*; and

- B. Areas falling within the corporate limits of any municipality which maintains a local health department meeting the minimum requirements of Division 5-25 of the *Illinois Counties Code* (55 ILCS 5/5-25008).

1.4 EFFECTIVE DATE

This Ordinance shall be in force from the 1st day of May, 2015 and shall remain in force in this form until amended or repealed.

CHAPTER 2. PURPOSE

2.1 PURPOSE GENERALLY

This Ordinance is intended for, and its terms and provisions shall be liberally construed so as to further, the purpose of promoting the public health and suppressing disease and of protecting the public safety and welfare by:

- A. Implementing a comprehensive infectious disease control program;
- B. Minimizing factors which may cause food-borne illness and safeguarding public health by providing consumers with food that is safe, unadulterated and prevent illness caused from ingesting food;
- C. Promoting the provision of safe, potable, and adequate supplies of water for drinking, culinary and sanitary purposes;
- D. Reducing the risk of preventing the transmission of disease organisms, environmental contamination, and nuisances resulting from the improper handling, storage, transportation and disposal of sewage from private sewage disposal systems;
- E. Providing efficient and effective procedures for enforcing the regulations contained herein; and
- F. Establishing procedures that protect the rights to property, equal protection and due process of the citizens of Champaign County.

2.2 COMPLIANCE WITH ILLINOIS COMPILED STATUTES AND ILLINOIS ADMINISTRATIVE CODE

The adoption of this Ordinance is intended to establish a program to further the purposes set forth in Section 2.1 that will enable the Champaign County Health Department to:

- A. Seek and accept delegation of powers and duties of the Illinois Department of Public Health and enter into delegation agreements with the Department pursuant Article 2310 of the *Civil Administrative Code of Illinois* (20 ILCS 2310/2310-1et seq.).
- B. Apply for, obtain and renew status as a Certified Local Health Department for the Champaign County Health Department pursuant to Section 600.210 of the *Certified Local Health Department Code* (77 Ill. Adm. Code 600.210); and
- C. Meet the minimum requirements of the *Illinois Local Health Protection Grant Rules* (77 Ill. Adm. Code 615).

CHAPTER 3. DEFINITIONS AND RULES OF CONSTRUCTION

3.1 RULES OF CONSTRUCTION AND INTERPRETATION

3.1.1 Definitions Specified

Certain words and terms are defined in Section 3.3 and shall have that meaning when capitalized in the text of this Ordinance. When such terms are not capitalized, they have their usual and common meaning. Any pertinent word or term not listed but vital to the interpretation of this Ordinance shall have its usual and common definition unless defined by a statute or rule herein incorporated as provided by Subsection 3.21.

3.1.2 Organization

The Ordinance is organized in descending order into numbered Chapters, Sections and Subsections; Paragraphs designated by capital letters; and subparagraphs designated by numbers. Subparagraphs may be further divided into un-named subdivisions.

3.1.3 Rules of Construction

The following rules of construction shall determine interpretation and application of the provisions herein:

- A. The present tense includes the future tense;
- B. The masculine gender includes the feminine and the neuter;
- C. The singular number includes the plural, and vice versa;
- D. The word "shall" is always mandatory, and the word "may" is always permissive;
- E. A more specific provision shall govern over a more general provision; and
- F. The body text of the Ordinance shall govern over any title, subtitle or heading.

3.1.4 Interpretation to Complement Other Provisions

This Ordinance is intended to complement provisions of the Statutes, rules and standards cited or incorporated herein. The provisions of this Ordinance shall be construed in a manner consistent with them subject to the provisions of Section 3.2

3.2 PROVISIONS INCORPORATED BY REFERENCE OR CITATION

3.2.1 Definition and Interpretation of Terms

The definitions of terms and rules of construction contained in the Statutes and administrative rules cited herein are hereby incorporated by reference and shall govern the interpretation of any of their provisions cited or incorporated into this Ordinance subject to the provisions of Subsections 3.2.2.

3.2.2 Conflict between Ordinance and Provisions Incorporated or Cited

Whenever any provisions of this Ordinance, any other Ordinance of Champaign county or any provisions incorporated herein by reference or citation conflict, the more restrictive provision, definition or interpretation shall govern, except where the authority of Champaign County is pre-empted by any statute of the State of Illinois, in which case the statutory provisions shall govern.

3.3 TERMS DEFINED

- 3.3.1 **ABANDONED WELL:** A WATER WELL or monitoring well which is no longer used to supply water, or which is in such a state of disrepair that the well or boring has the potential for transmitting contaminants into an aquifer or otherwise threatens the public health or safety.
- 3.3.2 **ADULTERATED:** The condition of any food described in the *Illinois Food, Drug and Cosmetic Act* (410 ILCS 620/10).
- 3.3.3 **APPROVED or APPROVAL:** Acceptable to the HEALTH OFFICER based on a determination of conformity with accepted public health principles, practices and recognized industry standards.
- 3.3.4 **BOARD OF HEALTH:** The Champaign County Board of Health.
- 3.3.5 **CERTIFIED LABORATORY:** A laboratory operated or given certification approval by the Illinois Department of Public Health for analyzing samples of water for potable use.
- 3.3.6 **COMMUNITY WATER SYSTEM:** A PUBLIC WATER SYSTEM which has at least 15 service connections used by residents, or regularly serves 25 or more residents daily for at least 60 days a year, and is regulated by the Illinois Environmental Protection Agency, as defined by 415 ILCS 55/9.
- 3.3.7 **COMPONENT:** An integral part of a PRIVATE SEWAGE DISPOSAL SYSTEM that is necessary for the satisfactory design, construction and operation of the system.
- 3.3.8 **CONTINENTAL BREAKFAST:** A meal limited to coffee, tea and/or juice, and commercially prepared sweet baked goods only.
- 3.3.9 **COUNTY BOARD:** The County Board of Champaign County, Illinois.
- 3.3.10 **CRITICAL VIOLATION:** A condition prohibited, action proscribed or failure to take an action mandated by a provision of this Ordinance so as to create a likelihood of food contamination, illness or an environmental health hazard.
- 3.3.11 **DISCHARGE POINT:** The point at which treated EFFLUENT discharges from an approved PRIVATE SEWAGE DISPOSAL SYSTEM.

- 3.3.12 DOMESTIC SEWAGE: WASTE WATER** derived principally from dwellings, business or office buildings, institutions, food establishments and similar facilities.
- 3.3.13 EFFLUENT:** Treated or partially treated liquid discharged from a **PRIVATE SEWAGE DISPOSAL SYSTEM** or a **COMPONENT**.
- 3.3.14 FOOD SERVICE ESTABLISHMENT:** Any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare foods intended for individual portion service and retail food stores where food and food products are offered to the consumer and intended for, though not limited to, off-premises consumption. The term does not include lodging facilities serving only a continental breakfast (a continental breakfast is one limited to coffee, tea and juice and commercially prepared sweet baked goods), private homes or a closed family function where food is prepared or served for individual family consumption, establishments that handle only prepackaged spirits, roadside markets that offer only fresh fruits and fresh vegetables, or the location of food vending machines.
- 3.3.15 GREY WATER: WASTEWATER** such as dishwater, laundry waste, and other **WASTEWATER** not containing fecal matter.
- 3.3.16 HEALTH DEPARTMENT:** The Champaign County Health Department.
- 3.3.17 HEALTH OFFICER:** The Executive Officer of the Champaign County Health Department or his/her authorized representatives.
- 3.3.18 HOMEOWNER:** A person who holds legal title to a residential structure which is to be used or is used for his or her personal, single family residence.
- 3.3.19 HUMAN WASTES:** Undigested food and by-products of metabolism which are passed out of the human body.
- 3.3.20 IMMINENT HEALTH HAZARD:** 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 to prevent injury based on the number of potential injuries and the nature, severity, and duration of any anticipated injury.
- 3.3.21 LABEL:** A display or written, printed or graphic matter upon the immediate container of an article.

- 3.3.22 LICENSED PEST CONTROL PERSONNEL:** A PERSON licensed by the State of Illinois to apply pesticides in a food service area.
- 3.3.23 MAINTAINED AND SERVICED:** The tasks, procedures and inspections required by the manufacturer of the component/system or the Illinois Department of Public Health for the private sewage disposal system to operate within the parameters and requirements of the Private Sewage Disposal Code and any other restrictions established as part of the system approval or as part of a variance.
- 3.3.24 MISBRANDED:** The condition of any food, LABEL, or food container or any representation made with respect to any food described in Section 11 of the *Illinois Food, Drug and Cosmetic Act* (410 ILCS 620/11).
- 3.3.25 NPDES PERMIT:** Any general or individual National Pollutant Discharge Elimination System permit issued by the Illinois Environmental Protection Agency or the United States Environmental Protection Agency.
- 3.3.26 NON-COMMUNITY WATER SYSTEM:** A PUBLIC WATER SYSTEM which is not a COMMUNITY WATER SYSTEM, that has at least 15 service connections used by non-residents, or regularly serves 25 or more non-resident individuals daily for at least 60 days per year.
- 3.3.27 OWNER:** The PERSON or PERSONS who lawfully possess or control any establishment, facility or equipment regulated by this Ordinance. The owner may also, but does not necessarily, hold title to the regulated establishment, facility or equipment or to the real estate upon which it is located.
- 3.3.28 PERCOLATION TEST:** A SUB-SURFACE SEEPAGE test performed at the depth of a proposed PRIVATE SEWAGE DISPOSAL SYSTEM to determine the water absorption capability of the soil.
- 3.3.29 PERMIT, CONSTRUCTION:** Written authorization issued by the HEALTH OFFICER to construct, install, repair or modify any facility, structure or equipment regulated by this Ordinance.
- 3.3.30 PERMIT, OPERATING:** The document issued by the HEALTH OFFICER that authorizes a PERSON to operate a FOOD SERVICE ESTABLISHMENT for a specified period.
- 3.3.31 PERSON:** Any individual, group of individuals, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust estate, person doing business under an assumed name, municipality or any political subdivision or department hereof, the State of Illinois or any Department thereof, or any other entity.

- 3.3.32 **PERSON IN CHARGE:** The individual present at a food establishment who is responsible for operation at any given time.
- 3.3.33 **POPULATION EQUIVALENT:** An average waste loading equivalent to that produced by one person that is defined as 100 gallons per day.
- 3.3.34 **POTABLE WATER:** Water that is suitable for human consumption and which meets public health standards for drinking water.
- 3.3.35 **PREMISES:** A building or part of a building or other area specifically described in a **CONSTRUCTION** or **OPERATING PERMIT** issued under this Ordinance.
- 3.3.36 **PRIVATE SEWAGE DISPOSAL SYSTEM:** Any **SEWAGE** handling or treatment facility:
- A. Having a ground surface discharge and receiving **DOMESTIC SEWAGE** from less than 15 people or **POPULATION EQUIVALENT**, or
 - B. Having no ground surface discharge and receiving any amount of **DOMESTIC SEWAGE**.
- 3.3.37 **PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR:** Any **PERSON** constructing, installing, repairing, modifying, altering, or maintaining **PRIVATE SEWAGE DISPOSAL SYSTEMS** except **HOMEOWNERS** performing such work on systems which serve only the single family residence in which they reside.
- 3.3.38 **PRIVATE SEWAGE DISPOSAL SYSTEM PUMPING CONTRACTOR:** Shall mean any **PERSON** who cleans or pumps waste from a **PRIVATE SEWAGE DISPOSAL SYSTEM** or hauls or disposes of waste removed therefrom.
- 3.3.39 **PUBLIC SEWER SYSTEM:** Any **SEWAGE** handling or treatment facility operating and maintained under permit from the Illinois Environmental Protection Agency.
- 3.3.40 **PUBLIC WATER SYSTEM:** A system for the provision to the public of piped water for human consumption that has at least 15 service connections or regularly serves an average of at least 25 individuals daily for at least 60 days per year. Public Water Systems include both **COMMUNITY WATER SYSTEMS** and **NON-COMMUNITY WATER SYSTEMS**.
- 3.3.41 **SEMI-PRIVATE WATER SYSTEM:** A water supply which is not a **PUBLIC WATER SYSTEM**, yet which serves a segment of the public other than an owner-occupied single family dwelling.
- 3.3.42 **SEPTAGE:** The solid and liquid wastes removed from **PRIVATE SEWAGE DISPOSAL SYSTEMS**.

- 3.3.43 **SEWAGE:** Human or animal wastes and other liquid waste from residences, business buildings, industrial establishments, or other places together with such ground water infiltration and surface waters as may be present.
- 3.3.44 **SPECIAL FLOOD HAZARD AREA:** Any area subject to inundation by a flood having a one percent probability of being equaled or exceeded in any given year based upon the elevation of the ground surface and an estimate of the highest elevation of such flood. Special flood hazard areas are generally but not necessarily coextensive with areas labeled as "Zone A" on applicable Flood Insurance Rate Maps for communities participating in the National Flood Insurance Program.
- 3.3.45 **SUBDIVISION:** Any immediate, prospective or contingent division of any interest in any real state, or any other development which would require that a plat be approved by a municipal government or the COUNTY BOARD pursuant to the *Illinois Plat Act (765 ILCS 205/01 et seq.)* or any local ordinance.
- 3.3.46 **VENDING MACHINE:** Any self-service device which upon insertion of a coin, coins, or tokens or other similar means, dispenses unit servings of food either in bulk or in packages without the necessity of replenishing the device between each vending operation.
- 3.3.47 **WASTEWATER:** All DOMESTIC SEWAGE, including GREY WATER discharged to a PRIVATE SEWAGE DISPOSAL SYSTEM.
- 3.3.48 **WATER WELL:** Any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial re-charge, or acquisition of ground water, except monitoring wells.

CHAPTER 4. INFECTIOUS DISEASES

4.1 ACTS PROHIBITED

- 4.1.1 No PERSON shall obstruct any investigation undertaken pursuant to the provisions of this Chapter.
- 4.1.2 No PERSON shall fail to provide the HEALTH OFFICER any report or information required by this Ordinance or required by any Statute or by any rule adopted by the Illinois Department of Public Health.
- 4.1.3 No member of the BOARD OF HEALTH, employee or contractor of the HEALTH DEPARTMENT, or any other employee, contractor or official of CHAMPAIGN COUNTY shall violate the confidentiality of any PERSON or release any confidential information in the possession of the HEALTH

DEPARTMENT except in conformance with the provisions of Subparagraph 615.300(c)(16) of the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615.300(c)(16)).

4.2 STANDARDS AND REGULATIONS

The BOARD OF HEALTH shall undertake a comprehensive infectious disease prevention program in accordance with the standards contained in the following regulations which are hereby incorporated by reference together with any regulations or standards incorporated therein, subject to the provisions of Section 3.2:

- A. *Control of Communicable Diseases Code* (77 Ill. Adm. Code 690).
- B. *Control of Sexually Transmissible Diseases Code* (77 Ill. Adm. Code 693).
- C. *Control of Tuberculosis Code* (77 Ill. Adm. Code 696).
- D. *HIV/AIDS Confidentiality and Testing Code* (77 Ill. Adm. Code 697).

4.3 PROGRAMS

In addition to, or in conjunction with, any programs and activities required of it by the regulations cited in Section 4.2, the BOARD OF HEALTH shall conduct the following programs and activities.

4.3.1 Services

The BOARD OF HEALTH shall, within its jurisdiction:

- A. Provide counseling and partner notification services for cases involving HIV, sexually transmitted diseases and blood borne diseases as required by Subparagraphs 615.300(c)(2) and (3) of the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615.300).
- B. Ensure provision of the therapy and preventive therapy required by Subparagraphs 615.300(c)(4) and (5) and in accord with Paragraph 615.300(e) of the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615.300).
- C. Conduct public health infectious disease clinics in accord with Subparagraph 615.300(c)(6) of the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615.300(c)(6)).
- D. Develop and maintain ongoing immunization clinics as required by Subparagraph 615.300(c)(9) of the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615.300(c)(9)).
- E. Distribute and use biologics provided by the Illinois Department of Public Health in accordance with Subparagraph 615.300(c)(11) of the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615).

4.3.2 Investigations

The BOARD OF HEALTH shall, within its jurisdiction:

- A. Investigate within one working day, all reported or suspected cases of Class I diseases listed in Section 690.100 of the *Control of Communicable Diseases Code* (77 Ill. Adm. Code 690.100);
- B. Investigate within three working days, all reported or suspected cases of Class II diseases listed in Section 690.100 of the *Control of Communicable Diseases Code* (77 Ill. Adm. Code 690.100); and
- C. Investigate all known adverse events following administration of vaccines and complete and submit to the Illinois Department of Public Health a Vaccine Adverse Events Reporting System form for each event.

4.3.3. Information Collecting and Reporting

The BOARD OF HEALTH shall, within its jurisdiction:

- A. Implement and maintain a system to monitor the status of Class I and Class II infectious diseases listed in Section 690.100 of the *Control of Communicable Diseases Code* (77 Ill. Admin. Code 690.100), including reporting, and a system to estimate the incidence, prevalence and demographic characteristics or cases that occur;
- B. Conduct screening for tuberculosis and HIV as required by Subparagraph 615.300(c)(8) of the *Local Health Protection Grant Rules* (77 Ill. Adm. Code, 615.300(c)(8));
- C. Develop and implement a program to survey the immunization status of the population, and assist and support the completion of annual surveys of selected populations;
- D. Report to the Department of Public Health immediately (within 3 hours) any reports from primary reporters as identified in Section 690.200(a)(1) as to the following diseases: Anthrax; Botulism (foodborne); Brucellosis (if suspected to be part of an outbreak); Diphtheria; Influenza A, Novel Virus; Plague; Poliomyelitis; Q-fever (if suspected to be part of an outbreak); Severe Acute Respiratory Syndrome; Smallpox; Tularemia (if suspected to be part of an outbreak); any suspected bioterrorist threat or event (77 Ill. Adm. Code 690.100);
- E. Report to the Department of Public Health as soon as possible during normal business hours, but within 24 hours, any reports from primary reporters as identified in Section 690.200(a)(1) as to the diseases listed in Section 690.100(b) of the *Control of Communicable Diseases Code* (77 Ill. Adm. Code 690); and
- F. Report to the Department of Public Health as possible during normal business hours, but within 7 days, any of the diseases listed in Section 690.100(c) of the *Control of Communicable Diseases Code* (77 Ill. Adm. Code 690.100(c)).

4.4 PROGRAM ADMINISTRATION

4.4.1 Administration Generally

In addition to or in conjunction with any program administration requirements contained in the regulations cited in Section 4.2, the BOARD OF HEALTH and HEALTH OFFICER shall administer the programs provided pursuant to Section 4.3 in accord with

the requirements of the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615) and Chapter 8 of this Ordinance.

4.4.2 Specific Requirements

The BOARD OF HEALTH shall:

- A. Establish a goal, in conjunction with the Illinois Department of Public Health every five years, for a maximum incidence per 10,000 people for each Class I or Class II disease listed in Section 690.100 of the *Control of Communicable Diseases Code* (77 Ill. Adm. Code 690.100).
- B. Account monthly for biologics provided by the Illinois Department of Public Health;
- C. Implement procedures to assure that the amount of State-supplied vaccine unaccounted for or wasted annually is less than three percent;
- D. Ensure that qualified persons are available to conduct activities provided for in this Chapter in accord with Subparagraph 615.300(c) (15) of the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615.300(c) (15)); and
- E. Document activities conducted pursuant to this Chapter as required by Paragraph 615.300(f) of the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615.300(f)).

CHAPTER 5. FOOD SANITATION

5.1 ACTS PROHIBITED

- 5.1.1 No PERSON shall store, process, prepare, sell or serve any food except in compliance with the terms of this Ordinance.
- 5.1.2 No PERSON shall operate a FOOD SERVICE except in compliance with the terms of this Ordinance.
- 5.1.3 No PERSON shall manufacture, sell, deliver, hold or receive any ADULTERATED or MISBRANDED food or ADULTERATE or MISBRAND any food.

5.2 STANDARDS AND REGULATIONS

5.2.1 State Regulations Incorporated

FOOD SERVICE ESTABLISHMENTS shall be constructed, operated and maintained in accord with the *Illinois Food Service Sanitation Code* (77 Ill. Adm. Code 750), as amended November 20, 2014 which is hereby incorporated by reference together with any regulations or standards therein incorporated subject to the provisions of Section 3.2.

5.2.2 Application of Pesticides

Any pesticides applied in any FOOD SERVICE ESTABLISHMENT shall be applied only by LICENSED PEST CONTROL PERSONNEL.

5.3 FACILITY AND OPERATING PLANS

5.3.1 When Required.

The OWNER shall submit to the HEALTH OFFICER plans and specifications prepared in accord with the provisions of Subsection 5.3.2 for review and approval before:

- A. The construction of a FOOD SERVICE ESTABLISHMENT or a RETAIL FOOD ESTABLISHMENT;
- B. The conversion of an existing structure for use as a FOOD SERVICE ESTABLISHMENT;
- C. The remodeling of a FOOD SERVICE ESTABLISHMENT or a RETAIL FOOD ESTABLISHMENT or a change of type of FOOD SERVICE ESTABLISHMENT; or
- D. The transfer of ownership of an existing permitted establishment.

5.3.2 Contents of the Plans and Specifications

The plans and specifications for a FOOD SERVICE ESTABLISHMENT shall include, based on the type of operation, type of food preparation, and foods prepared, the following information to demonstrate conformance with the provisions of this Ordinance:

- A. Intended menu;
- B. Proposed layout, mechanical schematics, construction materials, and finish schedules; and
- C. Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications.

5.3.3 Pre-operational Construction Inspection and Approval

The HEALTH OFFICER shall conduct one or more pre-operational inspections to verify that the FOOD SERVICE ESTABLISHMENT is constructed and equipped in accordance with the APPROVED plans and APPROVED modifications of those plans and is in compliance with law and this Ordinance.

5.4 OPERATING PERMITS

5.4.1 Operating Permit Required

No PERSON shall operate a FOOD SERVICE without a valid OPERATING PERMIT issued by the HEALTH OFFICER.

5.4.2 Submission of Application: Timing

The OWNER shall submit an application for an OPERATING PERMIT at least 30 calendar days before:

- A. The date planned for opening a FOOD SERVICE ESTABLISHMENT;
- B. The expiration date of the current OPERATING PERMIT for an existing permitted establishment;
- C. The date of remodeling of an existing establishment;
- D. The date of changing the type of establishment; or
- E. The date of transfer of ownership of an existing permitted establishment.

5.4.3 Submission of Application: Form

A PERSON desiring to operate a FOOD SERVICE ESTABLISHMENT shall submit to the HEALTH OFFICER a written application for an OPERATING PERMIT on a form provided by or approved by the HEALTH OFFICER.

5.4.4 Submission of Application: Conditions

No application for an OPERATING PERMIT shall be accepted unless:

- A. The OPERATING PERMIT application is signed by the OWNER, or officer of the legal ownership, of the FOOD SERVICE ESTABLISHMENT. Such signature shall evidence:
 - 1. If signed by the OWNER'S agent, a representation by the applicant that he or she is authorized to act on behalf of the OWNER and to obligate the OWNER to all responsibilities imposed by this Ordinance;
 - 2. The agreement of the OWNER to comply with the requirements of this Ordinance; and
 - 3. The agreement of the OWNER to allow access to the FOOD SERVICE ESTABLISHMENT and to provide all required information as specified under Sections 5.6 and 9.1;
- B. All information required by Subsection 5.4.5 is submitted; and
- C. The applicable OPERATING PERMIT fee is submitted.

5.4.5 Submission of Application: Contents

The application shall include:

- A. The name, mailing address, telephone number, and signature of the person applying for the OPERATING PERMIT and the name, mailing address, and location of the FOOD SERVICE ESTABLISHMENT and indication of whether he or she is the OWNER or the OWNER'S agent;
- B. Information specifying whether the FOOD SERVICE ESTABLISHMENT is owned by an association, corporation, individual, partnership, or other legal entity;
- C. A statement specifying whether the food establishment is mobile or stationary and temporary or permanent;
- D. The name, title, address, and telephone number of the certified food service sanitation manager directly responsible for the FOOD SERVICE

ESTABLISHMENT as provided in Section 750.540 of the *Food Service Sanitation Code* (77 Ill. Adm. Code 750.540);

- E. The names, titles, and addresses and telephone numbers of:
 - 1. The OWNERS or officers of the legal ownership as specified under Paragraph B, and
 - 2. The local registered agent if one is required based on the type of legal ownership;
- F. The name, address and telephone number of the owner of the premises where the establishment is located if different from the OWNER;
- G. A statement signed by the applicant that:
 - 1. Attests to the accuracy of the information provided in the application, and
 - 2. Affirms that the OWNER will:
 - a. Comply with this Ordinance, and
 - b. Allow the HEALTH OFFICER access to the establishment and to records as provided in Sections 5.6 and 9.1; and
- H. The fee specified by the BOARD OF HEALTH.

5.4.6 Classification of Food Service Establishment - Frequency of Inspection

- A. Upon submission of a complete application, the HEALTH OFFICER shall categorize the FOOD SERVICE ESTABLISHMENT as a Class I, Class II or Class III facility pursuant to Paragraph 615.310(b) of *The Illinois Local Health Protection Grant Rules* (77 Ill. Adm. Code 615.310(b)). This categorization shall apply to the establishment until the OPERATING PERMIT is renewed or the HEALTH OFFICER determines that changes in the operation warrant reclassification of the establishment.
- B. Based upon the categorization of the food establishment, the HEALTH OFFICER shall specify in the OPERATING PERMIT the minimum inspection frequency for the facility in accord with the provisions of Subparagraph 615.310(b)(4) of *The Illinois Local Health Protection Grant Rules* (77 Ill. Adm. Code 615.310(b)(4)).

5.4.7 Issuance of Operating Permit - New, Converted, or Remodel Establishments and Change of Ownership

- A. The HEALTH OFFICER shall issue OPERATING PERMITS for FOOD SERVICE ESTABLISHMENTS or issue an OPERATING PERMIT to new OWNERS of existing establishments that are required to submit plans under Subsection 5.3.1 when and only when:
 - 1. A properly completed application is submitted;
 - 2. The required fee is submitted;
 - 3. The required plans, specifications, and information are reviewed and approved; and
 - 4. A pre-operational inspection shows that the establishment is built or remodeled in accordance with the APPROVED plans and specifications, and that the establishment is in compliance with this Ordinance.
- B. OPERATING PERMITS shall be issued only in the name of the OWNER.

5.4.8 Operating Permit Renewal

The HEALTH OFFICER may renew an OPERATING PERMIT for an existing FOOD SERVICE ESTABLISHMENT only after a properly completed application is submitted, reviewed, and approved, the fees are paid, and an inspection shows that the establishment is in compliance with this Ordinance.

5.4.9 Term of Operating Permit

- A. OPERATING PERMITS shall expire on the 30th day of November except in the case of OPERATING PERMITS for TEMPORARY FOOD SERVICE ESTABLISHMENTS, in which case the OPERATING PERMIT shall be valid only for the period specified in it.
- B. The provisions of Paragraph A notwithstanding OPERATING PERMITS shall expire upon the occurrence of any event specified in Subsection 5.4.2.
- C. The OWNER shall apply for renewal of the OPERATING PERMIT no less than 30 days prior to the date of expiration or cease operation of the food establishment upon expiration of the OPERATING PERMIT.

5.4.10 Conditions of Operating Permit Retention - Notice to Owner

- A. At the time an OPERATING PERMIT is first issued, the HEALTH OFFICER shall provide to the OWNER a copy of this Ordinance, as it is published in pamphlet form, so that the OWNER is notified of the compliance requirements, and the conditions of retention, specified under Subsection 5.4.11, that are applicable to the OPERATING PERMIT.
- B. Issuance of the OPERATING PERMIT alone shall be deemed notice to the OWNER of the requirements for retaining the OPERATING PERMIT, the provisions of Paragraph A notwithstanding. The failure of HEALTH OFFICER to provide the information specified in Paragraph A of this section does not prevent the HEALTH OFFICER from taking authorized action or seeking remedies if the OWNER fails to comply with this Ordinance or an order, warning, or directive of the HEALTH OFFICER.

5.4.11 Conditions of Operating Permit Retention - Responsibilities of the Owner

Upon acceptance of the OPERATING PERMIT issued by the HEALTH OFFICER, the OWNER, in order to retain the OPERATING PERMIT, shall:

- A. Post the OPERATING PERMIT in a location in the food establishment that is conspicuous to consumers;
- B. Immediately discontinue operations and notify the HEALTH OFFICER if an IMMINENT HEALTH HAZARD may exist as specified under Subsection 5.8.1;
- C. Allow representatives of the HEALTH OFFICER access to the food establishment as specified under Section 5.6;

- D. Replace existing facilities and equipment with facilities and equipment that comply with this Ordinance if:
 1. The HEALTH OFFICER directs the replacement because the facilities and equipment constitute a public health hazard or nuisance or no longer comply with the criteria upon which the facilities and equipment were APPROVED;
 2. The HEALTH OFFICER directs the replacement of the facilities and equipment because of a change of ownership; or
 3. The facilities and equipment are replaced in the normal course of operation.
- E. Comply with the directives of the HEALTH OFFICER including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the HEALTH OFFICER in regard to the OWNER'S food establishment or in response to community emergencies;
- F. Accept notices issued and served by the HEALTH OFFICER according to law;
- G. Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this Ordinance or a directive of the HEALTH OFFICER, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives; and
- H. Apply for renewal or change of the OPERATING PERMIT in timely manner as specified in Subparagraph A.2 of Subsection 5.4.2.

5.4.12 Operating Permits Not Transferable

An OPERATING PERMIT may not be transferred from one PERSON to another PERSON, from one FOOD SERVICE ESTABLISHMENT to another, or from one type of operation to another, if the food operation changes from the type of operation specified in the application under Subsection 5.4.5 and the change in operation is not APPROVED.

5.4.13 Denial of Application for an Operating Permit

If an application for an OPERATING PERMIT is denied, the HEALTH OFFICER shall provide the applicant with a notice that includes:

- A. The specific reasons for the denial, including citations to this Ordinance and, if applicable, to specific standards incorporated herein;
- B. The actions, if any, that the OWNER must take to qualify for an OPERATING PERMIT; and
- C. Advisement of the OWNER's right of Appeal and the process and time frames for Appeal that are provided in Section 10.1.

5.5 INSPECTIONS AND CORRECTIONS OF VIOLATIONS

5.5.1 Minimum Inspection Interval

- A. Except as specified in Paragraph B of this Section, the HEALTH OFFICER shall inspect a food establishment at least as often as specified by Subparagraph 615.310(b)(4) of the *Illinois Local Health Protection Grant Rules* (77 Ill. Adm.

Code 615.310(b)(4)) based upon the minimum inspection frequency established pursuant to Paragraph B of Section 5.4.6.

- B. The HEALTH OFFICER shall periodically inspect throughout its OPERATING PERMIT period a TEMPORARY FOOD ESTABLISHMENT that prepares, sells, or serves unpackaged potentially hazardous food.

5.6 ACCESS

5.6.1 Access Required

The PERSON IN CHARGE of any FOOD SERVICE ESTABLISHMENT shall permit the HEALTH OFFICER access to the PREMISES for purposes of conducting inspections and access to any records necessary for establishing compliance with this Ordinance as provided in Section 9.1.

5.6.2 Refusal, Notification of Right to Access, and Final Request for Access

If the PERSON IN CHARGE denies access to the HEALTH OFFICER, the HEALTH OFFICER shall:

- A. Inform the PERSON IN CHARGE that:
1. The OWNER is required to allow access to the HEALTH OFFICER as specified under Subsection 5.6.1 of this Ordinance;
 2. Access is a condition of the acceptance and retention of a food establishment OPERATING PERMIT as specified under Paragraph 5.4.11.C, and;
 3. If access is denied, an order issued by the Circuit Court may be obtained;
- and
- B. Make a final request for access.

5.6.3 Refusal, Reporting

The HEALTH OFFICER shall provide details of the denial of access on an inspection report form if the PERSON IN CHARGE continues to refuse access, after the HEALTH OFFICER presents credentials and provides notice as specified under Section 9.1 and takes the actions provided for in Subsection 5.6.2.

5.7 REPORT OF FINDINGS

5.7.1 Documenting Information and Observations

The HEALTH OFFICER shall document on an inspection report form:

- A. Administrative information about the food establishment's legal identity, street and mailing addresses, type of establishment and operation as specified under Subsection 5.4.5, inspection date, and other information such as type of water supply and SEWAGE disposal, status of the OPERATING PERMIT, and personnel certificates that may be required; and

- B.** Specific factual observations of conditions that violate or deviate from any provisions of this Ordinance that require correction by the OWNER including:
1. Nonconformance with critical items of this Ordinance;
 2. Failure of the appropriate food employees to demonstrate their knowledge of, and ability to perform in accordance with, the procedural, monitoring, verification, and corrective action practices required by the HEALTH OFFICER;
 3. Failure of the PERSON IN CHARGE to provide records required by the HEALTH OFFICER for determining conformance with this Ordinance.

5.7.2 Specifying Time Frame for Corrections

The HEALTH OFFICER shall specify on the inspection report form the time frame for correction of the violations as specified under Subsections 5.8.1, and Sections 5.9 and 5.10.

5.7.3 Issuing Report and Obtaining Acknowledgement of Receipt

At the conclusion of the inspection the HEALTH OFFICER shall provide a copy of the completed inspection report and the notice to correct violations to the OWNER or to the PERSON IN CHARGE, and request a signed acknowledgement of receipt.

5.7.4 Refusal to Sign Acknowledgement

The HEALTH OFFICER shall:

- A.** Inform the OWNER or PERSON IN CHARGE who declines to sign an acknowledgement of receipt of inspection findings as specified in Subsection 5.7.3 that:
 1. An acknowledgement of receipt is not an agreement with findings,
 2. Refusal to sign an acknowledgement of receipt will not affect the OWNER's obligation to correct the violations noted in the inspection report within the time frames specified, and
 3. A refusal to sign an acknowledgement of receipt is noted in the inspection report and conveyed to the HEALTH DEPARTMENT'S historical record for the food establishment; and
- B.** Make a final request that the OWNER or PERSON IN CHARGE sign an acknowledgement of receipt of inspection findings.

5.8 IMMEDIATE HEALTH HAZARD

5.8.1 Ceasing Operations and Reporting

The OWNER or PERSON IN CHARGE shall immediately discontinue operations and notify the HEALTH OFFICER if an IMMEDIATE HEALTH HAZARD may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, SEWAGE backup, misuse of poisonous or toxic materials, onset of an apparent

foodborne illness outbreak, gross insanitary occurrence or condition, violations of 77 Ill. Adm. Code 750, or other circumstance that may endanger public health.

5.8.2 Resumption of Operations

If operations are discontinued as specified under Subsection 5.8.1 or otherwise according to law, the OWNER shall obtain approval from the HEALTH OFFICER before resuming operations.

5.9 CORRECTION OF VIOLATIONS

5.9.1 Critical Violations

- A. Except as specified in Paragraph B of this Subsection, the OWNER shall at the time of inspection correct a CRITICAL VIOLATION of this Ordinance. After observing at the time of inspection a correction of a CRITICAL VIOLATION or deviation, the HEALTH OFFICER shall enter the violation and information about the corrective action on the inspection report.
- B. Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the HEALTH OFFICER may agree to or specify a longer time frame to correct the CRITICAL VIOLATION, not to exceed 10 calendar days after the inspection. After receiving notification that the OWNER has corrected a CRITICAL VIOLATION, or at the end of the specified period of time, the HEALTH OFFICER shall verify correction of the violation, document the information on an inspection report, and enter the report in the HEALTH DEPARTMENT'S records.

5.9.2 Non-critical Violations

The OWNER shall correct noncritical violations by a date and time agreed to or specified by the HEALTH OFFICER.

5.10 PREVENTION OF FOODBORNE DISEASE TRANSMISSION BY EMPLOYEES

5.10.1 Obtaining Personal Information

- A. The HEALTH OFFICER shall act when she or he has reasonable cause to believe that a food employee:
 - 1. Has possibly transmitted disease;
 - 2. May be infected with a disease in a communicable form that is transmissible through food;
 - 3. May be a carrier of infectious agents that cause a disease that is transmissible through food;
 - 4. Is affected with a boil, an infected wound, or acute respiratory infection.

5. Has violated any provision of 77 Ill. Adm. Code 750 of the *Food Sanitation Code*.
- B. Such action may include:
 1. Securing a confidential medical history of the employee suspected of transmitting disease or making other investigations as deemed appropriate; and
 2. Reporting appropriate medical examinations, including collection of specimens for laboratory analysis, of a suspected employee and other employees.

5.10.2 Restriction or Exclusion of Food Employee

Based on the findings of an investigation related to an employee who is suspected of being infected or diseased, the HEALTH OFFICER may issue an order to the suspected employee or OWNER instituting one or more of the following control measures:

- A. Restricting the employee's services to specific areas and tasks in a food establishment that present no risk of transmitting the disease;
- B. Excluding the employee from a food establishment; or
- C. Closing the food establishment by summarily suspending an OPERATING PERMIT in accordance with law.

5.10.3 Restriction or Exclusion Order

Based on the findings of the investigation as specified in Subsection 5.10.1 and to control disease transmission, the HEALTH OFFICER may issue an order of restriction or exclusion to a suspected employee or the OWNER without prior warning, notice of a hearing, or a hearing if the order:

- A. States the reasons for the restriction or exclusion that is ordered;
- B. States the evidence that the employee or OWNER shall provide in order to demonstrate that the reasons for the restriction or exclusion are eliminated;
- C. States that the suspected employee or the OWNER may request an Appeal hearing by submitting a timely request as provided in Section 10.1; and
- D. Provides the name and address of the HEALTH DEPARTMENT representative to whom a request for an Appeal hearing may be made.

5.10.4 Release of Employee from Restriction or Exclusion

The HEALTH OFFICER shall release an employee from restriction or exclusion according to law upon determining that the employee no longer presents a risk of transmitting a foodborne disease and shall document the basis of making such a determination.

5.11 EMBARGO AND DETENTION OF ADULTERATED OR MISBRANDED FOOD

5.11.1 Examination of Food Items

Any item of food, food container, LABEL, or food contact equipment may be examined or sample by the HEALTH OFFICER at reasonable times as often as may be necessary to determine that the food is not ADULTERATED or MISBRANDED or that the equipment does not create a health hazard.

5.11.2 Hold Order

The HEALTH OFFICER may, upon written notice to the OWNER or PERSON IN CHARGE, place a hold order on any food item or food contact equipment which he or she has probable cause to believe to be unwholesome, ADULTERATED, MISBRANDED, or to otherwise create a health hazard or violate a provision of this Ordinance.

5.11.3 Hold Order - Tagging and Marking

If the HEALTH OFFICER shall issue a hold order, he or she shall affix to the subject food article or food contact equipment a tag or other appropriate marking giving notice that the food article or food contact equipment is or is suspected of being ADULTERATED or MISBRANDED or otherwise in violation of this Ordinance and has been detained or embargoed. The tag or marking shall also warn all PERSONS not to use, remove or dispose of such food article or food contact equipment by sale until permission for removal or disposal is given by the HEALTH OFFICER or by court having jurisdiction.

5.11.4 Effect of Hold Order

Any food item or food contact equipment subject to a hold order shall be suitably stored. It shall be unlawful for any PERSON to remove, or alter a tag or marking placed on any food or food contact equipment, as provided in Subsection 5.11.3. Neither such food nor the container thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without the permission of the HEALTH OFFICER, except on order of a court of competent jurisdiction.

5.11.5 Condemnation of Embargoed or Detained Food or Equipment

Upon embargo or detention of any food or equipment, the HEALTH OFFICER shall determine whether the food is in fact ADULTERATED or MISBRANDED, and shall:

- A. Upon determining that such food is ADULTERATED or MISBRANDED petition the Circuit Court for a libel for condemnation and take such other action as is provided in Section 6 of the *Illinois Food, Drug and Cosmetic Act* (410 ILCS 620/6); or
- B. Upon determining that such food is not ADULTERATED or MISBRANDED shall vacate the hold order and remove the tag or marking attached under Subsection 5.11.3.

CHAPTER 6. PRIVATE SEWAGE DISPOSAL SYSTEMS

6.1 ACTS PROHIBITED

6.1.1 No PERSON shall discharge DOMESTIC SEWAGE or WASTEWATER to the environment except by means of a PUBLIC SEWER SYSTEM or by a PRIVATE SEWAGE DISPOSAL SYSTEM permitted, constructed, operated and maintained in accordance with the requirements of this Ordinance.

6.1.2 No PERSON shall construct, install, repair or modify a PRIVATE SEWAGE DISPOSAL SYSTEM except in compliance with the terms of this Ordinance.

6.1.3 No PERSON shall offer for sale, deliver or install a PRIVATE SEWAGE DISPOSAL SYSTEM that does not conform to all applicable requirements of this Ordinance.

6.1.4 No PERSON shall operate, maintain or fail to maintain a permitted PRIVATE SEWAGE DISPOSAL SYSTEM in a manner that contravenes any provision of this Ordinance.

6.1.5 No PERSON shall service or clean a PRIVATE SEWAGE DISPOSAL SYSTEM or collect, transport or dispose of SEPTAGE except in compliance with the terms of this Ordinance.

6.1.6 No PERSON shall construct, occupy, use or make available to another for occupancy or use by any means, a premises for the purpose of human occupancy served by a PRIVATE SEWAGE DISPOSAL SYSTEM, except in compliance with the terms of this Ordinance.

6.2 STANDARDS AND REGULATIONS

6.2.1 Illinois *Private Sewage Disposal Code* Incorporated

The discharge of DOMESTIC SEWAGE and WASTEWATER, the sale, construction, installation, repair, maintenance, modification, cleaning and servicing of PRIVATE SEWAGE DISPOSAL SYSTEMS and the collection, transportation and disposal of SEPTAGE shall be governed by the *Private Sewage Disposal Code* (77 Ill. Adm. Code 905) which is hereby incorporated by reference, together with any regulations or standards therein incorporated, subject to the provisions of Section 3.2.

6.2.2 Installation by Licensed Private Sewage Disposal System Installation Contractor

No PERSON shall construct, install, repair or modify a PRIVATE SEWAGE DISPOSAL SYSTEM unless they possess a valid license as a PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR, except that a HOMEOWNER may do so

for a system that serves only the single family dwelling in which he or she resides provided requirements of this Ordinance are met.

6.2.3 Sewage Disposal Required

All premises intended for human occupancy shall provide for the sanitary disposal of HUMAN WASTES and DOMESTIC SEWAGE by discharging into a PUBLIC SEWER SYSTEM or PRIVATE SEWAGE DISPOSAL SYSTEM constructed, installed, repaired, maintained and serviced in compliance with this Ordinance.

6.2.4 Limited Use Systems

Privies, chemical toilets, and recirculating toilets shall not provide the required means of SEWAGE disposal for any premises except that they may be permitted for premises occupied on a temporary basis only under the following conditions:

- A. Construction sites during the time that the local permit authorizing construction is in effect; and
- B. Premises used for temporary public gatherings or other events during the time that any local permit or license authorizing such event is in effect.

6.2.5 Location: Public Sewer System Availability

- A. No CONSTRUCTION PERMIT shall be issued for construction of a PRIVATE SEWAGE DISPOSAL SYSTEM where a PUBLIC SEWER SYSTEM is available unless a physical barrier or local ordinance exists which prevents connection to the PUBLIC SEWER SYSTEM. Local ordinances which establish conditions for, but do not prohibit, new connections shall be deemed not to prevent connection.
- B. A PUBLIC SEWER SYSTEM shall be deemed available when:
 1. A public sewer line is in place within any street, alley, right of way, or easement that adjoins or abuts the PREMISES for which the CONSTRUCTION PERMIT is requested; or
 2. The improvement to be served is located within a reasonable distance of a PUBLIC SEWER SYSTEM to which a connection is practical which, for the purpose of this provision, shall be deemed to be not greater than:
 - a. 300 feet for a single family residence or a non-residential property with a SEWAGE flow less than 1,500 gallons per day; or
 - b. 1,000 feet for a non-residential property with a SEWAGE flow greater than or equal to 1,500 gallons per day .
- C. For the purposes of Paragraph B of this subsection, distances shall be measured by the shortest air line distance from the property line of the subject PREMISES to the nearest point at which a connection to a PUBLIC SEWER SYSTEM is practical.

6.2.6 Location: Special Flood Hazard Area

No PRIVATE SEWAGE DISPOSAL SYSTEM shall be located in a SPECIAL FLOOD HAZARD AREA unless:

- A. The requirements of Subparagraph 905.20(j)(1) of the *Private Sewage Disposal Code* are met (77 Ill. Adm. Code 905.20(j)(1)); and
- B. Any mechanical or electrical components of the system that are subject to damage by inundation are located no less than one foot above the estimated elevation of the one percent annual probability base flood elevation.

6.2.7 Design and Construction

- A. No PRIVATE SEWAGE DISPOSAL SYSTEM shall discharge into any ditch or drainage structure installed for street or highway drainage purposes without the approval of the authority having jurisdiction over such street or highway, and, effective February 10, 2014, unless in compliance with a NPDES PERMIT.
- B. No PRIVATE SEWAGE DISPOSAL SYSTEM shall discharge directly to any farm drainage tile except that systems permitted to have a surface discharge may utilize a farm tile that serves only the OWNER'S property and discharges to the surface on the PREMISES on which such system is located, and, effective February 10, 2014, unless in compliance with a NPDES PERMIT.
- C. No PRIVATE SEWAGE DISPOSAL SYSTEM shall discharge directly or indirectly to any farm field in such a way as to impair agricultural practices or create a nuisance.
- E. A PRIVATE SEWAGE DISPOSAL SYSTEM shall be designed to receive all WASTEWATER from the buildings served, except:
 - 1. No SUB-SOIL DRAINAGE, discharge from roof drains or swimming pool WASTEWATER shall be directed to the PRIVATE SEWAGE DISPOSAL SYSTEM.
 - 2. WASTEWATER generated by a hot tub or similar device shall be discharged to one of the following:
 - a. A separate SUBSURFACE SEEPAGE SYSTEM, provided that the seepage field is designed to accommodate the liquid capacity of the hot tub on a daily basis. A septic tank is not required in front of a seepage field receiving flow from this device.
 - b. The seepage field serving the domestic WASTEWATER flow, provided the seepage field is increased in size to accommodate the additional flow from the hot tub on a daily basis. This drainage shall be piped around the septic tank and directly into the seepage field.
 - 3. Backwash water from a water softener or similar device shall be discharged to one of the following:
 - a. A separate SUBSURFACE SEEPAGE SYSTEM, provided that the seepage field is designed to accommodate the liquid capacity of the water softener on a daily basis. A septic tank is not required in front of a seepage field receiving flow from this device.

- b. A separate building drain, in accordance with the Illinois Plumbing Code, that will discharge to a SUBSURFACE SEEPAGE SYSTEM, provided that the seepage field is designed to accommodate the flow from this device on a daily basis. A septic tank is not required in front of a seepage field receiving flow from this device.
- 4. Waste products, such as automotive grease, oils, solvents and chemicals shall not discharge to a PRIVATE SEWAGE DISPOSAL SYSTEM.

6.2.8 Occupancy of Premises served by a Permitted System

No PREMISES served by a PRIVATE SEWAGE DISPOSAL SYSTEM for which a CONSTRUCTION PERMIT has been issued by the HEALTH DEPARTMENT shall be occupied or used until a Certificate of Approval has been issued for the PREMISES by the HEALTH OFFICER except for CONSTRUCTION PERMITS issued to repair or replace systems serving PREMISES which are lawfully occupied on the date of application for the CONSTRUCTION PERMIT.

6.3 NPDES PERMIT FOR SURFACE DISCHARGING PRIVATE SEWAGE DISPOSAL SYSTEMS

6.3.1 When Required

Effective January 1, 2014, prior to obtaining a CONSTRUCTION PERMIT from the HEALTH OFFICER for the installation, replacement, and operation of a new or replacement surface discharging PRIVATE SEWAGE DISPOSAL SYSTEM, it shall be the responsibility of the OWNER to obtain a NPDES PERMIT for the new or replacement surface discharging PRIVATE SEWAGE DISPOSAL SYSTEM.

6.4 CONSTRUCTION PERMITS

6.4.1 When Required

- A. Except as provided in Paragraph B, a CONSTRUCTION PERMIT shall be obtained from the HEALTH DEPARTMENT prior to commencing any work related to constructing, repairing, altering, extending or replacing any part of a PRIVATE SEWAGE DISPOSAL SYSTEM, except for:
 - 1. Surveying or staking the location of the proposed site, or
 - 2. Conducting soil investigations or PERCOLATION TESTS; and
- B. Provided that all work is done in a manner complying with the requirements of this Ordinance, CONSTRUCTION PERMITS shall not be required for:
 - 1. Routine cleaning of disposal system components,
 - 2. Replacing septic tank covers, or
 - 3. Rodding out inlets and outlets.

6.4.2 Responsibility of Owner and Contractor

- A. It shall be the responsibility of the OWNER to obtain a CONSTRUCTION PERMIT before any construction, installation or alteration of a PRIVATE SEWAGE DISPOSAL SYSTEM is initiated. Failure of the OWNER to obtain a CONSTRUCTION PERMIT before construction or installation of a PRIVATE SEWAGE DISPOSAL SYSTEM is initiated shall constitute a violation of this Ordinance.
- B. It shall be the responsibility of the Illinois Licensed PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR to insure that a CONSTRUCTION PERMIT has been issued for said construction, installation or alteration prior to commencing any work, except as provided in Subsection 6.3.1, and to follow all conditions of the CONSTRUCTION PERMIT.
- C. Effective January 1, 2013, the OWNER of the property on which a new or replacement PRIVATE SEWAGE DISPOSAL SYSTEM is installed shall be responsible for the service and maintenance of the PRIVATE SEWAGE DISPOSAL SYSTEM in accordance with the *Illinois Private Sewage Disposal Licensing Act (225 ILCS 225)* and the *Illinois Private Sewage Disposal Code (77 Ill. Adm. Code Park 905)*, and shall complete an Affidavit for Homeowner's Compliance with Illinois Private Sewage Disposal Licensing Act and Code on a form provided by the HEALTH DEPARTMENT.

6.5 CONSTRUCTION PERMIT APPLICATIONS

6.5.1 Timing

CONSTRUCTION PERMIT applications shall be submitted prior to commencing any work, except as provided in Subsection 6.3.1.

6.5.2 Form

CONSTRUCTION PERMIT applications shall be made in writing on forms provided or approved by the HEALTH OFFICER and shall be filed at such location or locations as the HEALTH OFFICER may designate.

6.5.3 Conditions

No application for a CONSTRUCTION PERMIT shall be accepted unless:

- A. The CONSTRUCTION PERMIT application contains the signature of the OWNER, or an officer of the legal ownership entity, or the signature of the designated agent of the OWNER. Such signature shall evidence:
1. If signed as the OWNER's agent, a representation by the applicant that he or she is authorized to act on behalf of the OWNER and that the agent has the authority to obligate the OWNER to all responsibilities imposed by this Ordinance;
 2. The agreement of the OWNER to comply with the terms of this Ordinance; and

3. The agreement of the OWNER to allow access to the PREMISES by the HEALTH DEPARTMENT and to provide required information as provided in Sections 6.7 and 9.1.

- B. All information required by Subsection 6.5.4 is submitted; and
- C. The applicable fee is submitted.

6.5.4 Contents

CONSTRUCTION PERMIT applications shall, at a minimum, include the following:

- A. Name, address and telephone number of the applicant;
- B. Name, address and telephone number of the OWNER if different than the applicant;
- C. Name, address and telephone number of the OWNER of the property on which the PRIVATE SEWAGE DISPOSAL SYSTEM will be located if different than the OWNER;
- D. Name, address and telephone number and license number of the PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR if any;
- E. Name, address and telephone number of any professional engineer, sanitarian, soil scientist or other PERSON responsible for the design of the system or for the collection or analysis of any information used in designing the system;
- F. An accurate description of the location of the property on which the construction, alteration, or extension is proposed;
- G. The maximum waste loading capacity and an explanation of the basis on which it is estimated;
- H. All results of all soil investigations or PERCOLATION TESTS conducted on the property;
- I. Complete plans drawn to scale of the proposed disposal facility in accord with requirements of Subparagraph 905.190(b)(1) of the *Private Sewage Disposal Code* (77 Ill. Adm. Code 905.190(b)(1));
- J. All additional information required by Paragraph 905.190(b) of the *Private Sewage Disposal Code* (77 Ill. Adm. Code 905.190(b));
- K. The fee specified by the BOARD OF HEALTH.

6.5.5 Soil Investigations and Percolation Tests

- A. All soil investigations and PERCOLATION TESTS shall be conducted in accordance with Section 905.55 of the *Private Sewage Disposal Code* (77 Ill. Adm. Code 905.55).
- B. The HEALTH OFFICER shall determine the validity of any soil investigation or PERCOLATION TEST. The HEALTH OFFICER may deny issuance of a CONSTRUCTION PERMIT if the results of any part of a soil investigation or PERCOLATION TEST included in the CONSTRUCTION PERMIT application are determined to be invalid.
- C. The HEALTH OFFICER shall determine which results shall prevail when any parts of the results of any soil investigations or PERCOLATION TESTS are in conflict.

6.6 ISSUANCE OF CONSTRUCTION PERMIT

6.6.1 Qualified Construction Permit Holders

CONSTRUCTION PERMITS shall be issued in the name of the **OWNER** only to:

- A. A **PERSON** possessing a valid Illinois license as a **PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR**; or
- B. A **HOMEOWNER** or his or her agent for work on a system located on and serving only the premises on which the **HOMEOWNER** resides.

6.6.2 Inspection Prior to Construction Permit Issuance

The **HEALTH OFFICER** may investigate conditions on the proposed site prior to issuance of a **CONSTRUCTION PERMIT**.

6.6.3 Determination of Location with Respect to Special Flood Hazard Areas

- A. If in the judgment of the **HEALTH OFFICER** the site of a proposed **PRIVATE SEWAGE DISPOSAL SYSTEM** is or may be located in a **SPECIAL FLOOD HAZARD AREA**, the **CONSTRUCTION PERMIT** shall not be issued until a determination is made that the site is not located in a **SPECIAL FLOOD HAZARD AREA** or that the proposed **PRIVATE SEWAGE DISPOSAL SYSTEM** meets the requirements of Subsection 6.2.6.
- B. If required by the **HEALTH OFFICER**, the **OWNER**, at his or her expense, shall obtain a determination as to whether the proposed **PRIVATE SEWAGE DISPOSAL SYSTEM** is located in a **SPECIAL FLOOD HAZARD AREA** from the local official responsible for administering the local flood plain regulations, the Illinois State Water Survey, or an Illinois licensed professional engineer.
- C. If the location of a proposed **PRIVATE SEWAGE DISPOSAL SYSTEM** is determined to be in a **SPECIAL FLOOD HAZARD AREA**, the **HEALTH OFFICER** may require that additional information be provided to determine that the proposed installation complies with the requirements of Subsection 6.2.6 including but not limited to the following:
 - 1. An assessment by a soil scientist regarding the effect of periodic inundation;
 - 2. An estimate of the elevation of the 100 year recurrence interval flood from the local official responsible for administering the local flood plain regulations, the Illinois State Water Survey, or an Illinois licensed professional engineer; and
 - 3. A determination by an Illinois licensed surveyor of the elevation of the location of the proposed **PRIVATE SEWAGE DISPOSAL SYSTEM**.

6.6.4 Decision on Construction Permit Application

Within fifteen days of the receipt of all required information, the **HEALTH OFFICER** shall issue or deny the **CONSTRUCTION PERMIT**. In the event the **CONSTRUCTION**

PERMIT is denied the reasons for such denial shall be provided in writing to the applicant.

6.6.5 Limits of Authority Granted by Construction Permit

- A. A CONSTRUCTION PERMIT, when issued, shall authorize only the specific work described in the CONSTRUCTION PERMIT application. The CONSTRUCTION PERMIT shall not:
1. Authorize any other work;
 2. Authorize work at any other location;
 3. Authorize construction to be performed by any PERSON other than as identified in the application;
 4. Authorize construction to be performed in any manner other than as described in the CONSTRUCTION PERMIT application; or
 5. Authorize use of the permitted PRIVATE SEWAGE DISPOSAL SYSTEM to serve any facility or any use other than as specified in the CONSTRUCTION PERMIT application.
- B. The OWNER shall amend the CONSTRUCTION PERMIT application and obtain the approval of the HEALTH OFFICER prior to deviating from any aspect of the application on which the CONSTRUCTION PERMIT was issued.

6.6.6 Term

CONSTRUCTION PERMITS shall be valid for a period of twelve months from the date of issuance. The CONSTRUCTION PERMIT shall expire and have no further force or effect:

- A. If the work described on the CONSTRUCTION PERMIT has not been commenced within twelve months. In such case, the CONSTRUCTION PERMIT shall be cancelled by the HEALTH OFFICER unless extended as provided in Subsection 6.6.7. Written notice of cancellation shall be given to the OWNER together with notice that further work as described on he cancelled CONSTRUCTION PERMIT shall not proceed until a new CONSTRUCTION PERMIT is issued; or
- B. Upon issuance of a Certificate of Approval as provided in Section 6.78.

6.6.7 Extension

CONSTRUCTION PERMITS may be extended for such additional period as is set forth in the application for the CONSTRUCTION PERMIT or in an application for an extension of the CONSTRUCTION PERMIT as the time necessary to complete the construction. Such extension may be granted only upon a determination by the HEALTH OFFICER that the need for additional time is occasioned by the scope of the proposed construction, unique features of the site or design, work stoppages not under the control of the CONSTRUCTION PERMIT holder or other practical necessity and not for lack of due diligence by the CONSTRUCTION PERMIT holder. Such extension shall be

granted for the minimum amount of time needed to complete the project, but in no case shall such extension be granted for a period exceeding one hundred and eighty days.

6.6.8 Revocation or Suspension

If it is determined by the HEALTH OFFICER that work is proceeding in a manner other than described in the CONSTRUCTION PERMIT application or that any material fact in the CONSTRUCTION PERMIT application was misrepresented or inaccurately stated, the HEALTH OFFICER may, in writing, revoke the CONSTRUCTION PERMIT or suspend the CONSTRUCTION PERMIT for a specified time.

6.7 INSPECTIONS

6.7.1 Right of Access

The OWNER shall permit the HEALTH OFFICER access to the PREMISES for purposes of conducting inspections as provided in Section 9.1.

6.7.2 Inspection Prior to Completion

No work on any PRIVATE SEWAGE DISPOSAL SYSTEM shall be deemed complete nor the conditions of any CONSTRUCTION PERMIT met until the installation of the system and its components have been inspected by the HEALTH OFFICER and determined to be in compliance with applicable provisions of this Ordinance.

6.7.3 Notice Prior to Commencing Work

OWNERS or PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTORS shall provide notice to the HEALTH DEPARTMENT no less than forty-eight hours prior to commencing any work described in the CONSTRUCTION PERMIT.

6.7.4 Exposing Work

- A. If work shall have proceeded without a required inspection in such a way as to make it impractical to perform a necessary inspection the HEALTH OFFICER may order the OWNER, in writing, that backfill material be removed or that the work be otherwise uncovered, so as to permit the necessary inspection within fifteen days.
- B. If, at the end of such fifteen days, the OWNER shall not have uncovered the PRIVATE SEWAGE DISPOSAL SYSTEM as ordered by the HEALTH OFFICER, the CONSTRUCTION PERMIT may be suspended or revoked as provided in Section 6.6.8, and the HEALTH DEPARTMENT may enter upon the property and may, at the OWNER's expense, uncover the system and complete the necessary inspection.

- C. In the event that the HEALTH DEPARTMENT must uncover the work to complete a required inspection, the CONSTRUCTION PERMIT shall not be reinstated or a Certificate of Approval issued, until the OWNER shall have reimbursed the HEALTH DEPARTMENT for all costs incurred in uncovering the work.

6.8 CERTIFICATE OF APPROVAL

6.8.1 Completion of Work and Compliance with Regulations

When the HEALTH OFFICER has determined that all work described in the CONSTRUCTION PERMIT is complete and has been conducted in compliance with the provisions of this Ordinance and of the CONSTRUCTION PERMIT, the HEALTH OFFICER shall issue a Certificate of Approval.

6.8.2 Issuance of Certificate of Approval

The HEALTH OFFICER shall retain the original Certificate of Approval and shall provide one copy to the OWNER, duly signed.

6.8.3 Construction Permit Invalidated

The issuance of a Certificate of Approval shall invalidate the CONSTRUCTION PERMIT issued for work conducted on the PREMISES involved.

6.9 TRANSPORTATION AND DISPOSAL OF SEPTAGE

6.9.1 Transportation and Disposal by Licensed Contractor Required

- A. No PERSON shall collect, store, transport or dispose of SEPTAGE unless they possess a valid license as a PRIVATE SEWAGE DISPOSAL SYSTEM PUMPING CONTRACTOR issued by the Illinois Department of Public Health.
- B. No PERSON shall employ or otherwise permit any PERSON who does not possess a valid license as a PRIVATE SEWAGE DISPOSAL SYSTEM PUMPING CONTRACTOR to collect, store, transport or dispose of any SEPTAGE from any PRIVATE SEWAGE DISPOSAL SYSTEM which they own, possess or control.

6.9.2 Compliance with Private Sewage Disposal Code

No PERSON shall dispose of SEPTAGE except in compliance with all applicable provisions of Section 905.170 of the *Private Sewage Disposal Code* (77 Ill. Adm. Code 905.170).

6.9.3 Disposal in Special Flood Hazard Areas Prohibited

No PERSON shall dispose of SEPTAGE in any SPECIAL FLOOD HAZARD AREA.

6.9.4 Notice of Disposal Site

- A. No PERSON shall dispose of any SEPTAGE unless they have first notified the HEALTH DEPARTMENT in writing of the location and manner of the proposed disposal.
- B. A separate notice shall be made annually for each site utilized on forms supplied or approved by the HEALTH OFFICER. At a minimum, such notice shall contain the following information:
 1. An accurate description of the site including the administrative township, township, range, section and quarter section and the address if any;
 2. The name, address and telephone number of the owner of the property;
 3. The purpose for which the property is otherwise used;
 4. An estimate of the annual total gallons of SEPTAGE disposed of at the site; and
 5. A description of the methods of disposal at each site.

6.9.5 Truck and Equipment Washing: Disposal of Rinsings

No PERSON shall dispose of any water used to rinse or clean any surfaces that normally come in contact with SEPTAGE of any vehicle or equipment used to collect, store, transport or dispose of SEPTAGE in a manner or at a location other than as permitted for the disposal of SEPTAGE.

CHAPTER 7. POTABLE WATER SUPPLIES

7.1 ACTS PROHIBITED

7.1.1 No PERSON shall construct, deepen, or modify a WATER WELL except in compliance with the terms of this Ordinance.

7.1.2 No PERSON shall abandon or seal a WATER WELL except in compliance with the terms of this Ordinance.

7.1.3 No PERSON shall operate a private water supply, NON-COMMUNITY WATER SYSTEM or SEMI-PRIVATE WATER SYSTEM except in compliance with the terms of this Ordinance.

7.1.4 No PERSON shall construct, occupy, use or make available to another by any means a premises for the purpose of human occupancy, except in compliance with the terms of this Ordinance.

7.2 STANDARDS AND REGULATIONS

7.2.1 State Regulations Incorporated

The location, construction, modification, operation, abandonment and sealing of WATER WELLS shall be governed by the following regulations which are, hereby incorporated by reference together with any regulations or standards therein incorporated, subject to the provisions of Section 3.2:

- A. *Water Well Construction Code (77 Ill. Adm. Code 920); and*
- B. *Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925).*

7.2.2 Potable Water Supply Required

All premises intended for human habitation or occupancy shall be provided with a POTABLE WATER supply. The POTABLE WATER supply shall not be connected to non-POTABLE WATER and shall be protected against backflow and back siphonage in accordance with the requirements of Subpart I of the *Illinois Plumbing Code (77 Ill. Adm. Code 890)*. Each POTABLE WATER supply shall provide quantities of water that are sufficient for the drinking, culinary, and sanitary needs of the dwelling or PREMISES served.

7.2.3 Public Water Supply Use

- A. In those locations where a PUBLIC WATER SYSTEM is reasonably available, that system shall be the sole source of water for drinking and culinary purposes. A PUBLIC WATER SYSTEM shall be deemed reasonably available when:
 - 1. The subject property is located within 200 feet of the PUBLIC WATER SYSTEM;
 - 2. Connection to the PUBLIC WATER SYSTEM is practical; and
 - 3. Connection is permitted by the controlling authority for the PUBLIC WATER SYSTEM.
- B. For the purposes of Paragraph A of this Subsection distances shall be measured by the shortest air line distance from the property line of the subject PREMISES to the nearest point at which a connection to a PUBLIC WATER SYSTEM is practical.

7.2.4 Occupancy of Permitted Premises

No PREMISES served by a WATER WELL for which a CONSTRUCTION PERMIT has been issued by the Champaign County Public HEALTH DEPARTMENT shall be occupied or used until a Certificate of Approval has been issued by the HEALTH OFFICER except for CONSTRUCTION PERMITS issued to repair, modify or replace systems serving PREMISES which are lawfully occupied on the date of application for the CONSTRUCTION PERMIT.

7.3 CONSTRUCTION PERMITS

7.3.1 When Required

No WATER WELL shall be constructed, modified or deepened unless a CONSTRUCTION PERMIT has first been obtained from the HEALTH DEPARTMENT. CONSTRUCTION PERMITS are not required for the following:

- A. A well that does or will serve a COMMUNITY WATER SYSTEM provided that all applicable requirements of the *Environmental Protection Act (415 ILCS 5/1 et seq.)* and Parts 601 through 611 of the *Illinois Environmental Protection Code (35 Ill. Adm. Code 601-611)* are met;
- B. A well that does or will serve a NON-COMMUNITY WATER SYSTEM provided that approval is obtained from the Illinois Department of Public Health; or
- C. A well that does or will function as a monitoring well provided that all applicable provisions of Section 920.170 of the *Illinois Water Well Construction Code (77 Ill. Adm. Code 920.170)* are met

7.3.2 Responsibility of Owner and Contractor

- A. It shall be the responsibility of the OWNER to obtain a CONSTRUCTION PERMIT before any construction or deepening of a WATER WELL is initiated. Failure of the OWNER to obtain a CONSTRUCTION PERMIT before any construction or deepening of a WATER WELL is initiated shall constitute a violation of this Ordinance.
- B. It shall be the responsibility of the WATER WELL Contractor to insure that a CONSTRUCTION PERMIT has been issued before any construction or deepening of a WATER WELL is initiated and to follow the conditions of said CONSTRUCTION PERMIT. Failure of the WATER WELL Contractor to insure said CONSTRUCTION PERMIT has been issued or to violate the conditions of said CONSTRUCTION PERMIT shall constitute a violation of this Ordinance.

7.4 CONSTRUCTION PERMIT APPLICATIONS

7.4.1 Timing

CONSTRUCTION PERMIT applications shall be submitted prior to commencing any work.

7.4.2 Form

CONSTRUCTION PERMIT applications shall be made in writing in forms provided or approved by the HEALTH OFFICER and shall be filed at such location or locations as the HEALTH OFFICER may designate.

7.4.3 Conditions

No application for a CONSTRUCTION PERMIT shall be accepted unless:

- A. The CONSTRUCTION PERMIT application contains the signature of the OWNER or office of the legal ownership of the WATER WELL, or the signature of the designated agent of the OWNER. Such signature shall evidence:
 - 1. If signed as OWNER'S agent, a representation by the application that he or she is authorized to act on behalf of the OWNER and obligate the OWNER to all responsibilities imposed by this Ordinance;
 - 2. The agreement of the OWNER to comply with the terms of this Ordinance; and
 - 3. The agreement of the OWNER to allow access to the PREMISES and to provide required information as provided in Subsection 7.6.2, Section 7.7 and Section 7.8.
- B. All information required by Subsection 7.4.4 is submitted; and
- C. The applicable fee is submitted.

7.4.4 Contents

CONSTRUCTION PERMIT applications shall, at a minimum, include the following:

- A. Name, address and telephone number of the applicant;
- B. Name, address and telephone number of the OWNER if different from the applicant;
- C. Name, address and telephone number of the owner of the property on which the WATER WELL is or will be located if different from the OWNER;
- D. Name, address, telephone number and license number of the of the WATER WELL contractor;
- E. An accurate legal description of the location of the property on which the construction, alteration, or extension is proposed;
- F. Description of the property or properties, and of all buildings or other facilities to be served by the well;
- G. An accurate description of the location of the WATER WELL including a site plan containing the information required by Subparagraph 920.130(b)(1) of the *Water Well Construction Code* (77 Ill. Admin. Code 920.130(b)(1));
- H. All additional information required by Paragraph 920.130(b) of the *Water Well Construction Code* (77 Ill. Adm. Code 920.130(b)(a));
- I. Such other information as may be required by the HEALTH OFFICER to substantiate that the proposed construction, alteration, or extension complies with minimum standards of this Ordinance; and
- J. The fee specified by Subsection 12.2.2.

7.5 ISSUANCE OF CONSTRUCTION PERMIT

7.5.1 Qualified Construction Permit Holders

CONSTRUCTION PERMITS shall be issued only to:

- A. A PERSON possessing a valid license issued under the Illinois Water Well and Pump Installation Contractor's License Act, (225 ILCS 345/1 et seq.);
- B. The WATER WELL OWNER.

7.5.2 Inspection Prior to Construction Permit Issuance

The HEALTH OFFICER may investigate conditions on the proposed site prior to the issuance of a CONSTRUCTION PERMIT.

7.5.3 Decision on Construction Permit Application

Within 15 days of the receipt of all required information the HEALTH OFFICER shall issue or deny the CONSTRUCTION PERMIT in accord with the provisions of Paragraph 920.130(e) of the *Illinois Water Well Construction Code* (77 Ill. Adm. Code 920.130(e)). In the event the CONSTRUCTION PERMIT is denied the reasons for such denial shall be provided in writing to the applicant.

7.5.4 Limits of Authority Granted by Construction Permit

- A. A CONSTRUCTION PERMIT, when issued, shall authorize only the specific work described in the CONSTRUCTION PERMIT application. The CONSTRUCTION PERMIT shall not:
1. Authorize any other work;
 2. Authorize work at any other location;
 3. Authorize construction to be performed by any PERSON other than as identified in the application;
 4. Authorize construction to be performed in any manner other than as described in the CONSTRUCTION PERMIT application; or
 5. Authorize use of the WATER WELL to serve any use or any property building or facility other than as specified in the CONSTRUCTION PERMIT application.
- B. The OWNER shall amend the CONSTRUCTION PERMIT application and obtain the approval of the HEALTH OFFICER prior to deviating from any aspect of the application on which the CONSTRUCTION PERMIT was issued.

7.5.5 Term

CONSTRUCTION PERMITS shall be valid for a period of twelve months from the date of issuance. The CONSTRUCTION PERMIT shall expire and have no further force or effect if:

- A. The work described on CONSTRUCTION PERMIT shall not have been commenced within twelve months, unless extended as provided in Subsection 7.5.6. In such case, the CONSTRUCTION PERMIT shall be canceled by the HEALTH OFFICER. Written notice of cancellation shall be given to the OWNER together with notice that work described on the canceled CONSTRUCTION PERMIT shall not proceed until a new CONSTRUCTION PERMIT is issued; or
- B. A Certificate of Approval has been issued by the HEALTH OFFICER.

7.5.6 Extension

CONSTRUCTION PERMITS may be extended for such additional period as is set forth in the application for the **CONSTRUCTION PERMIT** or in an application for an extension of the **CONSTRUCTION PERMIT** as the time necessary complete the construction. Such extension may be granted only upon a determination by the **HEALTH OFFICER** that the need for additional time is occasioned by the scope of the proposed construction, unique features of the site or design, work stoppages not under the control of the **OWNER** or other practical necessity and not for lack of due diligence by the **OWNER**. Such extension shall be granted for the minimum amount of time needed to complete the project, but in no case shall such extension be granted for a period exceeding 180 days.

7.5.7 Revocation or Suspension

If it is determined by the **HEALTH OFFICER** that work is proceeding in a manner other than described in the **CONSTRUCTION PERMIT** application or that any material fact in the **CONSTRUCTION PERMIT** application was misrepresented or inaccurately stated the **HEALTH OFFICER** may, in writing, suspend or revoke the **CONSTRUCTION PERMIT**.

7.6 INSPECTIONS

7.6.1 Inspection Prior to Operation

No **WATER WELL** shall be placed into operation until the installation of the **WATER WELL** and its components has been approved in writing by the **HEALTH OFFICER**.

7.6.2 Notice Prior to Commencing Work

The **HEALTH DEPARTMENT** shall be notified at least 48 hours prior to commencing the construction or deepening of a **WATER WELL** for which a **CONSTRUCTION PERMIT** has been issued.

7.6.3 Exposing Work

To the degree practical and permitted by the **HEALTH OFFICER** the completed installation shall remain uncovered and accessible for inspection purposes until approval by the **HEALTH OFFICER**.

7.7 FINAL APPROVAL

7.7.1 Disinfection

All components of a new WATER WELL construction and/or modification shall be thoroughly disinfected with a strong chlorine solution which will yield a dosage of at least 100 parts per million to the water in the well.

7.7.2 Water Sample

After purging the system of any chlorine residual, a water sample shall be taken and satisfactory bacteriological results, as confirmed by a CERTIFIED LABORATORY, shall be obtained prior to utilizing the WATER WELL for drinking and culinary purposes.

7.7.3 Failure to Comply

Upon inspection by the HEALTH OFFICER, if it is found that any provisions of this Ordinance or any CONSTRUCTION PERMIT specifications for a stated property have not been met, the HEALTH OFFICER shall notify the WATER WELL contractor or OWNER, to make specified changes in the work to insure compliance with the provisions of this Ordinance and the CONSTRUCTION PERMIT. If such changes are not made within the time specified by the HEALTH OFFICER, said CONSTRUCTION PERMIT may be suspended or revoked, and it shall be unlawful to place the WATER WELL into operation.

7.7.4 Certificate of Approval

When the HEALTH OFFICER has determined that all work described in the CONSTRUCTION PERMIT is complete, has been conducted in compliance with the regulations and standards of this Ordinance, and, if an existing well is abandoned in conjunction with construction of a new well that the work also meets the requirements of Section 7.8, the HEALTH OFFICER shall issue a Certificate of Approval.

7.7.5 Issuance of Certificate of Approval

The HEALTH OFFICER shall retain the original Certificate of Approval and provide one copy to the OWNER, duly signed.

7.7.6 Construction Permit Invalidated

The issuance of a Certificate of Approval shall invalidate the CONSTRUCTION PERMIT issued for work conducted on the WATER WELL involved.

7.8 ABANDONED WELLS

7.8.1 Compliance with *Water Well Construction Code*

Wells that are abandoned shall be sealed in a manner prescribed by Section 920.120 of the *Water Well Construction Code* (77 Ill. Adm. Code 920).

7.8.2 Notice Required Prior to Sealing

The HEALTH DEPARTMENT shall be notified at least 48 hours prior to sealing of an ABANDONED WELL at which time a date for inspection will be arranged.

7.8.3 Inspection of Abandoned Wells

The HEALTH OFFICER shall inspect ABANDONED WELLS which have been sealed to determine compliance with this Ordinance.

CHAPTER 8. ADMINISTRATION

8.1 BOARD OF HEALTH

8.1.1 Administration by Board of Health

Administration and enforcement of this Ordinance shall be vested in the CHAMPAIGN COUNTY BOARD OF HEALTH created by Resolution No. 3812, *Resolution Establishing County Health Department*.

8.1.2 Appointment

The BOARD OF HEALTH shall be comprised of eight persons meeting the requirements of Section 5/55-25012 of the Illinois *Counties Code* (55 ILCS 5/5-25012), and one member of the Champaign County Board. The members shall be appointed by the Chair of the COUNTY BOARD with the approval of the COUNTY BOARD.

8.1.3 Term

Board Members shall serve a term of three years except as provided in Section 5/55-25012 of the Illinois *Counties Code* 55 ILCS 5/5-25012. Members appointed to fill vacancies on the Board shall be appointed to a full term.

8.1.4 Removal for Cause

The Chair of the COUNTY BOARD may remove any member of the BOARD for cause, with the consent of the COUNTY BOARD. Such removal shall not become effective for at least 10 days after written notice of the proposed removal is provided to the member specifying the charges made against him or her. Within such 10 day period the member proposed to be removed may request, in writing, a hearing to answer any charges brought against him or her. In such case, a hearing shall be scheduled no more than 30 days from the date that such request is received in the office of the COUNTY BOARD. If a hearing is requested the removal of such member shall not become effective until after the next regular COUNTY BOARD meeting following the conclusion of such hearing.

8.1.5 Compensation

Members of the BOARD OF HEALTH shall serve without compensation except for reimbursement of actual necessary expenses incurred in performance of their duties. Such reimbursable expenses shall include reimbursement of travel expenses at a rate not to exceed that established for other Champaign County officials.

8.2 POWERS OF THE BOARD OF HEALTH

8.2.1 Powers Conferred

The Board, shall have the powers explicitly conferred or implied by Division 5-25 of the Illinois *Counties Code* (55 ILCS 5/5-25001 *et seq.*) and is hereby delegated, to the extent required and permitted by law and consistent with the provisions of this Ordinance, such powers of the COUNTY BOARD necessary to effectively administer and enforce this Ordinance. The Board shall also have the power to:

- A. Seek and accept delegation of powers and duties of the Illinois Department of Public Health and enter into a delegation agreement with the Department pursuant to Section 2310 of the *Civil Administrative Code of Illinois* (20 ILCS 2310/2310-1 *et seq.*);
- B. Apply for, obtain and renew status as a Certified Local Health Department for the HEALTH DEPARTMENT pursuant to Section 600.210 of the *Certified Local Health Department Code* (77 Ill. Adm. Code 600.210); and
- C. Apply for, receive and enter into a grant agreement with the Illinois Department of Public Health as provided in the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615).

8.2.2 Delegation of Powers of the Board

The Board may, to the extent permitted by law, delegate any of its powers to an appointed employee or contractor except as provided in Subsection 8.2.3.

8.2.3 Powers Reserved to the Board

Certain powers shall be reserved to the Board and shall not be delegated to any appointed employee or contractor including the power to:

- A. Appoint the HEALTH OFFICER;
- B. Submit the annual budget of the HEALTH DEPARTMENT to the COUNTY BOARD or seek any amendments thereto;
- C. Submit the annual report to the COUNTY BOARD;
- D. Establish and carry out any programs or services with an annual cost in excess of \$1,000 except for response to emergencies;
- E. Adopt any plans or goals specified by statute or rule;
- F. Seek and accept delegation of powers and duties of the Illinois Department of Public Health or enter into a delegation agreement with the Department;

- G. Apply for, obtain or renew status as a Certified Local Health Department for the HEALTH DEPARTMENT;
- H. Apply for, receive and enter into a grant agreement with the Illinois Department of Public Health;
- I. Exercise any powers to lease or acquire real property or to incur debt in any form provided in Section 5/5-25016 of Division 25 of the Illinois *Counties Code* (55 ILCS 5/5-25016);
- J. Establish fees for permits, licenses, programs or services as provided by Section 2310 of the *Civil Administrative Code of Illinois* (20 ILCS 2310/2310-1 *et seq.*) and Section 25013 of Division 25 of the Illinois *Counties Code* (55 ILCS 5/5-25013);
- K. Hear and decide Appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the HEALTH OFFICER in the administration and enforcement of this Ordinance as provided in Section 10.1;
- L. Adopt rules necessary to the conduct of the Board and of any administrative proceedings provided for in this Ordinance;
- M. Employ the HEALTH OFFICER and such other professional and non-professional employees as it deems necessary;
- N. Establish policies to govern the recruitment, employment, compensation; supervision and discipline of any employees; and
- O. Exercise any powers expressly granted to the Board elsewhere in this Ordinance.

8.2.4 Revenues and Expenditures

In the performance of its duties, the BOARD may receive funds and incur expenses as authorized by law and provided for in its budget

8.3 DUTIES OF THE BOARD OF HEALTH

8.3.1 Duties Established

The Board, shall take or cause to be taken call lawful actions necessary to effectively administer and enforce this Ordinance including all duties created or implied by Division 5-25 of the Illinois *Counties Code* (55 ILCS 5/5-25001 *et seq.*). The Board shall also have the duty to:

- A. Enforce all rules and regulations adopted by the Illinois Department of Public Health for preservation and improvement of the public health within its jurisdiction as provided in Section 2 of the *Department of Public Health Act* (20 ILCS 2305/2);
- B. Apply for, obtain, maintain and renew status as a Certified Local Health Department for the HEALTH DEPARTMENT pursuant to Section 600.210 of the *Certified Local Health Department Code* (77 Ill. Adm. Code 600.210);
- C. Apply for, receive and enter into a grant agreement with the Illinois Department of Public Health as provided in the *Local Health Protection Grant Rules* (77 Ill. Adm. Code 615);

- D. Prepare and submit to the Illinois Department of Public Health all assessments, plans, goals, or evaluations required of it by any statute or rule administered by the Department; and
- E. Submit, in a timely manner, its annual budget and annual report to the COUNTY BOARD.

8.3.2 Budget and Fiscal Year

- A. The fiscal year of the BOARD OF HEALTH and the HEALTH DEPARTMENT shall be the same as that of the COUNTY, January 1 through the following December 30.
- B. The BOARD OF HEALTH shall submit its proposed budget to the COUNTY BOARD no later than July 31 preceding the fiscal year for which the budget is proposed.

8.3.3 Annual Report

- A. The BOARD OF HEALTH shall prepare an annual report for each fiscal year. The annual report shall be submitted to the COUNTY BOARD at a regular time each year falling no later than July 31.
- B. At a minimum the annual report shall contain the following information regarding the preceding 12 months;
 1. Description of all activities, programs and services conducted;
 2. Where applicable, a statistical summary of such activities, programs and services including comparisons with previous years;
 3. A copy of any reports submitted to the Illinois Department of Public Health;
 4. A copy of any assessments, plans, goals, or evaluations adopted or amended together with any response received in such regard from the Illinois Department of Public Health;
 5. A copy of any delegation agreement entered into, amended or renewed;
 6. A copy of any grant agreement entered into, amended or renewed;
 7. A description of each Appeal heard and decided by the BOARD OF HEALTH;
 8. A description of each Variance granted by the HEALTH OFFICER;
 9. A copy of any contract for services or subcontract thereto, entered into;
 10. A statement of all expenditures made, revenues received and services rendered pursuant to any contract for service;
 11. A description of any debt instrument entered into or purchase of any real estate made; and
 12. Any other information specifically requested by the COUNTY BOARD.

8.4 HEALTH OFFICER

8.4.1 Executive Officer of the Champaign County Health Department

The operations of the HEALTH DEPARTMENT shall be overseen by the HEALTH OFFICER appointed by the BOARD OF HEALTH who shall be executive officer of the HEALTH DEPARTMENT.

8.4.2 Minimum Qualifications

The HEALTH OFFICER shall be a Medical HEALTH OFFICER or Public Health Administrator and shall possess the minimum qualifications established by Subpart C of the *Certified Local Health Department Code* (77 Ill. Adm. Code 600).

8.4.3 Appointment

The HEALTH OFFICER shall be appointed by the BOARD OF HEALTH and may be employed directly or by contract. If employed directly the recruitment, employment, compensation, supervision and discipline of the HEALTH OFFICER shall be in accord with written policies established by the BOARD OF HEALTH. If employed by contract with another agency or unit of government recruitment, employment, compensation, supervision and discipline of the HEALTH OFFICER shall be in accord with the personnel policies of such agency or unit of government.

8.5 POWERS AND DUTIES OF THE HEALTH OFFICER

8.5.1 Powers of the HEALTH OFFICER

The Board shall employ a HEALTH OFFICER, directly or by contract, to whom shall be delegated, except as provided in Subsection 8.2.3, powers and duties of the Board to administer and enforce this Ordinance, including the following:

- A. Render interpretations of this Ordinance;
- B. Receive and issue, deny, revoke, reinstate or extend any permit required by this Ordinance;
- C. Conduct any investigations provided for by this Ordinance;
- D. Embargo or detain any ADULTERATED or MISBRANDED food and seek an order of the Circuit Court to condemn such food;
- E. Issue or deny any certificate required by this Ordinance;
- F. Inspect any facility or installation as required to determine compliance with the terms of this Ordinance;
- G. Order that work be uncovered or otherwise provide for uncovering work as required to undertake inspections required by this Ordinance;
- H. Designate a place or places for receipt of applications for required permits, Appeals, and petitions for variances;
- I. Receive and investigate complaints alleging violations of this Ordinance;
- J. Conduct such inspections or investigations as are necessary to determine whether any complaint or allegation substantiates a finding of a violation;
- K. Seek search warrants or orders of the Circuit Court if necessary in order to conduct such inspections or investigations;

- L. Issue notices of violation and any orders to any and all PERSONS as provided for in this Ordinance;
- M. Request that the State's Attorney's Office file a quasi-criminal or other complaint or take other action to enforce this Ordinance;
- N. Request the assistance of any other County Official in the enforcement of this Ordinance;
- O. Refer complaints to and otherwise cooperate with other local, state or federal agencies potentially having jurisdiction with respect to any complaint or allegation of violation;
- P. Propose amendments to this Ordinance as may be required from time to time;
- Q. provide comments and make recommendations with respect to proposed SUBDIVISIONS; and
- R. Delegate any or all of his or her power or duties to designated subordinates.

8.5.2 Duties of the Health Officer

The HEALTH OFFICER shall take or cause to be taken all lawful actions which in his or her judgment are necessary to effectively administer and enforce this Ordinance and shall have the following duties:

- A. Render interpretations of this Ordinance when so requested;
- B. Receive and investigate complaints, alleging violation of this Ordinance;
- C. issue notices of violation or such orders as may be necessary to enforce the provisions of this Ordinance;
- D. Maintain permanent records of the adoption, amendment, administration and enforcement of this Ordinance in accordance with the Illinois *Local Records Act* (50 ILCS 205/1 *et seq.*);
- E. Release any records created under this Ordinance to the public in accord with the Illinois *Freedom of Information Act* (5 ILCS 140/1 *et seq.*) and the policies and procedures established by the BOARD OF HEALTH;
- F. Ensure the confidentiality of any record or information in the possession of the HEALTH DEPARTMENT pursuant to the provisions of Subparagraph 615.300(c)(16) of the Local Health Protection Grant Rules (77 Ill. Adm. Code 615.300(c)(16)) to the extent permitted by the Illinois *Freedom of Information Act* (5 ILCS 140/1 *et seq.*);
- G. Assist the BOARD OF HEALTH and the COUNTY BOARD in any and all proceedings regarding the adoption, amendment, administration or enforcement of this Ordinance;
- H. Assist the State's Attorney, Sheriff, or other County officials in investigations, prosecutions or other actions taken to enforce this Ordinance;
- I. Make such periodic reports to the Illinois Department of Public Health as are required by any statute or rule;
- J. Make such reports to the BOARD OF HEALTH with respect to administration and enforcement of this Ordinance as the Board may request;
- K. Provide information and consultation to the public on matters relating to the purposes or specific provision of this Ordinance;

- L. Provide comments and make recommendations with respect to proposed SUBDIVISIONS when so requested by the authority having jurisdiction over the SUBDIVISION approval; and
- M. Any such other duties prescribed by statute or rule or by the BOARD OF HEALTH.

CHAPTER 9. ENFORCEMENT

9.1 INSPECTION AND INVESTIGATION

9.1.1 Right of Inspection

The HEALTH OFFICER, after providing identification and giving notice of his or her purpose may enter at reasonable times any private or public property or vehicle for the purpose of investigating conditions relating to the administration and enforcement of this Ordinance. The OWNER or occupant of said property or vehicle, or the PERSON IN CHARGE thereof, shall give the HEALTH OFFICER free access to all parts of the said property or vehicle at all reasonable times for the purpose of investigating conditions relating to the administration and enforcement of this Ordinance. Upon refusal by the OWNER or PERSON IN CHARGE to grant such access, the HEALTH OFFICER may seek an order from the Circuit Court of Champaign County allowing access.

9.1.2 Provision of Documents, Records, and Information

When provided by this Ordinance the HEALTH OFFICER may direct that the OWNER, occupant, or the PERSON IN CHARGE of any premises, establishment or vehicle, provide any documents, records or other information necessary for determining compliance with this Ordinance. Upon refusal by the OWNER, occupant or PERSON IN CHARGE to provide such documents, records or information the HEALTH OFFICER may seek an order from the Circuit Court of Champaign County compelling the surrender of such documents, records or information.

9.1.3 Revealing Work

When provided by this Ordinance the HEALTH OFFICER may direct that the OWNER, occupant, or the PERSON IN CHARGE of any premises or establishment to uncover or reveal any work to permit inspection necessary for determining compliance with this Ordinance as provided in Subsections ~~6.6.4~~ 6.7.4 and 7.6.3. Upon refusal by said OWNER, occupant or PERSON IN CHARGE to reveal any work the HEALTH OFFICER may undertake to uncover such work at the OWNER'S expense or may seek an order from the Circuit Court of Champaign County compelling the OWNER to reveal such work.

9.1.4 Record

The HEALTH OFFICER shall make a record of the conditions found by all inspections that substantiate a violation including identification of any violations of this Ordinance and subsequent actions taken with respect to the violation.

9.1.5 Reinspection

The HEALTH OFFICER may conduct additional inspections as deemed necessary to verify the continued existence or abatement of a violation.

9.2 NOTICE

9.2.1 Issuance of Notice

Whenever the HEALTH OFFICER determines that a violation of any provision of this Ordinance has occurred, the HEALTH OFFICER shall give notice to the PERSON responsible for such violation. Unless stated elsewhere in the Ordinance, the notice shall be in writing and shall:

- A. Include a statement of the reasons for issuance of the notice;
- B. Allow reasonable time for performance of any act the HEALTH DEPARTMENT requires;
- C. Be served upon the PERSON responsible for the violation(s), by certified mail (return receipt requested) to his or her last known address as furnished to the HEALTH DEPARTMENT, personal service or by posting on the premises where the violation is located;
- D. Include an order stating the remedial action which is required to effect compliance with this Ordinance;
- E. State that an opportunity for Appeal from any notice or inspection findings will be provided if a written request is filed within the time period set by Subsection 10.1.3.

9.2.2 Additional Notice

The HEALTH OFFICER may serve additional notices subsequent to the original notice or serve notice to other PERSONS or rescind notices served on any or all PERSONS. The issuance of any subsequent or additional notice shall not diminish the effect or validity of any prior notice unless specifically stated in such subsequent or additional notice.

9.3 COMPLAINTS

9.3.1 Response to Complaints

Any PERSON may file a complaint with the HEALTH OFFICER alleging violations of this Ordinance, orally, in writing or by other means. The HEALTH OFFICER shall investigate all complaints within 10 working days except that complaints regarding foodborne illnesses shall be investigated within 24 hours, provided however, that

anonymous complaints made about subjects other than foodborne illnesses need not be investigated until the next scheduled inspection.

9.3.2 Complainant Confidentiality

Complainants shall not be required to reveal their identity, place or residence or employment or any other personal or identifying information. No member of the BOARD OF HEALTH, employee or contractor of the HEALTH DEPARTMENT or any employee or official of Champaign County shall reveal the identity of a complainant, without his or her consent, to PERSONS not directly involved in administering or enforcing this Ordinance except as required by law.

9.3.3 Logging Complaints

All complaints received by the HEALTH OFFICER shall be logged with respect to the date received, location of the premises complained of and the nature of the alleged violation.

9.4 AGREEMENTS TO CORRECT VIOLATIONS

The HEALTH OFFICER may enter into an agreement with the OWNER, PERSON IN CHARGE or other responsible PERSON or PERSONS providing for correction of a violation over a specified period of time provided that any agreement extending for a period exceeding 30 days shall be executed in writing. No agreement shall extend for a period exceeding 180 days.

9.5 REFERRAL FOR PROSECUTION

9.5.1 Referral to State's Attorney

If any violation is not corrected in the time specified in any notice or agreement the HEALTH OFFICER may refer the violation to the Champaign County State's Attorney and request that the State's Attorney file a quasi-criminal or other complaint, or request an injunction or take other action to enforce this Ordinance.

9.5.2 Referral to Other Authority

The HEALTH OFFICER shall refer for enforcement to the Illinois Department of Public Health or other relevant state or federal agency having jurisdiction any apparent violation of any statute, or rule adopted pursuant to a statute, listed in Subsection 1.2.2 of which he or she may become aware in the normal course of his or her duties, to the extent such determination s within his or her competence, and may file a formal complaint with such agency.

CHAPTER 10. APPEALS AND VARIANCES

10.1 APPEALS

10.1.1 Standing to Appeal

Except as provided in Section 6.3, any PERSON affected by a decision, notice or order issued by the HEALTH OFFICER in connection with the administration or enforcement of this Ordinance, may file a written request for a hearing before the BOARD OF HEALTH appealing such decision, order or notice.

10.1.2 Form of Appeal

Appeals shall be filed in writing on forms prepared or approved by the HEALTH OFFICER, in the office of the HEALTH DEPARTMENT together with the fee specified by the BOARD OF HEALTH.

10.1.3 Time Limits for Filing

The BOARD OF HEALTH shall not hear appeals filed more than 30 days from the date of the action or receipt of the decision of the HEALTH OFFICER.

10.1.4 Powers of the Board of Health

The BOARD OF HEALTH may, upon application and after providing notice to the affected parties and conducting a hearing and so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the decision, order or notice appealed from.

10.1.5 Duty of the Health Officer

The HEALTH OFFICER shall transmit to the BOARD OF HEALTH all the papers and other materials constituting the record upon which the action appealed from was taken.

10.1.6 Stay of Enforcement

An appeal, if filed, shall stay all proceedings to enforce the action appealed unless the HEALTH OFFICER certifies to the BOARD OF HEALTH after the appeal has been filed that by reason of facts stated in the certificate a stay could cause imminent hazard to the public health or safety in which case the proceedings shall not be stayed except by an order of the BOARD OF HEALTH.

10.1.7 Hearing

- A. The BOARD OF HEALTH shall hold a hearing within thirty days from the date on which the written request for such hearing was filed. The appellant shall be notified of the time and place of the hearing not less than five days prior to the date on which the hearing is to be held.

- B. The appellant may appear in person, or be represented by agent or counsel and may give evidence orally or in writing and may question any other party.
- C. The HEALTH OFFICER may appear or be represented by agent or counsel and may give evidence orally or in writing and may question any other party.

10.1.8 Decision

- A. The BOARD OF HEALTH shall find in favor of the appellant only upon making specific findings that the evidence set forth in the appeal or otherwise entered into the record supports the determination that:
 1. Strict compliance with the order, notice or decision of the HEALTH OFFICER, would cause undue hardship on the appellant;
 2. That the public health would be adequately protected; and
 3. Substantial justice would be done to all parties by varying or withdrawing the order, notice or decision of the HEALTH OFFICER.
- B. All documents, testimony and exhibits, submitted with the appeal, adduced in the hearing or produced by any party thereafter shall constitute the record on which the decision on an appeal shall be based.
- C. The findings of the BOARD OF HEALTH shall be supported by reference to specific evidence entered into the record of the case and shall be set forth in writing.
- D. The findings and final determination of the BOARD OF HEALTH shall be tendered to the appellant in writing within 10 days after the hearing is concluded.
- E. The HEALTH OFFICER shall retain and keep on file the complete record of any Appeal decision.
- F. The HEALTH OFFICER shall provide copies of the findings and final determination of all appeal decisions to the Illinois Department of Public Health.

10.2 VARIANCES

10.2.1 Permitted Variances

Any PERSON who owns a facility, establishment or installation or conducts a business or operation governed by the provisions of this Ordinance may request a variance from the strict application of any provision contained herein except for the provisions of Chapter 5, the provisions of Section 6.3, or where prohibited by statute or rule or where the authority for granting such variance is reserved to the Illinois Department of Public Health or other agency by a State statute, rule or by an Ordinance of a local government.

10.2.2 Petition Required

A variance may be requested by filing a petition with the HEALTH DEPARTMENT on forms prepared by the HEALTH OFFICER. Such petition shall contain, at a minimum, the following:

- A. The name, address and telephone number of the petitioner;

- B. A description of the premises, facility, installation, business or operation from which the variance is sought including, if relevant:
 - 1. The address of the affected premises;
 - 2. A legal description of the site;
 - 3. A site plan or building plan showing the existing or proposed facility, establishment, or installation including any information required by Paragraph 905.20(1) of the *Private Sewage Disposal Code* (77 Ill. Adm. Code 905.20(1)) or Subparagraph 920.30(c)(1) of the *Water Well Construction Code* (77 Ill. Adm. Code 920.30(c)(1));
- C. A description of the variance requested including a citation of the specific provision or provisions of this Ordinance or any incorporated statute, rule or standard to be varied;
- D. An explanation of how specified conditions, circumstances or operations would be made impractical or impossible by strict application of the provisions that are sought to be varied;
- E. An explanation, together with any technical information or other evidence, of how the alternative location, design, means of construction, operation or other aspect of the proposal will ensure that no health hazard or nuisance will result;
- F. Affirmation by the petitioner that all representations made in the petition are, to his or her knowledge, true or correct; and
- G. The fee specified by the BOARD OF HEALTH.

10.2.3 Criteria for Granting a Variance

No variance shall be granted by the HEALTH OFFICER unless the HEALTH OFFICER shall find that:

- A. The proposed facility, installation, business or operation would be made impractical or impossible by strict application of the provisions that are sought to be varied;
- B. The alternative location, design, means of construction, operation or other aspect of the proposal, will ensure that no health hazard or nuisance will result;
- C. For variances from the provisions of Chapter 6, any additional criteria contained in Paragraph (f) of Section 20 of the *Private Sewage Disposal Code* (77 Ill. Adm. Code 905.20(f)) are met;
- D. For variances from the provisions of Chapter 7, any additional criteria contained in Subparagraphs (c)(3) and (c)(4) of Section 30 of the *Illinois Water Well Construction Code* (77 Ill. Adm. Code 920.30(c)(3) and (c)(4)) or Paragraph (b) of Section 30 of the *Illinois Water Well Pump Installation Code* (77 Ill. Admin. Code, Part 925(30)(b)) are met; and
- E. Any other relevant criteria applicable to the grant of variances of any incorporated statute, rule or standard are met

10.2.4 Decision

- A. Upon receipt of an application the HEALTH OFFICER may request additional information from the petitioner, inspect the affected premises, equipment or

installation, or undertake other investigations to determine whether the requested variance meets the criteria specified in Section 10.2.3. The application shall be deemed complete only when any additional information requested from the petition is submitted to the satisfaction of the HEALTH OFFICER.

- B. Within 30 days of the receipt of a complete petition for a variance the HEALTH OFFICER shall render a decision as to whether to grant or deny the variance requested, grant a lesser variance or grant the requested variance subject to conditions.
- C. The HEALTH OFFICER shall find in favor of the petition only upon finding that the evidence set forth in the petition or otherwise entered into the record supports the determination that the criteria contained in Subsection 10.2.3 have been met
- D. All documents, testimony and exhibits, submitted with the petition or produced by any party thereafter shall constitute the record on which the decision on a variance shall be based.
- E. The findings of the HEALTH OFFICER shall be supported by reference to specific evidence entered into the record of the case and shall be set forth in writing.
- F. The findings and final determination of the HEALTH OFFICER shall be tendered to the petitioner in writing within the time specified in Paragraph B.
- G. The HEALTH OFFICER shall retain and keep on file the complete record of any variance decision.
- H. The HEALTH OFFICER shall provide copies of the findings and final determination of all variance decisions to the Illinois Department of Public Health.

CHAPTER 11. VIOLATIONS AND PENALTIES

11.1 VIOLATIONS

11.1.1 Proscribed Action and Failure to Take Action

Any PERSON who acts in a manner proscribed by any provision of this Ordinance or who fails to take any action mandated by this Ordinance shall be guilty of a violation of this Ordinance and, upon conviction, shall be subject to the penalties set forth herein.

11.1.2 Each Day a Separate Offense

Each day a condition constituting a violation exists or is allowed to exist after the notice of the violation has been served on the PERSON responsible shall be deemed a separate offense subject to penalties under this Ordinance.

11.2 PENALTIES

Any PERSON who violates any provision of this Ordinance shall be subject to a fine of no less than \$100 and no more than \$500 for each offense except as provided below:

- A. Violations which constitute a violation of Section 8 of the Illinois *Sanitary Food Preparation Act* (410 ILCS 650/8) shall be a Petty Offense and shall be subject to a fine of no more than \$25; and
- B. Violations which would also violate Section 13 of the Illinois *Sanitary Food Preparation Act* (410 ILCS 650/13) shall constitute a Class B Misdemeanor.

11.3 INJUNCTIONS

The State's Attorney of Champaign County may bring action for an injunction to restrain any violation of this Ordinance or to enjoin, the operations of any such establishment causing such violation.

11.4 REMEDIES CUMULATIVE

Nothing in this Ordinance shall be construed so as to limit or detract from other remedies permissible by law, regulation or ordinance, nor be construed so as to legalize conditions which are violations of any other law, County Ordinance, or municipal ordinance or which are nuisances at common law or to preclude any remedies available at common law or in equity.

CHAPTER 12. FEES

12.1 SCHEDULE OF FEES

12.1.1 Established by Board of Health

The BOARD OF HEALTH shall establish a schedule of fees for the services provided and for actions required to administer and enforce this ordinance.

12.1.2 Fees Required

The BOARD OF HEALTH may establish a fee for any service provided or action required to administer and enforce this Ordinance. At a minimum the Board shall establish fees for the following:

- A. OPERATING PERMITS required by Section 5.4;
- B. CONSTRUCTION PERMITS required by Section 6.3;
- C. Appeals as provided by Section 10.1;
- D. Petitions for Variances as provided by Section 10.2.

12.1.3 Review of Fee Schedule

The BOARD OF HEALTH shall annually, prior to preparation of its annual report, review the fee schedule to determine its sufficiency and its efficacy in promoting the purposes of this ordinance with respect to the criteria established in Subsection 12.2.1.

12.2 AMOUNT OF FEES

12.2.1 Recovery of Costs

Except where specified by Statute, the BOARD OF HEALTH shall set fee amounts that recover, on average and in the aggregate, as much as possible of the full cost, including fully apportioned indirect expenses, incurred in providing a specific service or of administering and enforcing specific provisions of this ordinance, without the fees being, in the judgment of the BOARD OF HEALTH, unduly burdensome or so high that they would discourage compliance or conflict with the purposes of this ordinance.

12.2.2 Fees for Construction Permits for Water Wells

Fees for CONSTRUCTION PERMITS for WATER WELLS required by Section 7.3 shall be \$100 as specified by Section 6 of the *Illinois Water Well Construction Code* (415 ILCS 30/6).

12.3 REFUNDING FEES

12.3.1 Permits

Fees for OPERATING or other CONSTRUCTION PERMITS shall be refunded if the permit is denied.

12.3.2 Services

Fees for other services may be refunded as provided by rule established by the BOARD OF HEALTH.

12.3.3 Appeals and Variances

Filing fees for appeals may be refunded upon the withdrawal of the appeal prior to the start of any hearing on the matter. Filing fees for variance petitions may be refunded upon the withdrawal of the petition prior to the rendering of a decision on the matter. Filing fees for appeals or petitions for variances shall not be refunded after a hearing has begun or a decision on the matter has been rendered.

12.4 FEE EXEMPTIONS

12.4.1 Fee Waivers for Operating Permits

Fees for OPERATING PERMITS shall be waived for organizations that are exempt from paying sales taxes pursuant to the *Retailers' Occupation Tax Act* (35 ILCS 120/1 *et seq.*). A certificate issued in accordance with the Act verifying the exemption, presented at the time of the application, shall establish eligibility.

12.4.2 Fee Waivers for Temporary Operating Permits

Temporary OPERATING PERMITS shall be issued at no charge to: (a) school or school-related organizations operating a fund-raising food service for the benefit of student programs, (b) youth organizations operating a fund-raising food service for their programs, and (c) a fund-raising food service for the purpose of paying otherwise unpaid medical expenses.

12.4.3 Fee Waivers for Certain Non-profit Organizations

The BOARD OF HEALTH may waive the health permit fee on an individual basis during the annual application for waiver for non-profit organizations engaging in food service for a public service purpose. The non-profit organization requesting the waiver shall provide information the BOARD OF HEALTH requests in order to make an individualized determination.

CHAPTER 13. AMENDMENTS, SEVERABILITY AND NON-INTERFERENCE

13.1 AUTHORITY TO INITIATE AMENDMENTS

The BOARD OF HEALTH, HEALTH OFFICER or COUNTY BOARD may propose amendments to this Ordinance. Any amendment proposed by the HEALTH OFFICER or COUNTY BOARD shall be referred to the BOARD OF HEALTH for comment before any further action is taken on the proposal.

13.2 EFFECTIVE DATE OF AMENDMENTS – ILLINOIS PUBLIC HEALTH DEPARTMENT REVIEW

No Amendment to this Ordinance shall become effective until it has been submitted to and approved by the Illinois Department of Public Health.

13.3 SEVERABILITY

Should any part of this Ordinance be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this Ordinance.

13.4 NON-INTERFERENCE

It is not intended by this Ordinance to interfere with, or abrogate or annul any contracts, easements, restrictions, covenants or agreements between parties, not to interfere with or abrogate or annul any Ordinances of any municipality or other unit of government. Rules, regulations, or PERMITS previously adopted or issued, and not in conflict with any provisions of this Ordinance, or which shall be adopted or issued shall remain in effect except that where this Ordinance imposes a greater restriction the provisions of this Ordinance shall control.

Ordinance No. _____

DRAFT March 17, 2015

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That the County Clerk shall cause notice to be published, in a newspaper of general circulation within the County, that this Ordinance has been adopted including the effective date and a summary of its contents and giving notice that a copy of the Ordinance together with the regulations incorporated by reference is on file and available for inspection at the office of the County Clerk.

PRESENTED, ADOPTED, APPROVED and RECORDED this _____ day of _____, 2015.

ATTEST:

Patsi Petrie, Chair
Champaign County Board

Gordy Hulten, County Clerk and ex-officio
Clerk of the County Board

Champaign County Public Health Department
 Fee Schedule for Environmental Health Programs

Effective ##/##/####

Regular font = current; *italics* = proposed

All fees are nonrefundable except as provide by Section 12.3 Refunding Fees in the Health Ordinance.

Food Protection Program

Annual Operating Permit (AOP)

- For initial & renewal fees for a fixed or mobile food service establishment

Risk Category	Fee
I	\$400
II	\$300
III	\$150

- ✓ Fee does not apply to a fee exempt establishment as provided in Section 12.4 Fee Exemptions of the Health Ordinance.
- ✓ Fee prorated at 50% if AOP issued between June 1st and November 30th.
- ✓ *Fees according to a scale (seats, size, sales)?*

Change of Ownership

- *May be processed for an active AOP only for not later than 30 calendar days after the effective date of the change in ownership. Since the AOP is not transferable when an establishment changes owners, the new owner must apply for a new AOP to operate. A Transitional Operating Permit (TOP) will be issued to the new owner during the transitional time between the effective date of ownership change and the issuance of a new AOP to the new owner. The transitional time will allow a) an existing food establishment to continue to operate, b) allow health officer to schedule an inspection, and c) allow an owner to correct any cited violations. A TOP is valid for 30 calendar days after a change of ownership on-site evaluation and may be renewed up to two (2) additional times.*
- *Fee includes one (1) Transitional Operating Permit (TOP), one (1) change of ownership (facility and equipment) on-site evaluation, one (1) food safety system review, and one (1) final inspection (owner scheduled) for AOP issuance.*
- *Fee is equal to the 50% of the AOP for the risk category; prorated fee does not apply. This fee does not include the annual operating permit fee which is due upon AOP issuance.*
- *Additional fee for failure to make change of ownership application in advance of effective date of the change of ownership may be applied.*
- *Additional fees may be applied for plan review as required for a change of equipment as a result of a change of menu or for remodeling or for new construction*
- *Additional fees are applied for any follow-up inspections.*

Plan Review

This is the first step to obtain an Annual Operating Permit (AOP) for a fixed or mobile food service establishment.

Type	Square Feet				
	≤500	Over 500 to ≤1000	Over 1000 to ≤5,000	Over 5,000 to ≤10,000	Over 10,000
New Construction					
Remodel					

- Square feet for mobile unit *shall include the square feet of mobile unit plus any commissary area.*
- *Plan review application and fee valid for one (1) year from date received.*
- Plan review fee includes *one (1) preliminary office consultation (if needed), (1) review of submitted plan review documents, one (1) food safety system review, one (1) review of any revised or corrected plan documents (if needed), one (1) "punch list" inspection (if needed), and one (1) final inspection (owner scheduled) for AOP issuance.*
- Plan review fee does not include fee for the AOP.
- New Construction includes facilities not previously permitted as a food service establishment; previously permitted but now a closed facility; or if a new additional permit is added to a currently permitted facility, i.e. adding a deli in a prepackaged store, adding a bar, or adding another mobile unit to a commissary.
- Remodel includes changes to a currently permitted facility to the physical space, equipment addition, or equipment installation as a result in a change in menu, equipment, or commissary relocation. (Does not include redecorating, cosmetic refurbishing, altering seating design or capacity).
- *Additional fees are required for multiple revision reviews and additional inspections.*

Miscellaneous Plan Review Fees

<i>Additional fee for reviews of multiple plan or equipment revisions.</i>	<i>\$/15 minute increments</i>
<i>Additional fee for multiple final inspections.</i>	<i>\$/15 minute increments</i>
<i>Special circumstance fee (i.e. phased opening inspections)</i>	<i>\$/15 minute increments</i>
<i>Plan Review fee for Special Processes with HACCP Plan</i>	<i>\$/15 minute increments</i>
Equipment specification sheet review to replace an existing equipment item	No charge

Enforcement Fees and Mileage Expenses for "Re-Inspection Required" and "Closure"

Service	
"Re-inspection Required" inspection <i>including travel</i>	\$ 25/hour excludes travel
Follow-up re-inspection after "Re-inspection Required" inspection <i>including travel</i>	\$ 25/hour excludes travel
Office or field consultation	No Charge
Office hearing	\$/15 minute increments
Administrative hearing	No Charge
Mileage expenses	IRS Standard Mileage Rate

- Office or field consultation is a visit to discuss the inspection, the violations, and violation corrections.
- Office hearing is a health officer requested appointment to determine appropriate corrective actions required by the owner or operator. Minimum time is 15 minutes; additional time is in 15 minute increments.

Special Services Related to Enforcement

Operating without a health permit	\$
Re-instatement of suspended permit	\$ 50
Late payment: <i>within five CUPHD business days</i>	\$ 25
Late payment: <i>each CUPHD business day after five CUPHD business days</i>	\$/per day
Returned check handling charge (NSF)	\$ 25
Failure to make change of ownership application in advance	\$
Follow-up visits after initial verification of MVCF correction	\$

Other Fees

Health permit (replacement copy)	\$ 5
Inspection Notice (replacement copy) (CU Only)	\$
Food Code book (replacement paper copy)	\$ 8
Cottage Food Operation registration	\$
Farmers Market Sampling registration	\$
City Food Licensing (C-U only)	\$
Variance Request	\$/15 minute increments

Temporary Food Service Permit

One day	\$ 50
Two to fourteen consecutive days	\$ 75
Late payment: application submitted less than 72 hours prior to the day of event	\$ 25

Potable Water Supply

Water Wells

Construction permit fee (determined by code)	\$ 100
Construction inspection fee	\$ 100
<i>Commencing water well construction without a construction permit</i>	\$
Variance request	\$ 200
Standard water sample testing for a non-public health reason	\$ 49
Water sample re-testing for coliforms only for a non-public health reason	\$ 49
Water well sealing permit + inspection	No Charge
<i>Water well construction code book</i>	\$ 8
Consultation: on-site or office visit for construction permit or valid public health reason	No Charge

Closed Loop Well

Construction Permit Application for bore holes 1-10 + inspection (by statute)	\$ 100
Additional bore holes in increments of 10 (by statute)	\$ 10
<i>Construction surcharge for bore holes 1-10</i>	\$
<i>Additional surcharge for bore holes in increments of 10</i>	\$
<i>Commencing closed loop well bore holes construction without a construction permit</i>	\$
Variance request	\$
<i>Water well construction code book</i>	\$ 8
Consultation: on-site or office visit for construction permit	No Charge

Private Sewage Disposal Program

Construction permit for residential building	\$ 150
Septic system inspection fee for residential building ¹	\$ 50
Construction permit for non-residential building	\$ 150 ²
Septic System inspection fee for non-residential building ¹	\$ 50 ²
Construction permit surcharge for alternative technology system	\$
Additional inspections	\$ / hour + IRS Standard Mileage Rate
Variance Request	\$ 200
Consultation : on-site or office visit for construction permit	No Charge
Private sewage code book	\$ 8
Subdivision Plat Review for 1- 10 lots	\$ 200
Additional lots	\$15 per lot
Complaint investigation	No Charge

➤ ¹ Includes up to 2 on-site visits/inspections

➤ ² Different amounts for non-residential buildings?

Mitchell Plumbing & General Contracting

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FEB 10 2014

Gary W. Mitchell - Owner
Professional Service, Repairs, and Remodeling
Done Right and On Time.

Champaign-Urbana
Public Health District

Business/Cell: 217-202-5468
411 W. Austin St., P.O.B. 235, Tolono 61880
E-mail: director@illiniheat.com
IL. Plbg. Lic. #058-184458

CUSTOMER NAME DAVIS RENTALS
ADDRESS P.O.B. 436
CITY/ZIP TOLONO, IL. 61880
PHONE NO. 840-5500

INVOICE NO. 4840
TECHNICIAN GARY W. MITCHELL
START DATE 9/27/13
COMPLETION DATE 12/20/13

CASH CHECK

JOB ADDRESS 307 N. LONG ST. JUDYS SWEETS
CITY TOLONO

CONTACT DENNY
PHONE NO. _____

REASON FOR CALL _____

WARRANTY	WORK PERFORMED	AMOUNT DUE
1 YR. (MATERIAL - WORKMANSHIP)	REPLUMBED THE 3 COMPARTMENT SINK BASED ON CHAMPAIGN CO. PUBLIC HEALTH REQUIRING OWNER TO DO SO. STATE INSPECTOR STOPPED IN AT A LATER DATE & TOLD OWNER THAT IT WAS ILLEGAL (JUST AS WE HAD SAID) & TOLD HIM THAT HE HAD TO CHANGE IT BACK. REPLUMBED IT TO ORIGINAL (CORRECT/LEGAL) INSTALLATION.	
	(LABOR)	\$490.00
	(MATERIAL)	\$98.00
	PAID IN FULL	
	Thank you Gary	

The above is based on our inspection and does not cover any additional parts or labor which may be required after the work has been started. Occasionally, worn or damaged parts are discovered which may not be evident on the first inspection. Because of this, the above prices are not guaranteed. Quotations on parts and labor are current and subject to change.

AUTHORIZATION FOR REPAIR. You are hereby authorized to make the above repairs:

CUSTOMER SIGNATURE _____ TECHNICIAN SIGNATURE Gary Mitchell

TOTAL DUE \$ 588.00

ALL PAYMENTS ARE DUE AT TIME OF SERVICE. PLEASE PAY THE TECHNICIAN.

Bottled and packaged potable water shall be obtained from a source that complies with all laws and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container.

Section 750.1030 Water Under Pressure

Water under pressure at the required temperature shall be provided to all fixtures and equipment that use water.

Section 750.1040 Steam

Steam used in contact with food or food-contact surfaces shall be free from any materials or additives other than those specified in 21 CFR 173.310.

Section 750.1050 General – Sewage Disposal

- a) All water-carried sewage shall be disposed of by means of:
 - 1) A public sewage system; or
 - 2) An approved sewage disposal system which is constructed and operated in conformance with applicable State and local laws, ordinances and regulations.
- b) Non-water-carried sewage-disposal facilities shall not be used except where water-carried disposal methods have been determined by the health authority to be impractical. Under such conditions, only facilities which have been approved by the health authority shall be used, and operation of these facilities shall be in conformance with applicable State and local laws, ordinances, and regulations.

→ Section 750.1060 General – Plumbing

All plumbing shall be sized, installed, and maintained in accordance with applicable provisions of the Illinois State Plumbing Code. Local ordinances may be followed when standards are equal to or exceed those contained in the aforementioned Code. There shall be no cross-connection between the safe-water supply and any unsafe or questionable water supply, or any source of pollution through which the safe water supply might become contaminated.

Section 750.1070 Nonpotable System

A nonpotable water system is permitted only for purposes such as air-conditioning and fire protection and only if the system is installed according to law and the nonpotable water does not contact, directly or indirectly, food, potable water, equipment that contacts food or utensils. The piping of any nonpotable water system shall be durably identified so that it is readily distinguishable from piping that carries potable water.

Section 750.1080 Backflow

The potable water system shall be installed to preclude the possibility of backflow. Devices to protect against backflow and backsiphonage shall be installed at all fixtures and equipment where an air gap at least twice the diameter of the water inlet is not provided between the water outlet from the fixture and the fixture's flood-level rim and wherever else backflow or backsiphonage may occur. A hose shall not be attached to a faucet unless a backflow prevention device is installed.

Section 750.1090 Grease Traps

If used, grease traps shall be located so they and their surroundings are accessible for cleaning.

→ Section 750.1100 Drains

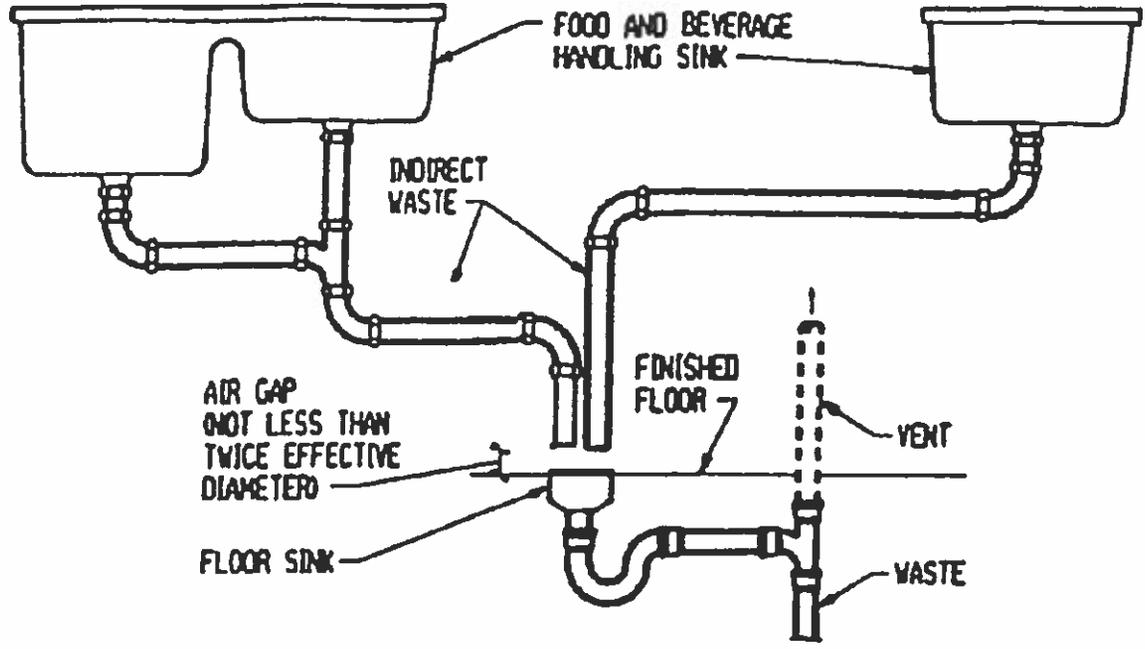
- a) Commercial dishwashing machines, dishwashing, sinks, pot washing sinks, pre-rinse sinks, silverware sinks, bar sinks, soda fountain sinks, vegetable sinks, potato peelers, ice machines, steam tables, steam cookers, and other similar fixtures shall be indirectly connected in compliance with 77 Ill. Adm. Code 890.1410(a). The only exception shall be when such fixtures are located adjacent to a floor drain, the waste may be directly connected on the sewer side of the floor drain trap provided the fixture waste is trapped and vented as required by the Illinois Plumbing Code (77 Ill. Adm Code 890) and the floor drain is located within four feet horizontally of the fixture and in the same room. The indirect piping from the fixture to the air gap shall not exceed five (5) feet developed length. All indirectly connected fixtures shall discharge to a vented trap located in the same room in compliance with 77 Ill. Adm. Code 890.1410(a). In the case of direct connection no other fixture waste shall be connected between the floor drain trap and the fixture protected. Pg. 3
- b) Drain lines from equipment shall not discharge waste water in such a manner as will permit the flooding of floors or the flowing of water across working or walking areas or into difficult-to-clean areas, or otherwise create a nuisance. Pg 4+5

(Source: Amended at 12 Ill. Reg. 17918, effective December 1, 1988)

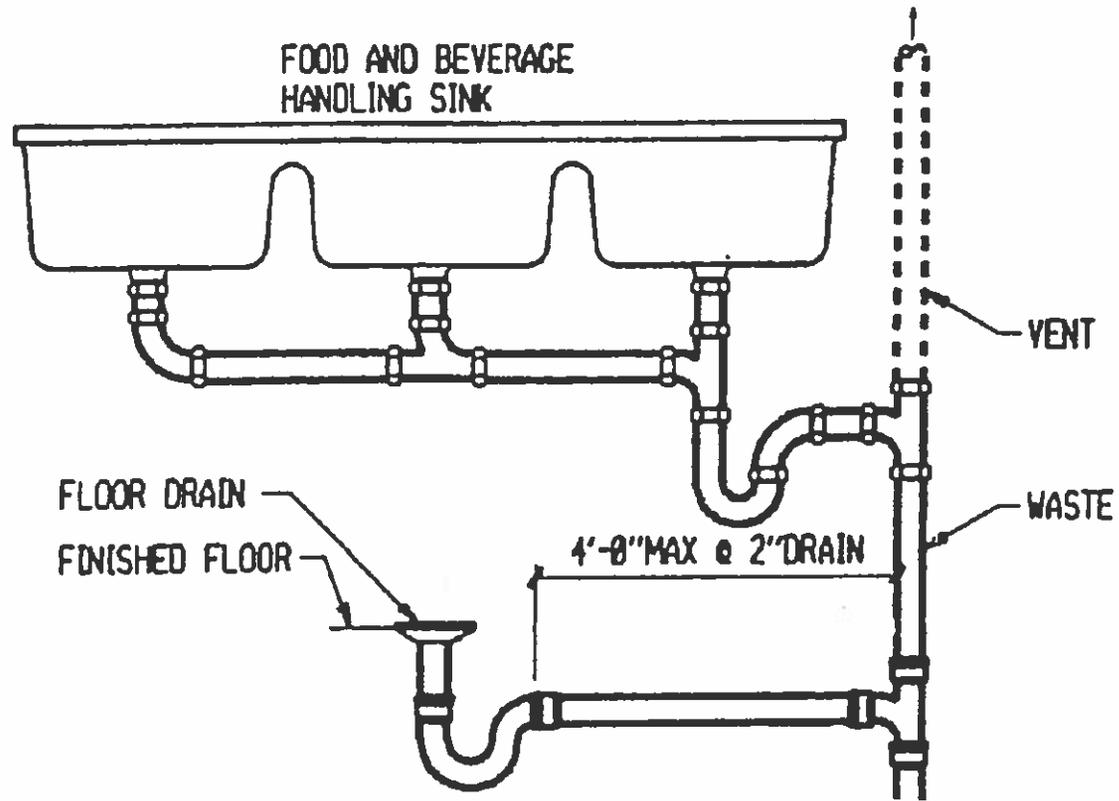
Section 750.1110 General – Toilet Facilities

- a) Toilet facilities for employees shall be provided and installed according to law, shall be conveniently located and shall be accessible to employees at all times. If toilet facilities are provided for the public, they shall meet the requirements of Section 750.1110 and Section 750.1120.
- b) Toilets and urinals shall be designed to be easily cleanable.
- c) Toilet rooms shall be completely enclosed and shall have tightfitting, self-closing

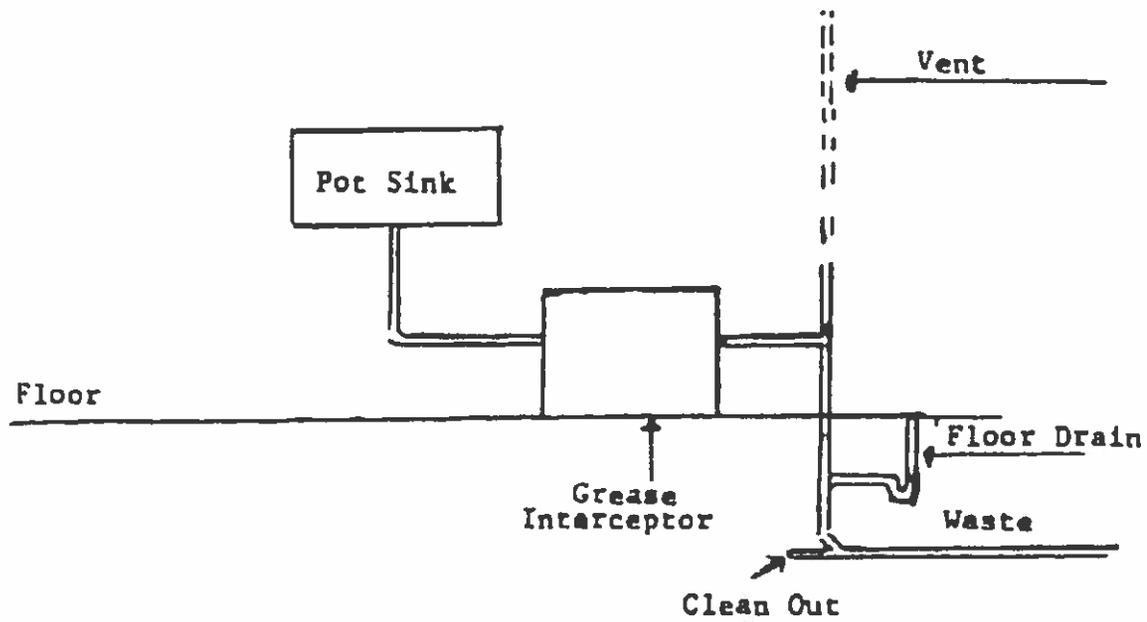
AIR GAP



FLOOR DRAIN PROTECTION



FLOOR DRAIN PROTECTION



6

MESSAGE TO OUR CUSTOMERS - UPDATE ON DATA BREACH

Learn More >



More saving. More doing.

Your Store Champaign #1984 Use Current Location or find store

Tool & Truck Rental Installation Services and Repair Gift Cards Help Cart

Local Ad | Store Finder | Credit Center | Specials & Offers

Shop By Department

Search All What can we help you find?



DIY Projects & Ideas

Sign In or Register Your Account

Home Plumbing Pipes & Fittings PVC Pipe & Fittings Adapter or Coupling

PVC Pipe & Fittings

Filter By:

All Products (251) In Store (146) Champaign #1984 (Change) Sort By Top Sellers

Refinements

Fitting Or Connector Type Adapter Or Coupling

SELECT TO COMPARE SELECT TO COMPARE SELECT TO COMPARE SELECT TO COMPARE

Clear All Refinements

Department

- Plumbing Pipes & Fittings PVC Pipe & Fittings

Fittings (249)

PVC DWV Pipe (3)

Price

\$0.48 / each \$1.23 / each \$1.23 / each \$1.17 / each

Set custom price range

Table with 4 columns: Product Name, Model #, Availability, and Price. Includes items like NIBCO 2 in PVC DWV Hub x Hub Coupling and Mueller Streamline 1-1/2 in PVC DWV Spigot x Slip Joint Trap Adapter.

Show All Price

Brand

- Charlotte Pipe (56) NIBCO (47) DURA (37) Mueller Streamline (25) Femco (22)

Show All Brand

Fitting or Connector Type

- Adapter Or Coupling (252) Bushing (104) Cap (43) Drain (13)

ADD TO CART buttons and CHECK STORE INVENTORY links for each product.

Hand-drawn box containing a 'QUICK VIEW' button and the price '\$1.17 / each' for the first product.

QUICK VIEW \$1.17 / each \$4.98 / each \$4.98 / each \$0.68 / each

Mitchell Plumbing & General Contracting

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FEB 10 2014

Gary W. Mitchell - Owner
Professional Service, Repairs, and Remodeling
Done Right and On Time.

Champaign-Urbana
Public Health District

Business/Cell: 217-202-5468
411 W. Austin St., P.O.B. 235, Tolono 61880
E-mail: director@illiniheat.com
IL. Plbg. Lic. #058-184458

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CASH CHECK

JOB ADDRESS 307 N. LONG ST. JUDYS SWEETS
CITY TOLONO

CONTACT DENNY
PHONE NO. _____

REASON FOR CALL _____

WARRANTY	WORK PERFORMED	AMOUNT DUE
1YR	REPLUMBED THE 3 COMPARTMENT SINK	
(MATERIAL)	BASED ON CHAMPAIGN CO. PUBLIC HEALTH	
REQUIREMENT	REQUIRING OWNER TO DO SO. STATE	
	INSPECTOR STOPPED IN AT A LATER DATE	
	& TOLD OWNER THAT IT WAS ILLEGAL.	
	(JUST AS WE HAD SAID) & TOLD HIM	
	THAT HE HAD TO CHANGE IT BACK.	
	REPLUMBED IT TO ORIGINAL (CORRECT/	
	LEGAL) INSTALLATION.	
	(LABOR)	\$490.00
	(MATERIAL)	\$98.00
	PAID IN FULL	
	Thank you Dan	
	()	

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CUSTOMER SIGNATURE _____

TECHNICIAN SIGNATURE [Signature]

ALL PAYMENTS ARE DUE AT TIME OF SERVICE. PLEASE PAY THE TECHNICIAN.

TOTAL DUE \$ 588.00



JM eagle 1-1/2 in. x 10 ft. PVC Sch. 40 DWV Plain End Pipe

Model # 1727 Internet # 203308693 Store 60 SKU # 100573648



0 Reviews

\$3.82 / each

Bulk Price Discount Available

51 in Stock at Champaign #1984
(change pick up store)

Product Sold In Store Only

Description
Use JM eagle 1-1/2 in. x 10 ft. PVC Sch. 40 DWV Plain End Pipe to help you complete the installation of your above ground DWV piping system. Drain-Waste-Vent (or DWV) pipe is part of a system that removes sewage and gray water from a building and regulates air pressure in the waste-system pipe. Back-siphon flow

Quantity 1

Item must be picked up in store

Pick Up Today
FREE

51 in stock at Champaign #1984
(change pick up store)

ADD TO CART

SAVE TO MY LIST

[View full product details](#)

Charlotte Pipe 1-1/2 in. PVC Sch. 40 S x S Coupling-PVC021001400HD - The Home De... ~~Page 1 of 2~~



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Your Store **Champaign #1984**
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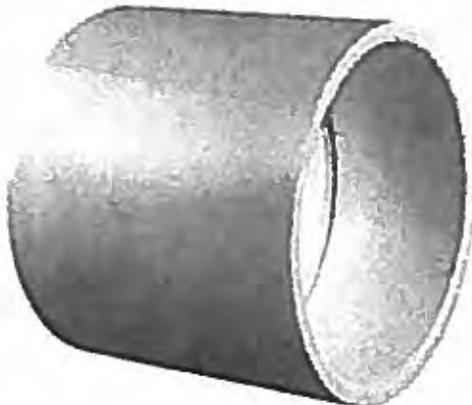
[Tool & Truck Rental](#) [Installation Services and Repair](#) [Gift Cards](#) [Help](#)

Charlotte Pipe Model # PVC021001400HD Internet # 201511389 Store SKU # 2033997

1-1/2 in. PVC Sch. 40 S x S Coupling

Write the First Review

\$0.80 / each



9



More saving. More doing.

Your Store Champaign #1984 Use Current Location or find store

Tool & Truck Rental Installation Services and Repair Gift Cards Help

Oatey Model # 302483 Internet # 100151579 Store SKU # 462620

8 oz. PVC Handy Pack Purple Primer and Solvent Cement

★★★★ (9) Customer Images (1) Write a Review

\$7.27 / each



MORE IN THIS COLLECTION FROM OATEY (4)

YOUR CURRENT PRODUCT

1 of 2



\$7.27 / each

Oatey 8 oz. PVC Handy Pack Purple Primer and

(9)

Item Selected



\$9.77 / each

Oatey 16 oz. PVC Purple Primer

Select This Item



\$5.37 / each

Oatey 8 oz. PVC and CPVC Purple Primer

Select This Item



\$14.81 / each

32 oz. PVC Purple Primer

Select This Item

1 Item(s) Selected

ADD ITEMS TO CART

COORDINATING ITEMS (14)

PRODUCT OVERVIEW Model # 302483 Internet # 100151579 Store SKU # 462620 Store SO SKU # 125190

The Oatey 8 oz. Handy Pack Purple Primer and Solvent Cement contains code-listed primer and solvent cement needed for solvent-welding PVC pipe and fittings. Can be used with up to 4 in. diameter piping. Convenient Handy Pack for storage - just add pipe and fittings.

- Designed for use with PVC pipe and fittings
- Primer pre-softens pipe and fitting surfaces
- Solvent cement bonds pipe and fittings
- Recommended for use in non-pressure pipe systems

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Champaign County Prevailing Wage for December 2013

(See explanation of column headings at bottom of wages)

Trade Name	RG	TYP	C	Base	FRMAN	M-F>8	OSA	OSH	H/W	Pensn	Vac	Trng
ASBESTOS ABT-GEN		BLD		30.630	31.880	1.5	1.5	2.0	6.300	10.49	0.000	0.900
ASBESTOS ABT-MEC		BLD		20.450	21.450	1.5	1.5	2.0	6.250	5.000	0.000	0.000
BOILERMAKER		BLD		36.000	39.000	2.0	2.0	2.0	7.070	14.69	0.000	0.350
BRICK MASON		BLD		31.320	32.820	1.5	1.5	2.0	7.100	10.68	0.000	0.630
CARPENTER		BLD		33.000	35.250	1.5	1.5	2.0	7.700	10.25	0.000	0.520
CARPENTER		HWY		33.500	35.250	1.5	1.5	2.0	7.700	10.25	0.000	0.520
CEMENT MASON		BLD		30.410	32.160	1.5	1.5	2.0	7.100	8.500	0.000	0.500
CEMENT MASON		HWY		31.040	32.540	1.5	1.5	2.0	7.100	8.560	0.000	0.500
CERAMIC TILE FNShR		BLD		28.830	0.000	1.5	1.5	2.0	7.100	8.200	0.000	0.000
ELECTRIC PWR EQMT OP		ALL		35.440	0.000	1.5	1.5	2.0	5.000	10.98	0.000	0.270
ELECTRIC PWR GRNDMAN		ALL		24.320	0.000	1.5	1.5	2.0	5.000	7.540	0.000	0.180
ELECTRIC PWR LINEMAN		ALL		39.370	41.910	1.5	1.5	2.0	5.000	12.20	0.000	0.300
ELECTRIC PWR TRK DRV		ALL		25.510	0.000	1.5	1.5	2.0	5.000	7.920	0.000	0.190
ELECTRICIAN		BLD		37.090	39.090	1.5	1.5	2.0	5.600	8.240	0.000	0.550
ELECTRONIC SYS TECH		BLD		30.830	32.580	1.5	1.5	2.0	5.600	7.570	0.000	0.400
ELEVATOR CONSTRUCTOR		BLD		40.520	45.585	2.0	2.0	2.0	11.88	12.71	3.240	0.600
FENCE ERECTOR		ALL		31.610	33.510	1.5	1.5	2.0	8.840	9.020	0.000	0.900
GLAZIER		BLD		31.030	33.030	1.5	2.0	2.0	7.050	8.400	0.000	0.430
HT/FROST INSULATOR		BLD		31.230	32.230	1.5	1.5	2.0	5.790	9.410	0.000	0.250
IRON WORKER		ALL		31.610	33.510	1.5	1.5	2.0	8.840	9.020	0.000	0.900
LABORER		BLD		28.630	29.880	1.5	1.5	2.0	6.300	10.49	0.000	0.800
LABORER		HWY		29.700	30.700	1.5	1.5	2.0	6.300	10.59	0.000	0.800
LATHER		BLD		33.000	35.250	1.5	1.5	2.0	7.700	10.25	0.000	0.520
MACHINIST		BLD		43.920	46.420	1.5	1.5	2.0	6.760	8.950	1.850	0.000
MARBLE FINISHERS		BLD		28.830	0.000	1.5	1.5	2.0	7.100	8.200	0.000	0.000
MARBLE MASON		BLD		30.330	0.000	1.5	1.5	2.0	7.100	8.200	0.000	0.000
MILLWRIGHT		BLD		29.620	31.870	1.5	1.5	2.0	7.700	14.09	0.000	0.520
MILLWRIGHT		HWY		31.400	33.150	1.5	1.5	2.0	7.700	14.74	0.000	0.520
OPERATING ENGINEER		ALL	1	36.950	0.000	1.5	1.5	2.0	7.250	8.700	0.000	0.800
OPERATING ENGINEER		ALL	2	23.900	0.000	1.5	1.5	2.0	7.250	8.700	0.000	0.800
PAINTER		ALL		33.560	35.060	1.5	1.5	2.0	7.100	4.480	0.000	0.600
PAINTER SIGNS		ALL		33.560	35.060	1.5	1.5	2.0	7.100	4.480	0.000	0.600
PILEDRIVER		BLD		33.500	35.750	1.5	1.5	2.0	7.700	10.25	0.000	0.520
PILEDRIVER		HWY		34.500	36.250	1.5	1.5	2.0	7.700	10.25	0.000	0.520
PIPEFITTER		BLD		38.140	40.640	1.5	1.5	2.0	7.000	11.45	0.000	0.990
PLASTERER		BLD		30.500	32.500	1.5	1.5	2.0	7.100	10.27	0.000	0.500
PLUMBER		BLD		38.140	40.640	1.5	1.5	2.0	7.000	11.45	0.000	0.990
ROOFER		BLD		29.150	30.650	1.5	1.5	2.0	9.250	8.400	0.000	0.200
SHEETMETAL WORKER		BLD		34.560	36.560	1.5	1.5	2.0	8.400	12.50	0.000	0.520
SPRINKLER FITTER		BLD		37.120	39.870	1.5	1.5	2.0	8.420	8.500	0.000	0.350
STONE MASON		BLD		31.320	32.820	1.5	1.5	2.0	7.100	10.68	0.000	0.630
SURVEY WORKER		ALL		29.700	30.700	1.5	1.5	2.0	6.300	10.59	0.000	0.800
TERRAZZO FINISHER		BLD		28.830	0.000	1.5	1.5	2.0	7.100	8.200	0.000	0.000
TERRAZZO MASON		BLD		30.330	0.000	1.5	1.5	2.0	7.100	8.200	0.000	0.000
TILE MASON		BLD		30.330	0.000	1.5	1.5	2.0	7.100	8.200	0.000	0.000
TRUCK DRIVER		ALL	1	31.230	0.000	1.5	1.5	2.0	10.30	4.840	0.000	0.250
TRUCK DRIVER		ALL	2	31.680	0.000	1.5	1.5	2.0	10.30	4.840	0.000	0.250
TRUCK DRIVER		ALL	3	31.890	0.000	1.5	1.5	2.0	10.30	4.840	0.000	0.250
TRUCK DRIVER		ALL	4	32.180	0.000	1.5	1.5	2.0	10.30	4.840	0.000	0.250
TRUCK DRIVER		ALL	5	33.020	0.000	1.5	1.5	2.0	10.30	4.840	0.000	0.250
TRUCK DRIVER		O&C	1	24.980	0.000	1.5	1.5	2.0	10.30	4.840	0.000	0.250
TRUCK DRIVER		O&C	2	25.340	0.000	1.5	1.5	2.0	10.30	4.840	0.000	0.250
TRUCK DRIVER		O&C	3	25.510	0.000	1.5	1.5	2.0	10.30	4.840	0.000	0.250



Public Health
Prevent. Promote. Protect.
Champaign County Public
Health Department

**Champaign County Board of
Health Bylaws**

The Champaign County Board of Health was created by Referendum in 1996 as set forth under Illinois law "An Act in Relation to the Establishment and Maintenance of County and Multiple County Health Departments", 55 ILCS 5/5-25001 et seq.

The mission of the Champaign County Public Health Department is to promote health, prevent disease, and lessen the impact of illness through the effective use of community-wide resources.

**ARTICLE I
NAME**

The name of the governing body shall be the Champaign County Board of Health. The term "Board" shall be used in this document to mean and be applicable to the Board of Health.

**ARTICLE II
PURPOSE**

The purpose of the Champaign County Health Department is to fulfill the public interest in assuring conditions conducive to good health and providing leadership in promoting and protecting the health of county residents. The Department shall carry out its mission through:

1. assessment and analysis of health conditions;
2. development of local health policies;
3. prevention and control of disease through health promotion, early intervention and health protection;
4. where applicable, enforcement of state laws and local ordinances pertaining to health;
5. Assurance of access to personal health care services;

6. minimizing the adverse impact of diseases and disabilities;
7. conducting programs in accordance with Illinois Department of Public Health certification standards for local health departments; and,
8. Coordination and planning with other entities for a comprehensive community health system.

ARTICLE III MEMBERS

1. Appointments to the Board are made by the Chair of the County Board with the approval of the County Board.
2. The Board of Health may make recommendations for appointments to the Chair of the County Board.
3. The Board shall be a nine-person Board, with at least two members being physicians licensed in Illinois to practice medicine, with at least one member to be a dentist, and with one member to be member of the Champaign County Board.
4. All members of the Board shall be chosen for their special qualifications for membership on the Board in conformance with the County Health Department Act, 55 ILCS 5/5-25012 et seq.
5. If an agenda item comes before the Board as to which a Board member has a conflict of interest, the Board member shall state that they have a conflict of interest, the nature of the conflict of interest, and shall thereafter abstain from any discussion as to the agenda item, and shall not vote on the agenda item.
6. The Chair of the County Board, with the approval of the County Board, may remove any member for neglect of duty. It shall be prima-facie neglect of duty for any member of the Board of Health to fail to attend three consecutive meetings during the course of their term, unless the Chair of the Board of Health has excused the absences.

ARTICLE IV TERMS OF MEMBERSHIP

1. Terms of Board members are for a three-year term, with the exception of the County Board member, whose appointment is for two years at the time of County Board reorganization.
2. Terms shall be staggered such that the terms of no more than three members shall expire in a given year. Members of the board may succeed themselves.

3. Except for the County Board member, each term shall commence on July 1. All Board members, including the County Board member so long as that individual continues to be on the County Board, shall continue to serve until they have been replaced.
4. Vacancies shall be filled by appointment of the Chair of the County Board, with approval of the County Board, with the appointees to serve the remainder of the unexpired term.

ARTICLE V OFFICERS

1. The officers of the Board shall be President, Vice-President, and Secretary/Treasurer. These officers shall be elected annually at the June meeting by this Board and serve a term of one year.
2. In the absence of the President, Vice-President, and Secretary/Treasurer, the Board member in attendance with the longest membership tenure shall preside over meetings.
3. All officers shall serve a one year term or until a successor is elected. Officers shall take office upon their election. No member shall hold more than one office at a time.
4. To insure continuity of offices, each officer shall retain his or her office until his or her term of appointment to the Board of Health ends, or the new officer's term commences, whichever is of a lesser duration. In the event that an office becomes vacant before a regularly scheduled election, the Board shall fill the vacancy at its next regular meeting. The elected officer shall serve the remainder of the term until the annual election of officers.
5. The duties of the officers of the Board shall be those, which are customary for such officers, as defined in Roberts Rules of Order, and any other duties and conditions as shall be set forth in these bylaws.
 - A. The President:
 1. Shall preside at all meetings of the County Board of Health.
 2. Shall have the usual powers and duties customarily vested in the office of a Board President.
 3. May appoint such committees from the Board as are appropriate for the conduct of Board business.
 4. Shall serve as an ex-officio member of all committees.
 5. Shall be responsible for the enforcement of the Board's Bylaws, rules

and regulations.

6. Shall serve as the official spokesperson for the Board.
7. Shall have the authority to call a special meeting.

B. The Vice-President:

1. Shall perform the duties of the President in the absence of the President.
2. Shall preside at all meetings of the Board of Health in which the President is absent.

C. The Secretary/Treasurer:

1. Shall be responsible for the minutes and records of the meeting.
2. Shall perform all other duties of the President in the absence of the President and the Vice-President.
3. Shall preside at all meetings of the Board of Health in which the President and Vice-President are absent.
4. Shall keep a full and accurate account of all receipts and disbursements.

**ARTICLE VI
MEETINGS**

1. The Board shall hold meetings at least four times per year, with the calendar of meetings to be determined by the Board. The Board shall not hold a meeting in the month of December in any year unless specifically approved by the Board. A majority vote by the Board may change the meeting date.
2. Special meetings may be called by the President, or upon a written request signed by three members of the Board and filed with the Secretary, or by request of the Public Health Administrator.
3. All Board members must be notified of Board meeting dates in writing or electronically at least 7 days in advance of any regular meeting. All Board members must be notified of special Board meeting dates in writing or electronically at least 48 hours in advance of any special Board meeting.
4. All Board members must be sent a copy of the Board meeting agenda and accompanying documents in writing or electronically at least 7 days in advance of a regular meeting. All Board members must be sent a copy of the special Board meeting agenda and accompanying documents in writing or electronically at least 48 hours in advance of any special Board meeting.

5. Anyone wishing to address the Board during a meeting shall be allowed to do so during the public participation item on the Board's agenda. The Board may set a time limit for such participation.
6. The latest edition of Robert's Rules of Order shall govern any rules of parliamentary procedure in all cases to which they are applicable and not inconsistent with these Bylaws.
7. All questions before the Board, with the exception of Bylaws changes, shall be decided by a simple majority vote of all members present; however, no action of the Board shall take effect unless a quorum of the Board members is present. A quorum shall be defined as a majority of the Board members. A member who is present but abstaining from a vote shall count toward a quorum.

Further Resolved: Unless duly modified by the Board, regular meetings of the Board shall be scheduled for the months of March, June, August and November of each year.

ARTICLE VII COMMITTEES

The Board will organize two standing committees. The Executive Committee is comprised of the three officers and is chaired by the President. The Budget Committee consists of the Treasurer, who chairs the committee, and at least one other member of the Board nominated by the President and approved by the Board.

The Board may organize special committees from time to time. Their membership will consist of members nominated and approved by the Board. Special committees may include citizen representatives from the county.

ARTICLE VIII DUTIES OF BOARD

1. The Board shall, according to the requirements of the County Health Department Act, 55 ILCS 5/5-25001 et seq, within the professional and technical competence of its staff and the number of staff employed, enforce all state laws pertaining to the preservation of health, and all County Ordinances and Resolutions and shall enforce all rules and regulations promulgated by the Illinois Department of Public Health, except as otherwise provided in the County Health Department Act.
2. The Board shall consider the public health needs of the community and shall, according to the requirements of the County Health Department Act, recommend to the Champaign County Board the enactment of such ordinances and rules and regulations as may be necessary or desirable for protection of the health of Champaign County citizens and the control of disease in Champaign County.
3. The Board shall appoint a Public Health Administrator as the chief executive officer of the Health Department. If the Administrator of the

County Health Department is not a physician licensed in Illinois to practice medicine; the Board shall select a physician licensed in Illinois to practice medicine to serve as Medical Advisor. The Medical Advisor's duties shall include signing standing orders and being available to provide medical supervision and recommendations to professional staff. The Medical Advisor may be compensated for his or her services.

4. The Board shall employ a staff, selected by the chief executive officer, adequately qualified to carry out the department program and which shall meet "The Minimum Qualifications for Personnel Employed By Local Health Departments As Established By The Illinois Department of Public Health", and shall adopt personnel policies, which shall be kept in writing and made available to employees.
5. The Board may on an annual basis evaluate the performance of the chief executive officer.
6. The Board may enter into contractual agreements for the provision of program services approved by the Board, and shall on an annual basis evaluate any program service for which it has contracted.
7. The Board shall provide for, or request, adequate financing for the Health Department, and shall adopt fiscal policies which shall be in writing.
8. The Board may enter into contractual agreements for the provision of program services approved by the Board with official or non-official agencies, or individuals, and shall on an annual basis evaluate any program service for which it has contracted.
9. The Board may adopt a resolution permitting the charging and collection of fees as may be deemed necessary to finance selected health services. The Board of Health is specifically authorized to set fees pursuant to 55 ILCS 5/5-2501, and these fees do not have to be approved by the County Board. The Board of Health has only to report on the fees actually collected to the County Board.
10. The Board shall provide, equip, and maintain suitable offices, facilities, and appliances for the health department.
11. Within its jurisdiction, and professional and technical competence, the Board shall:
 - a. Make all necessary sanitary and health investigations and inspections.
 - b. Investigate the existence of any contagious or infectious disease and adopt measures, not inconsistent with the regulations of the State Department of Public Health, to arrest its progress.
 - c. Enforce and observe all State laws pertaining to the preservation of

health and all county ordinances except as otherwise provided in these Bylaws.

- d. Upon request, give professional advice and information to all villages, incorporated towns, and rural school authorities, within its jurisdiction, in all matters pertaining to sanitation and public health.
- 12. Prescribe the powers and duties of all officers and employees, fix their compensation, and authorize payment of the same and all other department expense from the County Health Fund of Champaign County.
- 13. Receive contributions of real and personal property.
- 14. Consult with all other private and public health agencies in the county as to the development of local plans for the most efficient delivery of health services.

**ARTICLE IX
FISCAL YEAR**

The fiscal year of the Board shall commence December 1st of each year.

**ARTICLE X
BUDGET AND DISBURSEMENTS**

- 1. The Board shall require staff to prepare budgets on or before its August board meeting of each year for Board approval, which will then be presented to the Champaign County Board for the succeeding fiscal year for approval.
- 2. The Board shall periodically review the fiscal status of the Health Department and shall act upon all bills presented since the last meeting. The approval of these bills shall be by majority vote.
- 3. The Board shall periodically review salary information related to staff as outlined in the personnel policies and the Health Department Act.

**ARTICLE XI
AUDIT**

The Board shall cause an audit to be made of the Health Department accounts. The audit may consist of the County Treasurer's annual audit of all accounts, or in the alternative, an audit by a certified auditor.

**ARTICLE XII
ACCOUNTS**

The Board shall keep a record in the Health Department headquarters of all receipts and disbursements. This record shall be compared monthly or by pay period with the records of the County Treasurer and Auditor.

**ARTICLE XIII
ANNUAL REPORT**

The Board shall publish, within 90 days after November 30th of each year, an annual report detailing the Health Department activities, revenue, and expenditures for the past year. This report shall be in pamphlet form as required by law, shall be distributed and made available to members of the Champaign County Board as well as the general public.

**ARTICLE XIV
COMPENSATION FOR MEMBERS OF THE BOARD**

Board of Health members may receive mileage reimbursements to attend Board meetings and committee meetings, consistent with the practices of the Champaign County Board. Mileage is to be paid at the rate established by the applicable regulations of the Internal Revenue Service.

Board of Health members may be paid mileage payments and actual expenses incurred to attend meetings of the Illinois Association of Boards of Health, or other meetings as designated by the Board of Health, with such expenses to be approved by the Board prior to being incurred. Reasonable expenses shall be defined to include: taxicab fares, parking fees, registration fees, and car rentals when appropriate, lodging, and meal expenses not to exceed the maximum per diem allowed by the County Board. Alcoholic beverages are excluded from reimbursement.

**ARTICLE XV
PROPERTY OF THE BOARD**

1. The Board shall require the Public Health Administrator to keep an accurate inventory of all property of the Department.
2. The Board shall cause all the property of the Department to be adequately protected by insurance.
3. The Board may require that property of the Department destroyed or damaged by carelessness of any employee, be replaced at the expense of the employee should circumstances justify such action.
4. The Board is authorized to lease or to acquire by purchase, construction, lease-purchase agreement or otherwise and take title in its name and to

borrow money, issue debt instruments, mortgages, purchase money mortgages and other security instruments, maintain, repair, remodel or improve such real estate as may be reasonably necessary for the housing and proper functioning of the health department.

ARTICLE XVI AMENDMENTS TO THE BYLAWS

Members of the Board may amend these bylaws by a vote of two-thirds of the members of the Board during an official meeting, provided that a written copy of the proposed changes is sent to each Board member at least two weeks before the meeting at which the Bylaws are to be amended.

ARTICLE XVII ETHICS

1. No member of the Board shall accept any gift based upon any understanding, either explicitly or implicit, that a judgment or decision would be influenced or in return for advice or assistance on any matter concerning the operation of business of the Department.
2. No member may vote on an issue where he or she has taken or received, or offered to take or receive, directly or indirectly, any money or other thing of value as a gift or bribe as a means of influencing his or her vote or action in his or her official capacity.
3. No member of the Board shall disclose confidential information or use confidential information gained in the course of his or her position for financial gain.
4. No member of the Board shall engage in or permit unauthorized use of department owned property, equipment, supplies, or personnel.
5. No member of the Board shall take any action that shall constitute a conflict of interest as defined in Article III, Paragraph 5 of these Bylaws.