

New Ordinance Highlights & More

A new Food Ordinance was recently passed for the City of East Moline. A majority of these changes reflect changes that were made to the State's Food Code in late 2008 and administrative processes that are used in East Moline relating to opening a food establishment, permitting and enforcement procedures. Most of you will not notice any of these changes; however, the following changes will most likely affect you now or in the future:

1. **Fee Increases:** A majority of the fees were substantially increased. Some of you already know that earlier this year the possibility that the City would eliminate the Health Department was on the table. Only recently was it removed from the chopping block under the condition that fees be increased, as our food fees had not been increased since 1994. Had this position been eliminated all inspections and licensing would have been handled by the County Health Department and although, our fees have substantially jumped, we are still much lower than both Moline and the County.
2. **Permit Year Has Changed:** Annual permits now run June 1 through May 31st of each year. This was changed so that payments coming in happen after our fiscal year and not at the same time. We also wanted to reduce the number of licenses due at the same time (food, tobacco and liquor).
3. **Late Fees for Renewing Permits Have Changed:** Renewal applications must now be received or postmarked 5 business days prior to May 31 or a \$25 fee will be assessed. (note – we will not assess the \$25 fee this year) Any application received between May 31 and June 5 will be assessed a \$50 fee. Facilities where applications are not received by June 5 will be closed – additional penalties, fees and fines may be imposed – and facility will need to meet all current ordinance provisions.
4. **Posting Permits:** Our ordinance now states that current permits must be clearly visible to public.
5. **Compliance with Other City Ordinances:** Permits can be denied, suspended or revoked if the facility fails to meet all applicable zoning, building, plumbing or fire requirements as set forth in the City or State Codes.
6. **Application for Plan Reviews:** Whenever a food establishment is constructed, remodeled, changes owners or whenever an existing structure is converted for use as a food establishment the owner must apply for plan review at least 30 days ahead of time for approval prior to construction. Depending on what is being done fees may apply and a layout may have to be submitted.
7. **Addressing Low Scores:** We have set up a 3-tiered system to help increase food scores and code compliance beginning with any facility receiving a compliance score below 80%. The following system will be used:
 - When the establishment receives a compliance score below 80% the establishment shall initiate corrective action on all identified violations immediately. Within forty-eight (48) hours the facility shall have a compliance score above 90% with all critical items corrected. A re-inspection fee of forty dollars (\$40.00) will apply if the facility fails to comply within forty-eight hours. The facility will then have an additional twenty-four (24) hours to comply or the Health Officer shall suspend the establishment's permit until all violations are corrected and any applicable fees, fines or penalties are paid.
 - When the establishment receives a compliance score below 70%, the establishment shall initiate corrective action on all identified violations immediately. Within twenty-four (24) hours the facility shall have a compliance score above 90% with all critical items corrected. If the facility fails to comply within twenty-four (24) hours the Health Officer shall suspend the establishment's permit until all violations are corrected and any applicable fees, fines or penalties are paid.
 - When the establishment receives a compliance score below 60% the establishment's permit will be immediately suspended until all violations are corrected and any applicable fees, fines, or penalties are paid.

8. **Fees for Re-inspections & Non-Compliance Re-Openings:** Although it does not happen often, fees for re-opening a facility after non-compliance closures have been established (\$100 - \$300). Re-inspection fees of \$40 per inspection may incur when an establishment fails to correct violations in the time allowed and multiple re-inspections are needed to ensure compliance. An example of when it would not occur would be if a facility is given 10 days to correct a violation and when the inspector comes to recheck it the violation is corrected.
9. **MUNICIPAL CODE ENFORCEMENT SYSTEM (MUNICIPAL CODE ENFORCEMENT SYSTEM):** For hearings prior to revoking a license, or for violating the provisions of the ordinance, we will now use the Municipal Code Enforcement System (MUNICIPAL CODE ENFORCEMENT SYSTEM) where a third party hearing officer shall decide the outcome.
10. **Food Handler & Manager Duties:** We clarified the responsibility of a food handler to report certain symptoms (diarrhea, vomiting, jaundice, sore throat with fever, infected cuts or wounds, or lesions containing pus on exposed body parts) to the manager as they may affect food safety. We also clarified what illnesses and the scenarios in which they are required to report to the manager. Duties related to training, reporting illnesses, etc were also spelled out. Although these requirements have always been implied placing them in the ordinance allows us to hold an individual responsible when needed.
11. **Food Handler Certificate Requirements (FSSMC):** All exemptions from the state food code for category 1 facilities were removed, including health care facilities and nursing homes. The new ordinance also requires that the primary certificate holder(s) for category 2 establishments to be in direct supervision of the food service activities and the authority to act as such. Category 3 facilities with a food service license are now required to have a least one full-time person certified. Please note for Category 1 & 2 facilities there is a process that allows the facility to serve or sell foods without a certified manager on duty during this time – facilities wishing to discuss this further must contact the department for details as a written plan with prior approval is required.
12. **Operational Logs:** Logs relating to the safety of foods being prepared, served, cooled or stored are now required. Equipment such as refrigerators and ware-washing machines also fall into this category. High temp dishmachines must monitor temperatures regularly using irreversible temperature indicators to ensure surface temperatures reach 160 F or above. Over the course of the year I will be working with facilities not yet doing this to come into compliance and will update the City website to help you.
13. **Catering:** I recently learned that according to the Code of Federal Regulations a caterer not only works from an approved and inspected kitchen, but must also maintain control and custody of the food product from the time it is made until the time it reaches the hands of the end user. This includes anyone who makes food for another facility or event may have to stay to serve it. Facilities failing to do this may get cited by the State, especially if meat or poultry is involved. I am still in the process of determining how to handle this and as soon as I learn more I will let you know.
14. **Website:** With any luck I will be updating the health department website this year so that it provides more information not only for the public, but also will act as another resource for you. Any suggestions are always appreciated. Right now we have an FAQ for filling out applications and this sheet can also be seen on the website.