

Jackson County
2018 Ordinances

<u>ORDINANCES</u>	
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3	An Ordinance Providing for and Making the Annual Tax Levy for Jackson County, Illinois for the Year December 1, 2018 through November 30, 2019
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5	Establishing an Enterprise Zone in Jackson County
6	To Authorize Jackson County, Illinois, to Enter into an Intergovernmental Agreement by and among the city of Carbondale, Illinois, the city of Murphysboro, Illinois, and Jackson County, Illinois
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JACKSON COUNTY ORDINANCE NO. 2018-01

**An Ordinance Transferring Duties and Responsibilities of the Cable TV Commission to the
Legislative & Public Safety Committee of the Jackson County Board**

WHEREAS, Jackson County (the "County") has the authority to adopt ordinances and promulgate rules and regulations that protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Ordinance is adopted pursuant to the provisions of the Illinois Cable and Video Competition Law 2007, Public Act 95-0009 (the "Act"); and

WHEREAS, the county no longer has a contract or regulation with any Cable TV provider; and

WHEREAS, this Ordinance shall transfer the duties and responsibilities established in Jackson County Ordinance No. 91-1, Article VII, Section 21 to the Legislative & Public Safety Committee of the Jackson County Board.

Now, therefore, be it ordained by the Jackson County Board of Jackson County, Illinois as follows:

Section 1. The ordinance is approved and the Legislative & Public Safety Committee has all duties and responsibilities relating to Cable TV in Jackson County.

Section 2. The Legislative & Public Safety Committee and the Jackson County Board of Jackson County, Illinois is hereby authorized to do any all things reasonable, necessary and proper to carry out the intent and purposes of Jackson County Ordinance No. 91-1

Section 3. This ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

This Ordinance adopted at a regular meeting of the Jackson County Board of Jackson County, Illinois, on the 22 day of May, 2018.

Approved: _____

John S. Rendleman, Chairman

Attest: _____

Larry W. Reinhardt, County Clerk

SEAL

**AN ORDINANCE FOR THE ESTABLISHMENT
OF AN ALTERED SPEED ZONE**

2018 - 02

IT IS HEREBY DECLARED by the Board of Jackson County, Illinois, that the basic statutory vehicular speed limits established by Section 11-601 of the Illinois Vehicle Code are more than that considered reasonable and proper on the highway listed below for which Carbondale Township has maintenance responsibility and which is not under the jurisdiction of the Department of Transportation, State of Illinois.

BE IT FURTHER DECLARED that this Board has caused to be made an engineering and traffic investigation upon the highway listed below; and,

BE IT FURTHER DECLARED that, by virtue of Section 11-604 of the above Code, this Board determines and declares that reasonable and proper maximum speed limit on Wood Road as listed below shall be 35 m.p.h.

A 35 mile per hour speed limit beginning at Lake Road and extending southerly to Old route 13 for a distance of approximately 1.0 mile.

BE IT FURTHER DECLARED that signs be erected giving notice thereof in conformance with the standards and specifications contained in the Manual on Uniform Traffic Control Devices.

BE IT FURTHER DECLARED that this ordinance shall take effect immediately after the erection of said signs giving notice of the maximum speed limit.

I, Larry Reinhardt, County Clerk in and for Jackson County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect, and complete copy of an ordinance adopted by the Board of Jackson County at its regular meeting held at Murphysboro on May 22, 2018.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County this 22nd day of May, 2018



Larry Reinhardt, County Clerk

SEAL

ORDINANCE 18-3

**AN ORDINANCE PROVIDING FOR AND MAKING THE ANNUAL TAX LEVY FOR
JACKSON COUNTY, ILLINOIS FOR THE YEAR DECEMBER 1, 2018
THROUGH NOVEMBER 30, 2019**

WHEREAS, the Jackson County Board is authorized and required by law to levy and collect taxes annually for various purposes; and

WHEREAS, the Jackson County Board has heretofore adopted a budget for the fiscal year beginning December 1, 2018 and ending November 30, 2019;

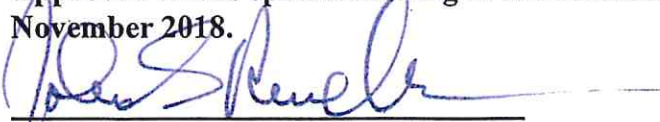
NOW, THEREFORE, BE IT ORDAINED BY THE JACKSON COUNTY BOARD, THAT THE SUM OF \$13,164,385.00 is hereby levied upon all taxable property in Jackson County, Illinois, as equalized or assessed by the Department of Revenue, for the purpose of meeting and defraying the necessary expenses and liabilities as set forth in the aforesaid annual budget and the budgets of the County agencies referred to herein. The following levies are hereby made and adopted:

- 1. The sum of \$ 6,990,632.00 is levied pursuant to 55 ILCS 5/5 - 1024, for general corporate purposes;**
- 2. The sum of \$ 630,717.00 is levied pursuant to 55 ILCS 5/5 - 1028, for Ambulance purposes;**
- 3. The sum of \$ 400,000.00 is levied pursuant to 745 ILCS 10/9 - 107, for costs of tort liability protection;**
- 4. The sum of \$ 275,000.00 is levied pursuant to 745 ILCS 10/9 - 107, for costs of insurance contracts for worker's compensation;**
- 5. The sum of \$ 50,000.00 is levied pursuant to 745 ILCS 10/9 -107, to provide for the County's payment and contribution for unemployment insurance;**
- 6. The sum of \$ 1,135,772.00 is levied pursuant to 40 ILCS 5/7 - 171 & 5/7 - 132, for the County's payment and contribution to the Illinois Municipal Retirement Fund (I.M.R.F.);**
- 7. The sum of \$ 850,000.00 is levied pursuant to 40 ILCS 5/21 - 110, 5/21 -110.1, for the County's payment and contribution to the Social Security System;**
- 8. The sum of \$ 739,000.00 is levied pursuant to 55 ILCS 5/5 - 25003, for Public Health purposes;**

9. The sum of \$ 72,500.00 is levied pursuant to 55 ILCS 5/5 - 23029, 23030, 23039, 23040, for the purpose of treating and caring for those affected with Tuberculosis;
10. The sum of \$ 339,998.00 is levied pursuant to 405 ILCS 20/4 - 5, 6, for the operation of the Community Mental Health (708) Board;
11. The sum of \$ 860,031.00 is levied pursuant to 605 ILCS 5/5 - 601, for the County Highway purposes;
12. The sum of \$ 389,300.00 is levied pursuant to 605 ILCS 5/5 - 603, for Federal Aid Matching;
13. The sum of \$ 59,160.00 is levied pursuant to 605 ILCS 5/5 - 602, for the County Bridge Funds;
14. The sum of \$ 69,000.00 is levied pursuant to 55 ILCS 5/5 - 1034, for the purpose of social services for senior citizens;
15. The sum of \$ 120,000.00 is levied pursuant to 505 ILCS 45/8, for support of the Jackson County Cooperative Extension Service.
16. The sum of \$ 183,275.00 is levied pursuant to 55 ILCS 5/5-1012 and 30 ILCS 350/17.5, for the purpose of debt service payments on an indebtedness owed the county on general obligation bonds issued for the purpose of river levee improvements.

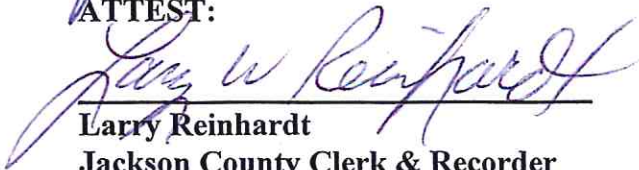
The County Clerk of Jackson County is directed to extend and the Ex-Officio Collector of taxes for Jackson County is directed to collect the foregoing amounts pursuant to law.

Approved at this special meeting of the Jackson County Board on the 20th day of November 2018.



John S. Rendleman, Jackson County Board Chairman

ATTEST:



Larry Reinhardt

Jackson County Clerk & Recorder

**TRUTH IN TAXATION
CERTIFICATE OF COMPLIANCE**

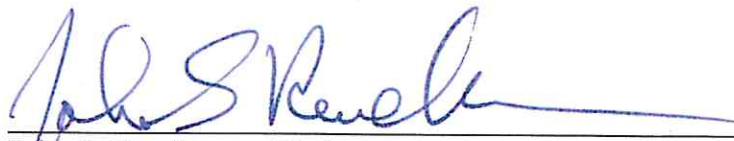
I, the undersigned, hereby certify that I am the presiding officer of the Jackson County Board, and as such presiding officer I certify that the levy ordinance, a copy of which is attached, was adopted pursuant to, and in all respects in compliance with sections 18-60 through 18-85 of the Truth in Taxation law of the State of Illinois.

Notice and hearing requirements of Sections 18-70 through 18-85 of the Truth in Taxation Act are applicable

This certificate applies to the 2018-2019 levy.

Date: November 20, 2018.

Presiding Officer:



John S. Rendleman, Chairman
Jackson County Board

ATTEST:



Larry E. Reinhardt, County Clerk & Recorder

ORDINANCE 2018-04

AN ORDINANCE AMENDING THE JACKSON COUNTY FOOD SERVICE SANITATION ORDINANCE

WHEREAS, there exists a Jackson County Food Service Sanitation Ordinance, as amended, regulating and permitting certain food establishments located in Jackson County, Illinois; and

WHEREAS, commensurate with the authority of the Jackson County Board to adopt certain ordinances regulating and permitting such establishments, from time to time, amendments to the existing ordinance are necessary; and

WHEREAS, the present ordinance is intended to replace the Jackson County Food Service Sanitation Ordinance, and all its amendments; and

WHEREAS, the Illinois Department of Public Health requires that local Health Authorities implement the 2017 FDA Food Code on or before January 1, 2019; and

WHEREAS, the updated Food Code must be adopted by reference in the Jackson County Food Service Sanitation Ordinance; and

WHEREAS, the Health Authority needs the Jackson County Food Service Sanitation Ordinance to accurately reflect current practices and properly reference other State and Federal food safety regulations; and

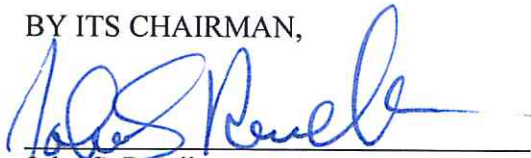
WHEREAS, the present ordinance has been duly approved by the Jackson County Board of Health.

THEREFORE, THE JACKSON COUNTY BOARD ORDAINS AND ADOPTS THE FOLLOWING:

1. The present ordinance shall replace the existing Jackson County Food Service Sanitation Ordinance, as amended, in its entirety; further
2. The present ordinance shall in no way be construed to repeal or alter, other than as stated in the present ordinance, any other provisions of the Food Service Sanitation Ordinance. The terms and conditions under which all licenses, conditions, legal rights, and privileges that were approved and conferred prior to adoption of the present ordinance shall be binding and in effect; further
3. The present amending ordinance shall be effective on the first day of the month following its approval by the Jackson County Board; further
4. The Chairman of the County Board shall be authorized to sign this present ordinance.

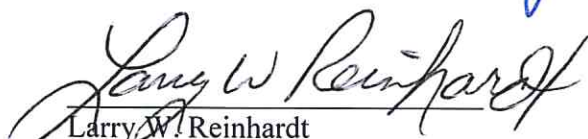
ORDAINED AND ADOPTED BY THE JACKSON COUNTY BOARD AT ITS REGULAR
MONTHLY MEETING THIS 20 DAY OF November, 2018.

BY ITS CHAIRMAN,



John S. Rendleman

ATTEST:



Larry W. Reinhardt
Jackson County Clerk

JACKSON COUNTY FOOD SERVICE SANITATION ORDINANCE

An ordinance defining food, potentially hazardous food, adulterated, misbranded, food service establishments, retail food store, temporary food service establishments, temporary food store, home kitchen operation, cottage food operation, health authority, utensils, equipment, etc.; providing for the sale of unadulterated, wholesome, properly branded food, regulating the sources of food; establishing sanitation standards for food protection, food personnel, food operations, food equipment and utensils, sanitary facilities and controls and other facilities; requiring permits for the inspection of food service establishments and retail food stores, providing for the examination and condemnation of food; providing for the incorporation by reference of the Illinois Food Service Sanitation Code, the Illinois Department of Public Health, Division of Food, Drugs and Dairies Rules and Regulations for food service establishments and retail food stores, and the FDA Food Code; providing for the enforcement of this ordinance and affixing of penalties.

Be it ordained by the County Board of the County of Jackson, State of Illinois as follows:

SECTION A. DEFINITIONS

The following definitions shall apply in the interpretation and the enforcement of this ordinance:

1. **ADULTERATED** shall mean the condition of a food (a) if it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health; (b) if it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation, or in excess of such tolerance if one has been established; (c) if it consists in whole or part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human consumption; (d) if it has been processed, prepared, packed or held under insanitary conditions, whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health; (e) if it is in whole or in part the product of a diseased animal, or an animal which has died otherwise than by slaughter; or (f) if its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.
2. **ADEQUATE** shall mean acceptable or sufficient as determined by the Health Authority.
3. **APPROVED** shall mean acceptable to the Health Authority based on his determination as to conformance with appropriate standards and good public health practice.
4. **AUTHORIZED REPRESENTATIVE** shall mean the legally designated Health Authority of the Jackson County Health Department and shall include those persons designated by the Health Authority to enforce the provisions of this ordinance.
5. **BOARD OF HEALTH** shall mean the Jackson County, Illinois, Board of Health or its authorized representative.
6. **CLOSED** shall mean fitted together snugly leaving no openings large enough to permit entrance of vermin.
7. **CORROSION-RESISTANT MATERIALS** shall mean a material which maintains its original surface characteristics under prolonged influence of the food, cleaning compounds and sanitizing solutions which may contact it.
8. **COTTAGE FOOD OPERATION** shall be defined as established in the Food Handling Regulation Enforcement Act (410 ILCS 625).
9. **EASILY CLEANABLE** shall mean readily accessible and of such material and finish, and so fabricated that residue may be completely removed by normal cleaning methods.
10. **EMPLOYEE** shall mean any person working in a food-service establishment or retail food store who transports food or food containers, who engages in food preparation, packaging, or service, or who comes in contact with any food utensils or equipment.
11. **EQUIPMENT** shall mean all stoves, ranges, hoods, meat blocks, meat slicers, saws, scales, meat grinders, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items, other than utensils, used in the operation of a food-service establishment or retail food store.
12. **FLEET** shall mean 2 or more non-fixed retail units where food, intended for human consumption away from premises of such, is sold or offered for sale at retail.

13. **FOOD** shall mean any raw, cooked, or processed edible substance, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
14. **FOOD-CONTACT SURFACES** - shall mean those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces with which food may come in contact and drain back onto surfaces normally in contact with food.
15. **FOOD-PROCESSING ESTABLISHMENT** shall mean a commercial establishment in which food is processed or otherwise prepared and packaged for human consumption.
16. **FOOD-SERVICE ESTABLISHMENT** shall mean any fixed or mobile restaurant; coffee shop; cafeteria; short-order café; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; night club; roadside stand; industrial-feeding establishment; private, public, or nonprofit organization or institution routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; an any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.
17. **HEALTH AUTHORITY** shall mean that person or persons who have been designated by the Board of Health to administer the affairs of the Jackson County Health Department.
18. **HOME KITCHEN OPERATION** shall be defined as established in the Food Handling Regulation Enforcement Act (410 ILCS 625).
19. **KITCHENWARE** shall mean all multi-use utensils other than tableware used in the storage, preparation, conveying, or serving of food.
20. **MISBRANDED** shall mean the presence of any written, printed, or graphic matter, upon or accompanying food or containers of food, which is false or misleading, or which violates any applicable state or local labeling requirements.
21. **MOBILE FOOD-SERVICE ESTABLISHMENT** shall mean any food service establishment capable of being moved from location to location, one without a fixed location.
22. **PERISHABLE FOOD** - shall mean any food or such type or in such condition as may spoil.
23. **PERMANENT FOOD-SERVICE ESTABLISHMENT OR RETAIL FOOD STORE** shall mean any food-service establishment or retail food store which operates at a fixed location for a period of time exceeding 14 days.
24. **PERMIT HOLDER** shall mean an individual, a firm, partnership, company, corporation, trustee, association or public or private entity who is directly or indirectly responsible for the operation of a food-service establishment or retail food store.
25. **PERSON** shall mean an individual, or a firm, partnership, company, corporation, trustee, association, or any public or private entity.
26. **PERSON IN CHARGE** shall mean the individual present at a food service establishment who is responsible for the operation at the time of inspection.

27. **RETAIL FOOD STORE** shall mean retail grocery, meat market, poultry market, fish market, confectionery, nut store, retail bakery, or any other establishment, whether fixed or moveable, where food, intended for human consumption off the premises, is prepared, handled, transported, sold or offered for sale at retail.

28. **SAFE TEMPERATURES** as applied to potentially hazardous food, shall mean temperatures of 41° F. or below, and 135° F, or above. As applied to frozen perishable foods safe temperatures shall be 0°F, or below. Temperatures shall be determined by measurement of the actual product temperature or the ambient air temperature in the storage device.

29. **SANITIZE** shall mean effective bacterial treatment of clean surfaces or equipment and utensils by a process which has been approved by the Health Authority as being effective in destroying micro-organisms, including pathogens.

30. **SEALED** shall mean free of cracks or other openings which permit the entry or passage of moisture.

31. **SEASONAL** shall mean a food service establishment or retail food store that conducts business for longer than two weeks per year, but not year round.

32. **SINGLE SERVICE ARTICLES** shall mean cups, containers, lids, or closures, plates, knives, forks, spoons, stirrers, paddles, straws, place mats, napkins, doilies, wrapping material; and all similar articles which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic, or other readily destructible materials, and which are intended by the manufacturers and generally recognized by the public as for one usage only, then to be discarded.

33. **TABLEWARE** shall mean all multi-use eating and drinking utensils, including flatware (knives, forks, and spoons).

34. **TEMPORARY FOOD-SERVICE ESTABLISHMENT** shall mean any food-service establishment which operates at a fixed location for a temporary period of time not to exceed 2 weeks, in connection with a fair, carnival, circus, public exhibition, or similar transitory gathering.

35. **TEMPORARY RETAIL FOOD STORES** shall mean any retail food store which operates at a fixed location for a temporary period of time not to exceed 2 weeks.

36. **TIME/TEMPERATURE CONTROL FOR SAFETY FOOD (TCS)** shall mean a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.

37. **UTENSILS** shall mean any tableware and kitchenware used in the storage, preparation, conveying, or serving of food.

38. **WHOLESOME** shall mean in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

SECTION B. ADOPTION BY REFERENCE

In addition to those provisions set forth in this present Ordinance, the following provisions, including any future revisions or amendments, are hereby incorporated herein by reference as if part of

the Ordinance:

1. Food Handling Regulation Enforcement Act, 410 ILCS 625.
2. Sanitary Food Preparation Act, 410 ILCS 650.
3. The Illinois Food Service Sanitation Code, 77 IAC Part 750.
4. 2017 FDA Food Code, or most recent version adopted by the Health Authority.

SECTION C. FOOD

1. **FOOD SUPPLIES:** All food in food-service establishments and retail food stores shall be obtained from sources approved or considered satisfactory by the Health Authority. Such food shall be clean, wholesome, free from spoilage, and shall be processed, prepared, handled, transported, and stored in such manner as to be free from adulteration and misbranding and be safe for human consumption. No food which has been processed in a place other than a food processing establishment shall be used or dispensed.

2. **FOOD PROTECTION:** All food, while being stored, prepared, displayed, served, or sold at food-service establishments or retail food stores, or during transportation between such establishments shall be protected from contamination. All perishable food shall be stored at such temperatures as will protect against spoilage. All TCS shall be maintained at safe temperatures (41° F. or below or 135° F. or above), except during necessary periods of preparation and service. Raw fruits and vegetables shall be washed before use. Stuffing, poultry, stuffed meats and poultry, and pork and pork products shall be thoroughly cooked before being served. Individual portions of food once served to the customer shall not be served again; provided, that wrapped food which has not been unwrapped and which is wholesome may be served again.

Only such poisonous and toxic materials as are required to maintain sanitary conditions and for sanitizing purposes may be used or stored in food-service establishments. Poisonous and toxic materials shall be identified, and shall be used only in such manner and under such conditions as will not contaminate food or constitute a hazard to employees or customers.

SECTION D. PERSONNEL

1. **HEALTH AND DISEASE CONTROL:** No person while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection shall work in any area of a food-service establishment or retail food store in any capacity in which there is a likelihood of such a person contaminating food or food-contact surfaces with pathogenic organisms, or transmitting disease to other individuals; and no person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the establishment has reason to suspect that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the Health Authority immediately.

2. **CLEANLINESS:** All employees shall wear outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty. They shall wash their hands thoroughly in an approved hand washing facility before starting work, and as often as may be necessary to remove soil and contamination. No employee shall resume work after visiting the toilet room without first washing his/her hands.

SECTION E. FOOD EQUIPMENT AND UTENSILS

1. **SANITARY DESIGN, CONSTRUCTION AND INSTALLATION OF EQUIPMENT AND UTENSILS:** All equipment and utensils shall be so designed and of such material and workmanship as to be smooth, easily cleanable and durable, and shall be in good repair; and the food-contact surfaces of such equipment and utensils shall, in addition, be easily accessible for cleaning, non-toxic, corrosion resistant and relatively non-absorbent; provided, that, when approved by the Health Authority, exceptions may be made to the above material requirements for equipment such as cutting boards, blocks, and baker=s tables.

All equipment shall be so installed and maintained as to facilitate the cleaning thereof, and of all adjacent areas.

Equipment in use at the time of adoption of this ordinance which does not meet fully the above requirements, may be continued in use if it is in good repair, capable of being maintained in a sanitary condition and the food-contact surfaces are non-toxic.

Single-service articles shall be made from non-toxic materials.

2. **CLEANLINESS OF EQUIPMENT AND UTENSILS:** All eating and drinking utensils shall be thoroughly cleaned and sanitized after each usage.

All kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in the preparation or serving of food or drink and all food storage utensils, shall be thoroughly cleaned after each use. Cooking surfaces of equipment shall be cleaned at least once a day. All utensils and food contact surfaces of equipment used in the preparation, service, display, or storage of TCS shall be thoroughly cleaned and sanitized prior to such use. Non-food contact surfaces of equipment shall be cleaned at such intervals as to keep them in a clean and sanitary condition.

After cleaning and until use, all food-contact surfaces of equipment and utensils shall be so stored and handled as to be protected from contamination.

All single-service articles shall be stored, handled, and dispensed in a sanitary manner, and shall be used only once.

Food-service establishments which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single service articles.

SECTION F. SANITARY FACILITIES AND CONTROLS

1. **WATER SUPPLY:** The water supply shall be adequate, of a safe, sanitary quality and from an approved source. Hot and cold running water, under pressure, shall be provided in all areas where food is prepared, or equipment, utensils, or containers are washed. Permit holders with water from a nonpublic water system shall sample and test their water supply at least annually and as required by state water quality regulations.

Water, if not piped into the establishment, shall be transported and stored in approved containers and shall be handled and dispensed in a sanitary manner.

Ice used for any purpose shall be made from water which comes from an approved source, and shall be used only if it has been manufactured, stored, transported, and handled in a sanitary manner.

2. SEWAGE DISPOSAL: All sewage shall be disposed of in a public sewerage system or, in the absence thereof, in a manner approved by the Health Authority.

3. PLUMBING: Plumbing shall be so sized, installed, and maintained as to carry adequate quantities of water to required locations throughout the establishment; as to prevent contamination of the water supply; as to properly convey sewage and liquid wastes from the establishment to the sewerage or sewage-disposal system; and so that it does not constitute a source of contamination of food, equipment, or utensils, or create an unsanitary condition or nuisance.

4. TOILET FACILITIES: Each food-service establishment shall be provided with adequate, conveniently located toilet facilities for its employees. Toilet fixtures shall be of sanitary design and readily cleanable. Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair.

The doors of all toilet rooms shall be self-closing. Toilet tissue shall be provided. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered. Where the use of non-water carried sewage disposal facilities have been approved by the Health Authority such facilities shall be separate from the establishment. When toilet facilities are provided for patrons, such facilities shall meet the requirements of this subsection.

5. HAND WASHING FACILITIES: Each food-service establishment shall be provided with adequate, conveniently located hand-washing facilities for its employees, including a lavatory or lavatories equipped with hot and cold or tempered running water, hand-cleansing soap or detergent, and approved sanitary towels or other approved hand drying devices. Such facilities shall be kept clean and in good repair.

6. GARBAGE AND RUBBISH DISPOSAL: All garbage and rubbish containing food wastes shall, prior to disposal, be kept in leak-proof, non-absorbent containers which shall be kept covered with tight fitting lids when filled or stored, or not in continuous use; provided, that such containers need not be covered when stored in special vermin-proofed room or enclosure, or in a food-waste refrigerator. All other rubbish shall be stored in containers, rooms or areas in an approved manner. The rooms, enclosures, areas, and containers used shall be adequate for the storage of all food waste and rubbish accumulating on the premises. Adequate cleaning facilities shall be provided, and each container, room, or area shall be thoroughly cleaned after the emptying or removal of garbage and rubbish. Food-waste grinders, if used, shall be installed in compliance with State and local standards and shall be of suitable construction. All garbage and rubbish shall be disposed of with sufficient frequency and in such a manner as to prevent a nuisance.

7. VERMIN CONTROL: Effective measures shall be taken to protect against the entrance into the establishment and the breeding or presence on the premises of vermin.

8. SMOKE FREE FACILITIES: Each food-service establishment and retail food store shall be held responsible for compliance with the Smoke Free Illinois Act (410 ILCS 82/).

9. TEMPORARILY CEASE OPERATIONS: A permit holder shall immediately cease food service operations if any of the following incidents occur which may endanger public health: Fire; Flood; Sewage backup; Misuse of poisonous or toxic materials; Onset of an apparent foodborne illness outbreak; Gross insanitary occurrence or condition; Interruption of electrical service for more than four (4) hours; Interruption of water supply when hand washing and toilet usage can no longer occur.

Following such incidents, permit holders must contact the Health Authority and receive permission before resuming food service operations.

SECTION G. OTHER FACILITIES AND OPERATIONS

1. **FLOORS, WALLS, AND CEILINGS:** The floor surfaces in kitchens, in all other rooms and areas in which food is stored or prepared and in which utensils are washed, and in walk-in refrigerators, dressing or locker rooms, and toilet rooms, shall be of smooth, nonabsorbent materials, and so constructed as to be easily cleanable; provided, that the floors of non-refrigerated, dry food storage areas need not be nonabsorbent. All floors shall be kept clean and in good repair. Floor drains shall be provided in all rooms where floors are subjected to flood-type cleaning or where normal operation release or discharge water or other liquid waste on the floor. All exterior areas where food is served shall be kept clean and properly drained, and surfaces in such areas shall be finished so as to facilitate maintenance and minimize dust.

The walls and ceiling of all rooms shall be kept clean and in good repair. All walls of rooms or areas in which food is prepared, or utensils or hands are washed, shall be easily cleanable, smooth and light-colored, and shall have washable surfaces up to the highest level reached by splash or spray.

2. **LIGHTING:** All areas in which food is prepared or stored or utensils are washed, hand-washing areas, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas shall be well lighted. During all cleanup activities, adequate light shall be provided in the area being cleaned, and upon or around equipment being cleaned.

3. **VENTILATION:** All rooms in which food is prepared or served or utensils are washed, dressing or locker rooms, toilet rooms and garbage and rubbish storage areas shall be well ventilated. Ventilation hoods and devices shall be designed to prevent grease or condensate from dripping into food or onto food preparation surfaces. Filters, where used, shall be readily removable for cleaning or replacement. Ventilation systems shall comply with applicable State and local fire-prevention requirements and shall, when vented to the outside air, discharge in such a manner as not to create a nuisance.

4. **DRESSING ROOMS AND LOCKERS:** Adequate facilities shall be provided for the orderly storage of employee's clothing and personal belongings. Where employees routinely change clothes within the establishment, one or more dressing rooms or designated areas shall be provided for this purpose. Such designated areas shall be provided outside of the food preparation, storage, and serving areas and the utensil-washing and storage areas; provided that, when approved by the Health Authority, such an area may be located in a storage room where only completely packaged food is stored. Designated areas shall be equipped with adequate lockers, and lockers or other suitable facilities shall be provided in dressing rooms. Dressing rooms and lockers shall be kept clean.

5. **HOUSEKEEPING:** All parts of the establishment and its premises shall be kept neat, clean and free of litter and rubbish. Cleaning operation shall be conducted in such a manner as to minimize contamination of food and food contact surfaces. None of the operations connected with a food-service establishment shall be conducted in any room used as living or sleeping quarters. Soiled linens, coats, and aprons shall be kept in suitable containers until removed for laundering. No live birds or animals shall be allowed in any area used for the conduct of food service establishment operations; provided, that service animals performing the functions for which they were trained may be permitted in dining areas.

SECTION H : TEMPORARY AND MOBILE FOOD-SERVICE ESTABLISHMENTS, COTTAGE FOOD OPERATIONS AND HOME KITCHEN OPERATIONS

1. A TEMPORARY FOOD-SERVICE ESTABLISHMENT shall comply with all provisions of this ordinance which are applicable to its operation: provided, that the Health Authority may augment such requirements when needed to assure the service of safe food, may prohibit the sale of certain TCS and may modify specific requirements for physical facilities when, in his opinion, an imminent health hazard will result.

2. A MOBILE FOOD-SERVICE ESTABLISHMENT shall comply with all provisions of this ordinance which are applicable to its operation, provided, that requirements for hand washing facilities, water supply, liquid waste facilities, utensil washing facilities, separation of the mobile unit's food-service and steering operating compartments, and fly control may be waived in total or in part where all food is served directly to the consumer in the individual container in which it was packaged at the food-service establishment or at a food-processing establishment.

- a. EATING AND DRINKING UTENSILS - Mobile food-service establishments shall be prohibited from using multi-use eating and drinking utensils and shall be restricted to the use of single service articles.
- b. GARBAGE AND TRASH - All garbage and trash shall be properly stored or removed from each mobile food-service establishment location where food is served or dispensed to the consumer, as frequently as may be necessary to prevent a nuisance and shall be disposed of in a manner approved by the Health Authority.
- c. SERVICE BUILDING - Where applicable a service building or commissary in compliance with applicable construction and operation requirements of a food-service establishment may be provided and used for obtaining water, food and other supplies; for emptying and disposing of wastes; and for sanitary maintenance of the mobile food-service establishment.
- d. WATER SYSTEM: The mobile food-service establishment water system shall be a potable water system, under pressure. Potable water shall be required for all uses. The water filling inlet shall be located in such a position that it will not be contaminated by waste discharges, road dust, oil or grease. Water shall be obtained from the potable supply at the service building or commissary and shall be transferred to the mobile food-service establishment in a manner which will not permit the water to be contaminated in transfer and handling.
- e. LIQUID WASTE: Liquid wastes shall be stored in retention tanks which shall be permanently installed on the mobile food-service establishment, and the discharge from the retention tank shall be so designed that the contents of the tank cannot be discharged when the establishment is in motion. Discharge control devices on the retention tank outlets should be so designed as to prevent leakage and, when the tank is being discharged to prevent splattering of the serving area or servicing personnel. Provisions should be made for the retention tank to be thoroughly flushed using the servicing operation. The water supply shall be protected against back-siphonage. The liquid waste accumulated in the retention tank and the flushing water should be discharged directly to a sanitary sewer. After flushing, cleaning and deodorizing the retention tank, some odor-destroying substances may be left in the retention tank, but a deodorant shall not be used in lieu of proper cleaning. All transition connections for servicing mobile food-service

establishment waste disposal facilities should be of a different size or type than those used for supplying potable water to the mobile food-service establishment.

- f. LIQUID WASTE SERVICING AREA: The floors of liquid waste servicing areas shall be constructed of non-porous, easily cleanable materials and shall be properly drained. The corners between floor, walls and equipment should be covered wherever possible.
- g. FOOD TEMPERATURE: Potentially hazardous food shall be stored and displayed at safe temperatures (41° F. or below, or 135° F. or above, whichever is applicable). Adequate, properly constructed and located mechanical refrigeration shall be provided for cold foods and adequate, properly constructed and located heating equipment shall be provided for hot foods.

3. A COTTAGE FOOD OPERATION shall comply with all provisions of this ordinance which are applicable to its operation.

- a. AUTHORIZED ITEMS AND LABELING: Cottage food operations may only sell items as established in the Food Handling Regulation Enforcement Act and shall meet the necessary labeling and placarding requirements.
- b. SALES LOCATIONS: Cottage foods may only be sold at farmer's markets or other locations allowed under State law.
- c. REGISTRATION: All cottage food operations in Jackson County must annually register with Jackson County Health Department, using forms provided by the Health Department. No registration fee shall be charged. The registration year shall run from April 1 to March 31 of the following calendar year. Cottage food operations shall have on hand a current Jackson County Health Department registration certificate when conducting all sales.
- d. INSPECTION: Jackson County Health Department may inspect a cottage food operation's primary domestic residence in the event of a complaint or during a disease outbreak investigation. The Health Department may charge a fee of \$75 for each inspection.

4. HOME KITCHEN OPERATIONS are not allowed in Jackson County, unless specifically authorized by municipal or township ordinance. Sales must be made directly to the consumer and may only occur within the jurisdictional boundaries of the township or municipality which has authorized the operation.

- a. AUTHORIZED ITEMS AND LABELING: Home kitchen operations may only sell items as established in the Food Handling Regulation Enforcement Act and shall meet the necessary labeling requirements.
- b. STORAGE: Food must be stored in the residence where it is produced or packaged.
- c. REGISTRATION: All home kitchen operations authorized under township or municipal ordinances in Jackson County must annually register with Jackson County Health Department, using forms provided by the Health Department. No registration fee shall be charged. The registration year shall run from July 1 to June 30 of the following calendar

year. Home kitchen operations shall have on hand a current Jackson County Health Department registration certificate when conducting all sales.

- d. INSPECTION: Jackson County Health Department may inspect a home kitchen operation in the event of a complaint or during a disease outbreak investigation.

SECTION I. ENFORCEMENT PROVISIONS

1. PERMIT: It shall be unlawful for any person to operate a food-service establishment or retail food store within the County of Jackson, State of Illinois, who does not possess a valid permit issued to him by the Health Authority. Only a person who complies with the requirements of this ordinance shall be entitled to receive and retain such a permit. Permit shall not be transferrable from one person to another person or place. A valid permit shall be posted in a conspicuous place in every food-service establishment in view of the consuming public.

Permits for permanent food-service establishments and retail food stores shall be issued according to the following schedule:

- for taverns, restaurants serving liquor, retail food stores, and food service establishments which the Health Authority considers "seasonal" in nature - July 1 and expire June 30 of the following year.
- for all remaining food establishments not fitting into the preceding category and schools - January 1 and expire December 31 of the same year.

In either case above, if the permit is issued after July 1 or after January 1 respectively, the permit shall expire as the same date as other establishments in its category. The permit fees shall be accordingly prorated. Permits for temporary food-service establishments and temporary retail food stores shall be issued for a period of time not to exceed 14 days.

- a. ISSUANCE OF PERMITS: Any person desiring to operate a food-service establishment or a retail food store or to renew an expired permit shall make written application for a permit on forms provided by the Health Authority. Such application shall include: the applicant's full name and post office address and whether such applicant is an individual, firm, or corporation, and, if a partnership, the names of partners, together with their addresses shall be included; the location and type of the proposed food-service establishment or retail food store; and the signature of the applicant or applicants. If the application is for a temporary food-service establishment or temporary retail food store, it shall also include the inclusive dates of the proposed operation.

Upon receipt of such an application and the established fee, the Health Authority shall make an inspection of the establishment to determine compliance with the provisions of this ordinance. Except when the application is for a temporary permit, a probationary permit shall first be issued in accordance with this sub-section. Before the expiration of the probationary permit, the establishment shall be inspected during the establishment's regular business hours by the Health Authority to determine compliance with this ordinance. If at the end of the probationary permit the Health Authority is satisfied the establishment is in compliance with this ordinance, an annual permit, in accordance with this ordinance, shall be issued. Alternatively, notwithstanding the preceding sentence, the probationary period may be extended at the discretion of the Health Authority. When

inspection reveals that the applicable requirements of this ordinance have been met, a permit shall be issued to the applicant by the Health Authority.

- b. **RENEWAL OF PERMITS:** Whenever the inspection for renewal of a permit reveals serious or repeated violations of this ordinance, the permit will not be issued and the Health Authority shall notify the applicant immediately thereof. Such notice shall state the reasons for not renewing the permit. Such notice shall also state that an opportunity for a hearing shall be provided for the applicant at a time and place designated by the Health Authority. Such hearing shall be scheduled not later than 10 days from the date of the notice. The notice referred to in this paragraph shall be delivered to the applicant in person by the Health Authority or may be sent by registered mail, return receipt requested. A permit which has expired shall be removed from the establishment by the Health Authority.
- c. **SUSPENSION OF PERMITS:** Permits may be suspended temporarily by the Health Authority for failure of the permit holder to comply with the requirements of this ordinance. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of SECTION I of this ordinance, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Health Authority by the permit holder.

Upon suspension of the permit, the permit shall be removed from the establishment by the Health Authority and returned to the Health Department. Notwithstanding the other provisions of this ordinance, whenever the Health Authority finds insanitary or other conditions in the operation of a food-service establishment or retail food store, which, in his judgment, constitute a substantial hazard to the public health, he may without warning, notice or hearing, issue a written notice to the permit holder or operator citing such condition, specifying the corrective action to be taken, and specifying the time period within which such action shall be taken; and, if deemed necessary such order shall state that the permit is immediately suspended, and all operations as a food-service establishment or retail food store are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith, but upon written petition to the Health Authority shall be afforded a hearing as soon as possible.

A permit holder temporarily ceasing operations of their own accord is not considered a permit suspension and does not count against a permit holder during a permit revocation proceeding. See Sect. F(9) of this ordinance for instances when self-closure shall be practiced.

- d. **REINSTATEMENT OF SUSPENDED PERMITS:** Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within 10 days following receipt of a written request, including a statement signed by the applicant that in his opinion the conditions causing suspension of the permit have been corrected, the Health Authority shall make a reinspection. If the applicant is complying with the requirements of this ordinance, the permit shall be reinstated.
- e. **REVOCATION OF PERMITS:** For serious or repeated violations of any of the requirements of this ordinance, or when the permit holder has had two (2) suspensions of their permit during the preceding twelve (12) month period, or for interference with the

Health Authority in the performance of his duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Health Authority. Prior to such action, the Health Authority shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of 5 days following service of such notice, unless a request for a hearing is filed with the Health Authority, by the permit holder, within such 5 day period. A permit may be suspended for a cause pending its revocation or a hearing relative thereto. In lieu of the above procedures, or in addition thereto, the Health Authority may issue the permit holder or operator a citation to appear in Circuit Court for violation of any part of this ordinance.

- f. HEARING: The hearings provided for in this section shall be conducted by the Health Authority at a time and place designated by him. Based upon the record of such hearing, the Health Authority shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the Health Authority.
- g. FEES: The following fees shall be required for food service establishments and retail food stores.

The annual license fee for a food service establishment shall be determined by seating capacity and risk category. A single mobile food-service establishment, and a catering operation or kitchen that is approved by the health authority shall be included in the 0 to 50 seating capacity category. Establishments are reviewed annually in accordance with Illinois Department of Public Health guidelines to determine if they are a Category I, II, or III establishment as defined in Section 750.100 of the Food Service Sanitation Code (77 Illinois Administrative Code 750). These definitions may be revised time to time in the Food Service Sanitation Code, but generally indicate that a Category I establishment presents a high relative risk, Category II establishment presents a medium relative risk, and Category III establishment presents a low relative risk of causing foodborne illness. Category I and II establishments require additional inspections since they present a higher relative risk of causing foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks and other factors. The Special High Risk category are establishments where 3 or more additional inspections, or more than 5 recheck inspections, were needed during the previous annual license period. The application fee for a plan review shall be determined by seating capacity. The following fee schedule shall apply:

Seating Capacity	Annual Fees for Category III Establishments	Annual Fees for Category II Establishments	Annual Fees for Category I Establishments	Special High Risk Estab.	Plan Review Application Fees
0 to 50	\$130.00	\$145.00	\$180.00	\$365.00	\$100.00
51 to 75	\$200.00	\$225.00	\$255.00	\$500.00	\$160.00
76 to 100	\$270.00	\$290.00	\$325.00	\$650.00	\$160.00
over 100	\$350.00	\$365.00	\$400.00	\$800.00	\$220.00

The annual license fee for a retail food store shall be determined by square footage and risk category. Establishments are reviewed annually in accordance with Illinois Department of Public Health guidelines to determine if they are a Category I, II, or III establishment as defined in Section 750.100 of the Food Service Sanitation Code (77 Illinois Administrative Code 750). These definitions may be revised time to time in the

Food Service Sanitation Code, but generally indicate that a Category I establishment presents a high relative risk, Category II establishment presents a medium relative risk, and Category III establishment presents a low relative risk of causing foodborne illness. Category I and II establishments require additional inspections since they present a higher relative risk of causing foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks and other factors. The Special High Risk category are establishments where 3 or more additional inspections, or more than 5 recheck inspections, were needed during the previous annual license period. The application fee for a plan review shall be determined by square footage. The following fee schedule shall apply:

Square Footage	Annual Fees for Category III Establishments	Annual Fees for Category II Establishments	Annual Fees for Category I Establishments	Special High Risk Estab.	Plan Review Application Fees
1 to 4,999	\$130.00	\$145.00	\$180.00	\$365.00	\$100.00
5,000 to 15,000	\$200.00	\$225.00	\$255.00	\$500.00	\$160.00
Over 15,000	\$350.00	\$365.00	\$400.00	\$800.00	\$220.00

A plan review is required by the Health Authority whenever a licensed food service establishment or retail food store conducts a major remodel of food preparation or cooking areas. A major remodel shall be defined as involving the relocation or replacement of a cooking ventilation system, relocation or replacement of more than one major kitchen apparatus (dish machine, grill, fryer, etc.), or replacement of kitchen floor, wall, or ceiling surfaces.

In addition to the annual license fee, a new permit application fee shall be placed upon all food service establishments and retail food stores which have not previously obtained an annual license from the Health Authority for the facility, or those which have allowed their annual license to expire. The new permit application fee shall be \$150.00.

The annual license fee for a Fleet license shall be determined by the number of vehicles operating in Jackson County at any given time during the year. The following fee schedule shall apply:

Fleet license	Annual Fees
2 to 5 trucks	\$550.00
6 to 10 trucks	\$900.00

The Fleet License category shall include, by definition, only non-fixed mobile retail units where food is sold to the public.

The license fee for a temporary food service establishment shall be \$50.00 for each license. A maximum of 4 licenses for a temporary food service establishment shall be issued per calendar year to the same person or organization. An additional \$25 fee per incident may be billed (payable at time of inspection) if the vendor is not prepared for inspection within 1 hour after the appointed inspection time. A person who has been issued a valid annual license by the health authority to operate as a mobile food-service establishment or catering operation or kitchen shall not be required to obtain a license for a temporary food service establishment when operating in Jackson County.

The annual license fee for schools, religious, voluntary, or non-profit making community organizations or institutions - - \$50.00. However, charitable organizations may apply to the Jackson County Health Department for a waiver of annual or temporary license fees and plan review application fees. A waiver will only be granted if the organization can demonstrate an economic need for the waiver. All fees shall be made payable to the Jackson County Health Department and shall be deposited into the Jackson County Health Department funds.

- h. **FAILURE TO RENEW PERMIT:** If a permit has not been renewed by the expiration date, then a 50% late fee will be assessed in addition to the regular fee as provided herein. If the permit has not been renewed within 7 days of the date of expiration, then the permit holder or operator may be issued a citation for operating an establishment without a valid Jackson County Food Service Permit.

2. **INSPECTION OF FOOD-SERVICE ESTABLISHMENTS AND RETAIL FOOD STORES:** The Health Authority shall inspect each food-service establishment and retail food store located in the County of Jackson, State of Illinois, at least as frequently as required by the Local Health Protection Grant Code (77 Illinois Administrative Code 615) and shall make as many additional inspections and re-inspections as are necessary for the enforcement of this ordinance.

- a. **ACCESS TO ESTABLISHMENT:** The Health Authority, after proper identification, shall be permitted to enter, at any reasonable time, any food-service establishment or retail food store within the County of Jackson, State of Illinois, for the purpose of making inspections to determine compliance with this ordinance. He shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received, or used, and persons employed.
- b. **INSPECTION RECORDS:** Whenever the Health Authority makes an inspection he shall record his findings on an inspection report form provided for this purpose, and shall furnish a copy of such inspection report form to the permit holder or operator. The copy of the current inspection report shall be posted in a conspicuous place in the establishment in view of the consuming public.
- c. **ISSUANCE OF NOTICES:** Whenever the Health Authority makes an inspection of an establishment and discovers that any of the requirements of this ordinance have been violated, he may notify the permit holder or operator of such violations by means of an inspection report form or other written notice. In such notification, the Health Authority shall:
 - (1) Set forth the specific violations found.
 - (2) Establish a specific and reasonable period of time for the correction of the violations found.
 - (3) State that failure to comply with any notice issued in accordance with the provisions of this ordinance may result in immediate suspension of the permit.
 - (4) State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Health Authority within the period of time established in the notice of correction.

- d. SERVICE OF NOTICES: Notices provided for under this section shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. A copy of such notice shall be filed with the records of the Health Authority.
- e. CITATION: In lieu of the above procedures, or in addition thereto, the Health Authority may issue the permit holder or operator a citation to appear in Circuit Court for violation of any part of this ordinance.

3. EXAMINATION AND CONDEMNATION OF FOOD: Food may be examined or sampled by the Health Authority as often as may be necessary to determine freedom from adulteration or misbranding. The Health Authority may, upon written notice to the owner or person in charge, place a hold order on any food which he determines, or has probable cause to believe to be unwholesome, or otherwise, adulterated, or misbranded. Under a hold order, food shall be permitted to be suitably stored. It shall be unlawful for any person to remove or alter a hold order notice or tag placed on food by the Health Authority, and neither such food nor the containers thereof shall be relabeled, repacked, reprocessed, altered, disposed of, or destroyed without permission of the Health Authority, except on order by a court of competent jurisdiction. After the Owner or person in charge has had a hearing as provided for in Section I(1)(f) and, on the basis of evidence produced at such hearing, or on the basis of his examination in the event a written request for a hearing is not received, within 10 days, the Health Authority may vacate the hold order, or may by written order direct the owner or person in charge of the food which was placed under the hold order to denature or destroy such food or to bring it into compliance with the provisions of this ordinance; provided, that such order of the Health Authority to denature or destroy such food or bring it into compliance with the provisions of this ordinance shall be stayed if the order is appealed to a court of competent jurisdiction within 3 days.

4. FOOD-SERVICE ESTABLISHMENTS OUTSIDE JURISDICTION OF THE HEALTH AUTHORITY: Food from food-service establishments outside the jurisdiction of the Health Authority of the County of Jackson, State of Illinois may be sold within the County of Jackson, State of Illinois, if such food-service establishments conform to the provisions of this ordinance or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Health Authority may accept reports from responsible authorities in other jurisdictions where such food-service establishments are located.

5. PLAN REVIEW OF FUTURE CONSTRUCTION: When a food-service establishment or retail food store is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a food-service establishment or retail food store, properly prepared plans and specifications for such construction, remodeling, or alteration, showing layout, arrangement, and construction materials or work areas, and the location, size, and type of fixed equipment and facilities, shall be submitted to the Health Authority for approval before such work is begun. Fees may be charged to offset the cost of plan reviews. Failure of the permit holder to file a proper plan for review, along with the established fee, may result in approval delays by the Health Authority. In addition, construction performed without approval of the Health Authority will need to be corrected if found to be in non-compliance.

6. PROCEDURE WHEN INFECTION IS SUSPECTED: When the Health Authority has reasonable cause to suspect possibility of disease transmission from any food-service establishment or retail food store employee, the Health Authority shall secure a morbidity history of the suspected employee, or make such other investigation as may be indicated, and take appropriate action. The Health

Authority may require any or all of the following measures: (a) the immediate exclusion of the employee from all food-service establishments and retail food stores; (b) the immediate closure of the establishment concerned until, in the opinion of the Health Authority, no further danger of disease outbreak exists; (c) restriction of the employee's services to some area of establishment where there would be no danger of transmitting disease; and (d) adequate medical and laboratory examination of the employee, of other employees, and of his and their body discharges.

7. ENFORCEMENT INTERPRETATION -- FOOD SERVICE ESTABLISHMENTS AND RETAIL FOOD STORES: This ordinance shall be enforced by the Health Authority in accordance with the interpretations thereof contained in the provisions of the 2017 FDA Food Code, or most recent version adopted by the Health Authority, in consultation with the Illinois Department of Public Health when necessary.

8. PENALTIES: Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$500. In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

9. REPEAL AND DATE OF EFFECT: This ordinance shall be in full force and EFFECT immediately after its adoption and publication as provided by law; and, at that time, all ordinances and part of ordinances in conflict with this ordinance are hereby repealed.

10. CONFLICT OF ORDINANCE, EFFECT ON PARTIAL VALIDITY:

- a. In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance, or code of Jackson County existing on the effective date of this ordinance, the provision which, in the judgment of the Health Authority establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of Jackson County existing on the effective date of this ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, the provision so this ordinance shall be deemed to prevail, and such other ordinance or codes are, hereby, declared to be repealed to the extent that they may be found in conflict with this ordinance.
- b. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance which shall remain in full force and effect and, to this end, the provisions of this ordinance are, hereby, declared to be severable.

ORDINANCE 2018-05

AN ORDINANCE ESTABLISHING AN ENTERPRISE ZONE IN JACKSON COUNTY

WHEREAS, the State of Illinois Enterprise Zone Act, 20 ILCS 655/1 – 10 (the “Enterprise Zone Act” or the “Act”) authorizes Illinois municipalities to designate, by ordinance, an area within its jurisdiction as an Enterprise Zone, subject to review by the Illinois State Enterprise Zone Board (the “Enterprise Zone Board”);

WHEREAS, the area described in Exhibit “A”, attached hereto, and made a part hereof, is the proposed Enterprise Zone (the “Proposed Zone”) as submitted to the Department of Commerce and Economic Opportunity (the “DCEO”) for acceptance and review;

WHEREAS, per the Act, the Proposed Zone is a contiguous area of approximately 8.12 square miles;

WHEREAS, per the Act, the Proposed Zone is also located within the jurisdictions of the City of Carbondale, the City of Murphysboro, and Jackson County, Illinois (the “County”); each of which shall be included in the Proposed Zone upon having approved separate designating ordinances of their own;

WHEREAS, Jackson County (the “County”) finds that the Proposed Zone meets the minimum criteria to be designated as an Enterprise Zone as per the Act;

WHEREAS, the City of Carbondale and the City of Murphysboro shall enter into an Intergovernmental Agreement (the “Agreement”) outlining their mutual participation in the Proposed Zone;

WHEREAS, the County, pursuant to the Act, has conducted at least one public hearing within the Proposed Zone area, with proper notice as required, to discuss the information as required by the Act, and;

WHEREAS, the County desires to authorize real property tax abatement within the Proposed Zone, pursuant to 35 ILCS 200/18-170.

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

- Section 1. The name of the Proposed Zone shall be the Carbondale/Murphysboro/Jackson County Enterprise Zone (the “Zone”).
- Section 2. The Zone shall be effective for a period of fifteen (15) years as per the Act, and shall be subject to review by the Enterprise Zone Board after thirteen (13) years to be considered for an additional ten (10) year extension.
- Section 3. Upon designation as an Enterprise Zone by the State of Illinois, a Designated Zone Organization (the “DZO”) shall be formed. The DZO Board will be

comprised of a representative of the Jackson County Board, the Mayor of Carbondale, and the Mayor of Murphysboro. The DZO will be responsible for all decisions within the Zone. The members of the DZO Board will serve terms as set by their respective City or County. The DZO may:

- (a) Provide or contract for provisions of services including, but not limited to, crime watch patrols within zone neighborhoods, volunteer day care centers, or other types of public services as provided by ordinance or regulation;
- (b) Provide a forum for business, labor, and government action on Enterprise Zone innovations and activities.
- (c) Receive title to publicly owned land;
- (d) Solicit and receive contributions to improve the quality of life in the Enterprise Zone and surrounding areas, and;
- (e) Perform such other functions as the Municipalities and the County may deem appropriate and not inconsistent with the Act.

Section 4

The position of "Zone Administrator" is hereby created to oversee the operations in the Zone for the DZO. The Zone Administrator shall be the City of Carbondale's Economic Development Director. The duties of the Zone Administrator shall be performed in addition to the regular duties of the position of Economic Development Director. In the event the Economic Development Director shall cease to serve as Zone Administrator, then the DZO shall fill the vacancy by appointment, provided that the Zone Administrator must be an employee or officer of the City of Carbondale, the City of Murphysboro, or Jackson County. The Zone Administrator shall have the following responsibilities and powers:

- (a) Act as liaison between the Carbondale, Murphysboro, Jackson County, other local governments, and/or private agencies and interests, and the Enterprise Zone Board and/or DCEO.
- (b) Supervise the implementation of the provisions of this ordinance and the Act regarding the Zone.
- (c) Act as program manager for the day-to-day operations of the Zone and appoint personnel as appropriate to assure efficient operation of activities in the Zone.
- (d) Collect data and conduct an ongoing evaluation of the Zone and submit the necessary reports, as per the requirements of and in accordance with the Act, to all organizations involved in providing services, incentives, or other participating activities of the Zone, including the DCEO and the DZO.

(e) Promote and coordinate other relevant programs including, but not limited to housing, community and economic development, small business assistance, and employment training within the Zone.

(f) Perform other such duties as specified by the Municipalities and the County.

Section 5. Participating units of local government, including the City of Carbondale and the City of Murphysboro, that provide incentives in the Zone are expected to adopt, by ordinance or resolution, certain tax abatements and other incentives that will mirror those provided by the County, as outlined in Section 6 through 8, below, to the greatest extent possible, and as administered by the Agreement by and among the County, Carbondale, and Murphysboro. All ordinances or resolutions authorizing any abatements or incentives from any participating taxing bodies and the Agreement are to be included with the Proposed Zone application.

Section 6. The County hereby authorizes and directs the County Clerk of Jackson County to abate ad valorem taxes on real property located within the Zone, upon which new improvements have been constructed or upon which existing improvements have been renovated or rehabilitated, subject to the following:

(a) Such abatement does not apply to areas of the Zone that are contained within a Tax Increment Financing ("TIF") Redevelopment Area that has been established pursuant to 65 ILCS 5-11-74.4 (the "TIF Act").

(b) Such abatement shall not exceed the amount attributable to the construction of the improvements and the renovation or rehabilitation of existing improvements made on real property in the Zone.

(c) Such abatement is allowed only for improvements, the nature and scope of which building permits are required and obtained.

(d) Such abatement shall be allowed for commercial, industrial or manufacturing property, also for residential property improved through the urban homestead program, located within the zone area;

(e) Such abatement shall apply only to the taxes corresponding to an increase in assessed valuation after improvements (either new construction or renovation or rehabilitation) have been duly assessed to exceed \$10,000 market value and said abatement shall not exceed the amount attributable to the construction of the improvements and the renovation or rehabilitation of existing improvements.

(f) Such abatement shall pertain only to that parcel within the Enterprise Zone which has been improved after the designation of the Enterprise Zone provided, however, that no such abatement shall be applicable to any such improvement

project located within the boundaries of the Tax Increment Redevelopment Project District.

- (g) Such abatement shall be at the rate of 100% of the value of the improvements, for the assessment year in which the improvements are fully assessed, and the four (4) assessment years immediately following the year in which the improvements are fully assessed, and 50% of the value of the improvements for the succeeding five (5) years. For projects which create 100 jobs, such abatement shall be at the rate of 100% of the value of the improvements, for the assessment year in which the improvements are fully assessed, and the nine (9) assessment years immediately following the year in which the improvements are fully assessed; and
- (h) While such abatement is in effect, this public taxing authority will continue to receive all taxes corresponding to the equalized assessed valuation for the tax year immediately preceding commencement of the project.

Section 7. The County hereby authorizes claims for point of sale exemption of its sales tax by each retailer whose place of business is within the corporate limits of the County, and who makes a sale of building materials to be incorporated into real estate located in the Zone by remodeling, rehabilitation, or new construction. Such retailer may deduct receipts from such sales when calculating the tax imposed pursuant to the "Municipal Retailers' Occupation Tax Act"; provided, however, that such remodeling, rehabilitation, or new construction is of the nature and scope for which a building permit is required and has been obtained. The incentive provided by this Section shall commence the first day of the calendar month following the month in which the Proposed Zone is designated and certified, and shall continue for the term of the Zone.

Section 8. In the case of any and all permit fees required and charged by the County for the rehabilitation, expansion, or new construction of any commercial, industrial, manufacturing or community development assisted projects within the Zone Area, such permit fees (but not the permits themselves) shall be waived in their entirety. The permit fee waiver herein provided for shall include all fees charged for building, plumbing, electrical, zoning and excavation permits where a building permit or certification of eligibility is otherwise required and has been obtained for such rehabilitation, expansion or new construction, but shall not include such permit fees charged for mere repair or replacement of electrical, plumbing or mechanical systems not undertaken in connection with such rehabilitation, expansion or new construction.

Section 9. Pursuant to Section 10 of the Illinois Enterprise Zone Act, Jackson County hereby establishes an urban shopstead program and an urban homestead program.

Under the urban shopsteading program, the County may sell to a Designated Zone Organization a structure or portion thereof it owns for a sum not to exceed \$100. The Designated Zone Organization shall agree to renovate or remodel the property to meet the standards and level of maintenance stated in the agreement between the Designated Zone Organization and the County. The Designated Zone Organization may sell or lease such structure to commercial and industrial businesses pursuant to the procedures set forth in the sales agreement between it and the County. The Designated Zone Organization may retain the structure in whole or in part for its own use. Any proceeds derived from the use, lease or sale of such property shall accrue to the Designated Zone Organization.

Under the urban homestead program, the County may sell to an individual a residence or any portion thereof that the County owns within the zone area for a sum of \$100. The individual must agree to renovate or remodel the property to meet the standards and level of maintenance stated in the sales agreement between the individual and the County, and the individual must live in the residence for seven years. At the end of the seven year period, the County shall assign title to the property over to the individual, provided satisfactory improvements to the property have been made pursuant to the agreement with the County.

The urban homestead program and the urban shopstead program shall be subject to rules and guidelines issued by the Zone Administrator, with the approval of the DZO Board, provided such rules and guidelines are not inconsistent with the Act.

This ordinance shall become effective following certification of the Jackson County Enterprise Zone by the State of Illinois.

Passed this 20 day of November, 2018


County Board Chairman

ATTEST:


County Clerk

ORDINANCE 2018-06

AN ORDINANCE TO AUTHORIZE JACKSON COUNTY, ILLINOIS, TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BY AND AMONG THE CITY OF CARBONDALE, ILLINOIS, THE CITY OF MURPHYSBORO, ILLINOIS, AND JACKSON COUNTY, ILLINOIS

WHEREAS, the Jackson County Board (the "County") has found and determined and does hereby declare that it is in the best interest of the County and appropriate to enter into an Intergovernmental Agreement (the "Agreement") with the City of Carbondale, Illinois, the City of Murphysboro, Illinois, and Jackson County, Illinois for purpose of applying and designating an Illinois Enterprise Zone (the "Proposed Zone"), and;

WHEREAS, it is necessary and appropriate that this Ordinance be enacted to authorize the County to enter into the Agreement.

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

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the County Board of Jackson County, Illinois.

Section 2. That the Agreement by and among the City of Carbondale, the City of Murphysboro, and Jackson County, a copy of which is attached hereto and made a part hereof, is hereby accepted and approved by the County.


Section 3. The Jackson County Board does hereby authorize and direct the County Chairman to execute and deliver the Agreement entitled "Carbondale/Murphysboro/Jackson County, Illinois Enterprise Zone Intergovernmental Agreement", in the form attached hereto, containing various provisions and agreements by and among the City of Carbondale, the City of Murphysboro, and Jackson County regarding the application of the Proposed Zone and, in the event the Enterprise Zone is designated as such by the State of Illinois, the operation of, and incentives provided in, the Zone, in as many parts as the Chairman shall determine. The County Clerk of Jackson County is hereby authorized and directed to attest the same authorized Agreement in the form attached and affix thereto the corporate seal of the County, without further action or approval by the corporate authorities of the County.

Section 4. This Ordinance shall be in full force and effect following its passage as provided by law.

Passed this 20 day of November, 2018


County Board Chairman

ATTEST:


County Clerk