



Public Health
Prevent. Promote. Protect.

**Peoria City/County
Health Department**
Health Protection Division
Environmental Health

Peoria City/County Health Department Food Safety Enforcement Procedure

This procedure has been adopted and implemented to comply with Section 10-22, Correction of Violations, A, of Chapter 10 Food Safety of the Peoria County Code. Other Sections of this Code may also apply to the Peoria City/County Health Department Food Safety Enforcement Procedure.

I. Time Period for the Correction of Violations for Food Safety Inspections

The completed inspection report form shall specify the code violation, nature of the violation, recommendations for correction. The establishments time period for the correction of the violations shall be accomplished in accordance with the following provisions:

A. Critical Violations (#1, #3, #4, #7, #11, #12, #20, #27, #28, #30, #31, #35 and #41)

Critical violations include the items above which carry a 4 or 5 point weight value, as outlined on the inspection report. Attempts shall be made to correct all critical violations at the time of the inspection.

1. Critical Violations Posing Imminent Health Hazard A license holder shall immediately discontinue operations must notify the Health Authority if an imminent health hazard exists because of an emergency including, but not limited to:

- fire,
- flood,
- extended interruption of electrical or water service,
- sewage backup,
- misuse of poisonous or toxic materials,
- onset of an apparent food-borne illness outbreak,
- gross unsanitary occurrence or condition, or
- other circumstances that may endanger public health.

If a Critical Violation constitutes an imminent health hazard due to conditions, which may readily contaminate food and lead to a possible food-borne illness outbreak. The following actions will occur.

Action Steps

1. Violations which constitute an imminent health hazard require immediate correction.
2. If the imminent health hazard cannot be corrected immediately, the Health Authority has the following options:
 - a. Embargo the food item(s) or equipment, per Peoria County Code, Chapter 10 Food Safety, Section 10-23B;
 - b. Voluntary Destruction of food or beverage items, per Section III of this document;
 - c. Closure, per Section II of this document, Procedure for Closure, or
 - d. Permit Suspension

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2. Critical Violations NOT Posing Imminent Health Hazard

If violations (#1, #3, #4, and #7) do not pose an imminent health hazard, but cannot be corrected immediately, the Health Authority has the following options:

- a. Embargo the food item(s) or equipment, per Peoria County Code, Chapter 10 Food Safety, Section 10-23B;
- b. Voluntary Destruction of food or beverage items, per Section III of this document;
- c. Closure, per Section II of this document, Procedure for Closure, or
- d. Permit Suspension

If violations (#11, #12, #20, #27, #28, #30, #31, #35 and #41) do not pose an imminent health hazard or cannot be corrected immediately, the Health Authority shall grant additional time for correction and re-inspect within ten (10) days following the inspection or as otherwise approved by the Health Authority to ensure that the violation is corrected. In some cases, violations #27 and #28 may require closure or less than ten (10) days to follow-up.

3. Follow-Up Inspections for Critical Violations NOT Corrected During the Initial Inspection

First (1st) Follow-up Inspection. Determine the level of compliance regarding critical violations. The Health Authority has the following options if critical violations noted on the initial inspection still exist at the time of the 1st follow-up inspection:

- a. Issue an Embargo Order to embargo the food item or equipment, per Peoria County Code, Chapter 10 Food Safety, Section 10-23B,
- b. Ask the establishment to voluntarily destroy food or beverage items suspected of being tainted/contaminated by harmful bacteria or chemical toxins (Advise Assistant Director and/or Director of Environmental Health) per Section III of this document,
- c. Move equipment or foods subject to possible contamination, or other immediate corrections, as needed,
- d. Suspend license when conditions constitute an imminent health hazard, or
- e. Grant additional time of within ten (10) days or less if justifiable and good faith is being demonstrated by the licensee/operator. The additional time may only be granted if the existence of the violation does not create an imminent health hazard (as defined in this procedure).

Second (2nd) Follow up inspection will be performed to determine existence of critical violations at the end of the granted time period. When critical violations still exist, the establishment shall be referred to the Assistant Director and/or Director of Environmental Health to determine further action and/or proceed with a Compliance Conference.

B. Minor Violations

Minor violations are those items on the inspection report form that are only 1 or 2 point weighted.

1. Minor violations not corrected at time of initial inspection require correction by the next routine inspection.
2. Additional time may be granted for correction up to one year if the opinion of the Health Authority the extension of time to correct certain equipment and/or structural deficiencies will not contribute to a potential public health hazard.
3. If in the opinion of the Health Authority, equipment and/or structural deficiencies will contribute to a potential health hazard a thirty (30) day time period for correction may be granted.
4. If violations still exist at the end of the time period extension refer to the Assistant Director and/or Director of Environmental Health to decide further action. If warranted, a Compliance Conference will be scheduled to determine further action.
5. **Due to the number or level of noncompliance with minor violations which creates unsanitary conditions**, the Health Authority may request Voluntary Closure of the establishment per the Voluntary Destruction, per Section III of this document.

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II. General Score

- A. If an establishment receives two (2) consecutive scores less than seventy (70) on full inspections the establishment shall receive a fifteen (15) day full follow up scored inspection.
 - 1. If the follow up inspection results in a score of less than seventy (70) the establishment shall be referred to the Assistant Director and/or Director of Environmental Health for a Compliance Conference.
 - 2. If the follow up inspection indicates five (5) or more critical violations during the inspection the establishment shall be referred to the Assistant Director and/or Director of Environmental Health for a Compliance Conference.
- B. If an establishment receives a score of less than sixty-five (65) it shall be referred to the Assistant Director and Director of Environmental Health for a Compliance Conference.
- C. If an establishment has five (5) or more critical violations during an inspection there shall be a ten (10) day follow-up full inspection.

III. Procedures for Closure

- A. Failure to comply with any notice regarding violations which pose imminent health hazards or repeat violations issued in accordance with Chapter 10 Food Safety of the Peoria County Code may result in the immediate suspension of the license.
- B. If the Health Authority deems that closure may be warranted due to imminent health hazards or other conditions that may cause potential harm to consumers, he/she must immediately contact the Assistant Director or Director of Environmental Health to discuss the action.
- C. If closure remains the recommended action upon discussion with the Assistant Director or Director of Environmental Health, the Health Authority shall note the request on inspection report, and complete a voluntary closure form. The time and date of the request must be noted on these forms. The Health Authority shall review the conditions pertinent to the existence of an imminent hazard or other conditions relevant to closure with the establishment's owner/person in charge and request closure. Documentation must also include conditions for re-inspection and resumption of operations. Complete Voluntary Closure Form.
- D. Remove license. The Health Authority must obtain license from establishment, when closure is deemed necessary.
- E. If voluntary closure is refused, the Health Authority shall note such action on the report form and return to the Health Department, and the Assistant Director or Director of Environmental Health will contact the State's Attorney's Office for an administrative warrant/injunction.
- F. Closure by administrative warrant/injunction. If closure is warranted, but the establishment does not close voluntarily, the Health Authority shall inform the operator that the State's Attorney will be contacted to have an administrative warrant/injunction issued for the cessation of all operations. Once this occurs the State's Attorney's Office may have to be involved for the approval to resume operations which could increase the amount of time the establishment will be required to be closed.

IV. Voluntary Destruction

If conditions exist, i.e., foods out of temperature, spoiled, etc.:

- A. Ask person in charge to discard food items and pour bleach on food.
- B. Document all items with approximate amount/weight on voluntary destruction form and have person in charge sign.
- C. If person in charge refuses to discard the food items:
 - 1. Document refusal
 - 2. Embargo food items per Section IV of this document.

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V. Embargo

Embargo the food item or equipment, per Peoria County Code, Chapter 10 Food Safety, Section 10-23B which states the following:

The Health Authority may, upon written notice to the owner or person in charge, place an embargo on any food or equipment which the Health Authority believes is in violation of this Chapter. The Health Authority shall tag, label, or otherwise identify any food or equipment subject to the embargo. It shall be unlawful for any person to move or alter an embargo notice or tag placed on food or equipment by the Health Authority.

- A. No food subject to an embargo shall be used, served, or moved from the food establishment. The Health Authority shall permit storage of the food under conditions specified in the embargo, unless storage is not possible without risk to the public health. In such cases the Health Authority shall require the denaturing or destruction of the food.
- B. Where equipment used in the preparation of food products is found to be in a state of disrepair, unsafe, unsuitable for use, or unsanitary, such equipment shall be taken out of use and an embargo placed on said items by the Health Authority. Such equipment shall not be returned to service until written permission is obtained from the Health Authority. Such equipment will not be altered, disposed of, or destroyed without permission of the Health Authority or authorized representative except on an order by a court of competent jurisdiction.
- C. The license holder may make a written request to the Health Authority for a hearing within five (5) business days of receiving the embargo. Such requests shall be made directly to the Health Authority. If no such request is made within this time period, the food subject to the embargo shall be destroyed. A hearing shall be held, if so requested. Based on the evidence produced at that hearing the embargo may be vacated, or the owner or person in charge of the food or equipment may be directed by written order to denature or destroy such food or equipment or to bring it into compliance with the provisions of this Chapter.
- D. If the license holder has not made a written request to the Health Authority for a hearing within five (5) business days of receiving the embargo a follow up inspection shall be conducted and the items must be destroyed or removed from the premise. If there is a repair order or proof that the equipment is being repaired it can remain in the establishment with the embargo, and a follow-up inspection will be made within a time-frame based on the repair order.

VI. Compliance Conference

- A. Pre-conference meeting: The Health Authority will review of previous inspections with the Assistant Director of Environmental Health. The Assistant Director of Environmental Health will brief the Director of Environmental Health.
- B. A certified letter or other approved method by the Department that enables tracking of the delivery to the establishment's licensee/person in charge requesting his/her attendance for a compliance conference before the Assistant Director of Environmental Health and Director of Environmental Health shall be sent.
- C. The trackable letter shall state the date, time, and location of the compliance conference.
- D. The Compliance Conference shall be conducted according to the policy adopted by the Health Department.
- E. Findings. Assistant and/or Director of Environmental Health shall make a finding based on the information presented at the conference and shall sustain, modify or rescind any notice or order considered at the Compliance Conference.
- F. If the owner/person in charge fails to attend the Conference, the Health Authority may require the suspension of the food license.
- G. A certified letter or other approved method by the Department that enables tracking of the delivery shall be delivered to the licensee/person in charge stating the findings of the Compliance Conference, requirements for correction, and outline a time-frame for re-inspection(s) of the establishment.
- H. Re-inspection of the facility shall be performed by the Health Authority and Assistant Director of Environmental Health accompanied by the owner/person in charge. Existing Critical violations shall be referred to the Director of Environmental Health for further action.

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VII. Suspension/Revocation of License

At any time the Health Authority determines that a licensee/operator is not in compliance with the provisions of this Chapter, it shall issue a notice under the provisions of this Chapter to the license holder or operator. Said notice shall state the nature of the violation and a reasonable time in which corrective action must be taken.

- A. **Imminent Health Hazard:** In the event that such violation constitutes an imminent health hazard, the aforesaid notice may also require the immediate suspension of the entire operation of the establishment or portions thereof. Any person to whom such notice is issued shall comply immediately therewith.
- B. **Suspension:** Two (2) suspensions during a twelve-consecutive-month period shall constitute grounds for permanent revocation.
- C. **Service of Notice:** Whenever a license holder or operator has failed to comply with any notice issued under the provisions of this Chapter, the Health Authority may serve said license holder or operator with a notice stating his license is suspended and operations are to cease immediately or as ordered by the Health Authority.
- D. **Cause:** A license may be suspended for cause pending its revocation or a hearing relative thereto.

VIII. Conditions Not Addressed

These policies are intended to be administrative guidelines for Health department personnel in the conduct of their duties. It is understood that, in the interest of protecting the public's health, Health Department staff may deviate from these guidelines based on their professional judgment. If a decision is made to not adhere to these guidelines, personnel shall document the conditions that necessitated the deviation and the underlying factors that influenced that finding.

In order to protect the public's health, the Health Department reserves the right to impose additional regulatory health protection requirements beyond those outlined in these guidelines if conditions warrant such action.