

# Winnebago County Food Code Changes



# Purpose of Food Code Changes

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- To adopt the FDA Food Code including the definitions
- To create an equitable fee structure and inspection schedule for temporary and special events
- To achieve better customer service, consistency and clarity for internal and external customers

# Application of Food Code Changes

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- Training of Clerical and Inspection Staff
- Supervisor will attend the FDA Course Training in February 2017
- Standardization of Inspection Staff
- Educating operators, vendors, event organizers and the general public

# Comparison of Current Code to Proposed Code

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## Current Code

Category 1 = low risk  
(Prepackaged Foods)

Category 2 = medium risk  
(Short Order Cooking)

Category 3 = high risk  
(Cooking, cooling and  
reheating)

## Proposed Code

Category I = high risk

Category II = medium risk

Category III = low risk

*Purpose of change – Alignment with  
FDA Code*

## Definition Comparison of Current Code to Proposed Code

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### Current Code

**Commissary** means a catering establishment, restaurant, or any other fixed, permanent place in which food, containers, or supplies are kept, handled, prepared, packaged or stored and where mobile food units are serviced.

### Proposed Code

**Commissary** means a FOOD ESTABLISHMENT or any other approved place in which FOOD, containers, supplies, SINGLE- SERVICE ARTICLES or SINGLE-USE ARTICLES are kept, handled, prepared, packaged or stored for off-site service.

# Unlicensed Commissary

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Vision: Healthy people in a healthy community without health disparities

# Licensed Commissary

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Vision: Healthy people in a healthy community without health disparities

# Proposed Code Definitions for Food Establishments

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**Food establishment** means an operation that:

Stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides food for human consumption, such as a restaurant, satellite or catered feeding location, catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people, market, vending location, institution or pantry; and

relinquishes possession of food to a consumer directly or indirectly, through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

**Food establishment includes:**

an element of operation, such as a transportation vehicle or central preparation facility, that supplies a vending location or satellite feeding location, unless the vending or feeding location is permitted by the regulatory authority; and an operation that is conducted in a mobile, stationary, temporary or permanent facility or location. This inclusion applies regardless of whether consumption is on or off the premises and whether there is a charge for the food; and

*An establishment that offers only prepackaged foods is not subject to time and temperature control for safety.*



# Proposed Code Definitions for Food Establishments

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## Food establishment does not include:

- *a produce stand that only offers whole, uncut fresh fruits and vegetables;*
- a food processing plant including those that are located on the premises of a food establishment;
- a kitchen in a private home, such as a small family daycare provider or a bed and breakfast operation as defined in the Bed and Breakfast Act that prepares and offers food to guests;
- a private home that receives catered or home delivered food; a closed family function where food is prepared or served for individual family consumption; or
- *a cottage food operation.*

## **- New Definitions: ‘Organized Event and Organizing Entity’**

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- **Organized Event** means an event coordinated by an ORGANIZING ENTITY in which multiple FOOD ESTABLISHMENTS participate.
- **Organizing Entity** means the coordinator of an ORGANIZED EVENT who will be responsible for ensuring that food vendors obtain the appropriate TEMPORARY FOOD ESTABLISHMENT APPLICATION PERMIT, distributing safety and sanitation requirements to the food vendors, providing the venue map to the Department, and notify the Department of any scheduled vendor meetings.

## New Definitions: 'Private and Public Events'

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- **Private Event** means a private function, which is unadvertised and, by invitation only including, but not limited to, a wedding, quinceanera, or individual party such as a birthday or anniversary.
- **Public Event** means any event open to the general public, including, but not limited to, fundraisers, festivals, and fairs. This includes ticketed events.

# New Definition: 'Remodeled'

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## **Remodeled** means

- Existing structure that is converted from a NON-FOOD ESTABLISHMENT to a retail FOOD ESTABLISHMENT.
- Alterations, and/or additions to existing FOOD ESTABLISHMENTS that involves food preparation areas; changes, modifications, and extensions of PLUMBING SYSTEMS.

*Excludes* routine maintenance.

# New Definition: 'Special Event'

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**Special event** means an individual, company or group event, which *may or may not be associated* with an ORGANIZED EVENT, in which a PERSON or entity that has **no licensed commissary** sets up a food booth in a parking lot, park or street and provides FOOD to the public. SPECIAL EVENTS are limited to no more than six calendar dates within the prescribed six month period.

# Comparison of Current Code to Proposed Code

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## Current

- **Temporary Food Establishment** is any food service establishment that operates at a fixed location for a period of time of not more than **14 consecutive days** in conjunction with a single event or celebration.  
(Only 2 events per year)

## Proposed

- **Temporary food establishment** means a FOOD ESTABLISHMENT (including existing restaurants, caterers, churches, community or school organizations, and volunteer or social groups) that operates at a fixed location for a period of no more than **26 calendar dates within the prescribed six month period** in conjunction with a single or ORGANIZED EVENT.

# New Definition: Temporary Category I

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## TEMPORARY CATEGORY I

- **High relative RISK** of causing food-borne illness, based upon food handling operations typically implicated in FOOD-BORNE OUTBREAKS and/or the type of population served. TEMPORARY CATEGORY I FACILITIES include, but are not limited to, those where the following operations occur:
- **POTENTIALLY HAZARDOUS FOODS** are cooled at the **COMMISSARY**, as part of the food handling operation;
- **POTENTIALLY HAZARDOUS FOODS** are prepared at the **COMMISSARY** and Prepared ahead **POTENTIALLY HAZARDOUS** cooked and cooled **FOODS** must be reheated; held hot or cold for more than 12 hours before serving;
- **POTENTIALLY HAZARDOUS FOODS** are prepared for off-premises serving for which time-temperature requirements during transportation, holding and service are relevant;
- **Handling of raw ingredients** with hand contact for **READY-TO-EAT FOODS** occurs as part of the food handling operations;
- An approved **COMMISSARY** is required for storage of **FOOD** and **SINGLE-USE** and **SINGLE -SERVICE ARTICLES**.

# New Definition: Temporary Category II

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## Temporary Category II

- **Medium relative RISK** of causing food-borne illness, based upon few food handling operations typically implicated in FOOD-BORNE ILLNESS OUTBREAKS. TEMPORARY CATEGORY II FACILITIES include, but are not limited to, those where the following operations occur:
- **POTENTIALLY HAZARDOUS FOODS** that are held at required temperatures for no more than 12 hours and are restricted to same-day services;
- FOODS are prepared from raw ingredients, using only minimal assembly; and
- FOODS that require complex preparation (whether canned, frozen, or fresh prepared) are prepared in approved **COMMISSARY** or obtained from approved food-processing plants.
- An approved **COMMISSARY** is required for storage of FOOD and SINGLE-USE and SINGLE- SERVICE ARTICLES.



# New Definition: Temporary Category III

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## Temporary Category III

- **Low relative RISK** of causing food-borne illness, based upon few or no food handling operations typically implicated in FOOD-BORNE ILLNESS OUTBREAKS. TEMPORARY CATEGORY III FACILITIES include, but are not limited to, those where the following operations occur:
- **Only prepackaged FOODS** are available or served in the facility, and any potentially hazardous FOODS available are commercially pre-packaged in an approved processing plant and handled only by the consumer;
- Only limited preparation of non-potentially hazardous FOODS and BEVERAGES, such as snack FOODS and carbonated BEVERAGES, occurs at the facility; or
- Only BEVERAGES (alcoholic and non-alcoholic) are served at the facility.
- An approved **COMMISSARY** is required for storage of FOOD and SINGLE-USE and SINGLE- SERVICE ARTICLES.

# Temporary Food Establishment Permit

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## New Definition and Exemption:

**Temporary food establishment permit** means a PERMIT issued to a TEMPORARY FOOD ESTABLISHMENT. An existing FOOD ESTABLISHMENT'S annual facility PERMIT is *only transferable* to a temporary kitchen on their own premises (outside their regular kitchen). This exemption to the temporary food establishment permit is valid for a period of no more than **26 calendar dates** within the prescribed six month period in conjunction with a single or ORGANIZED EVENT. When annual permit holders operate temporary kitchens at premises other than their own, a temporary permit fee is required.

## **New Definition: Temporary Food Establishment Commissary (TFEC)**

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- means an approved COMMISSARY operated by a FOOD ESTABLISHMENT holding an annual PERMIT, which is used by a TEMPORARY FOOD ESTABLISHMENT pursuant to a COMMISSARY SHARING AGREEMENT to prepare FOOD in advance or off-site for a particular event or series of events as authorized by a TEMPORARY FOOD ESTABLISHMENT PERMIT. FOOD cannot be sold from the TFEC.

## **New Definition: Temporary Food Establishment Commissary Permit**

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- means a PERMIT issued to a TEMPORARY FOOD ESTABLISHMENT that has an approved COMMISSARY SHARING AGREEMENT with a CATEGORY I FACILITY or a TEMPORARY FOOD ESTABLISHMENT that is unable to obtain a COMMISSARY SHARING AGREEMENT.

# Annual Permit Fees

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<b>Category Food Risk</b>	<b>Number of seats</b>	<b>Annual Permit Fee</b>
<b>Category I Facility</b>	50 or fewer	\$500.00
<b>Category I Facility</b>	51-100	\$555.00
<b>Category I Facility</b>	101-150	\$605.00
<b>Category I Facility</b>	151-200	\$655.00
<b>Category 1 Facility</b>	201 or more	\$701.00
<b>Category II Facility</b>	N/A	\$285.00
<b>Category III Facility</b>	N/A	\$170.00

# Comparison of Current Code to Proposed Code

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## Late Fees for Annual Permit Holders

**Current Code – Payment  
received 15 days – 44 days late**

Category 1 = low risk \$25.00  
Category 2 = medium risk \$75.00  
Category 3 = high risk \$75.00

**Proposed Code- Payment  
received 15 days – 44 days late**

Category III = low risk \$25.00  
Category II = medium risk \$75.00  
Category I = high risk \$100.00

# Comparison of Current Code to Proposed Code

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## Late Fees for Annual Permit Holders

**Current Code – Payment received 45 days late and beyond**

Category 1 = low risk \$50.00  
Category 2 = medium risk \$150.00  
Category 3 = high risk \$150.00

**Proposed Code- Payment received 45 days late and beyond**

Category III = low risk \$50.00  
Category II = medium risk \$150.00  
Category I = high risk \$200.00

# Comparison of Current Code to Proposed Code

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## Late Fees for Temporary Events and Special Events

### Current

**Application received 8-13 days  
before event**

**\$25.00**

**Application received 1-7 days before  
event**

**\$75.00**

### Proposed

**Application received 8-13 days  
before event**

Category I = high risk \$50.00

Category II = medium risk \$25.00

Category III = low risk \$10.00

**Application received 1-7 days before  
event**

Category I = high risk \$100.00

Category II = medium risk \$75.00

Category III = low risk \$20.00



# Proposed Temporary/Special Event Food Establishment Conditions

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- TEMPORARY FOOD ESTABLISHMENT / SPECIAL EVENT PERMITS are not transferrable by date, location, menu, or FOOD ESTABLISHMENT.
- TEMPORARY FOOD ESTABLISHMENT / SPECIAL EVENT must provide dates of events with TEMPORARY FOOD ESTABLISHMENT PERMIT / SPECIAL EVENT Application.
- The period of the 6 month TEMPORARY FOOD ESTABLISHMENT / SPECIAL EVENT PERMIT is determined on a set calendar basis – May 1<sup>st</sup> to October 31<sup>st</sup> and November 1<sup>st</sup> to April 30<sup>th</sup>.
- TEMPORARY FOOD ESTABLISHMENT operates at a fixed location for a period of 26 calendar dates with the prescribed six month period in conjunction within a single or ORGANIZED EVENT.

# Proposed Temporary Food Establishment Conditions

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- SPECIAL EVENT operates at a fixed location limited to no more than six calendar dates within the prescribed six month period in conjunction with a single or ORGANIZED EVENT.
- TEMPORARY FOOD ESTABLISHMENT / SPECIAL EVENT PERMITS are not intended to replace the annual PERMIT required for FOOD ESTABLISHMENTS that operates year-round.
- TEMPORARY FOOD ESTABLISHMENT PERMITS are intended for both seasonal- type events and for organizations such as churches, clubs, Scouts, etc. that do not operate FOOD ESTABLISHMENTS year-round but have an approved commissary kitchen.

# Proposed Temporary Food Establishment Conditions

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The re-inspection fee for TEMPORARY FOOD ESTABLISHMENTS / SPECIAL EVENTS requiring recheck inspections on the same date as the initial inspection shall be charged twenty-five (\$25.00) for Category III and fifty dollars (\$50.00) for Category II and seventy-five (\$75.00) for Category I.

- The ORGANIZING ENTITY must obtain a \$50.00 ORGANIZER EVENT PERMIT for each ORGANIZED EVENT.
- A SPECIAL EVENT PERMIT holder may only prepare potentially hazardous foods for the same day of service on site. Cooking, cooling and reheating of potentially hazardous foods for subsequent days of service is not permitted.

# Proposed Code Schedule for Temporary and Special Events

<b>Temporary Food Establishment Permit (6 Month Period)</b> ▪ May 1 <sup>st</sup> – October 31 <sup>st</sup> or ▪ November 1 <sup>st</sup> – April 30 <sup>th</sup>	<b>Place Including Commissary Consistent</b>	<b>Menu Items Consistent</b>	<b>Category III – LOW RISK</b>	<b>Category II – MEDIUM RISK</b>	<b>Category I – HIGH RISK</b>
Temporary Establishment A: Up to 4 Dates/6 Months	Yes	Yes	\$50.00	\$100.00	\$200.00
Temporary Establishment B: 5 - 8 Dates/6 Months	Yes	Yes	\$65.00	\$125.00	\$250.00
Temporary Establishment C: 9 - 12 Dates/6 Months	Yes	Yes	\$80.00	\$150.00	\$300.00
Temporary Establishment D: 13 - 20 Dates/6 Months	Yes	Yes	\$95.00	\$175.00	\$350.00
Temporary Establishment E: 20 - 26 Dates/6 Months	Yes	Yes	\$110.00	\$200.00	\$400.00
<b>Special Event Establishment Permit (6 Month Period)</b> ▪ May 1 <sup>st</sup> – October 31 <sup>st</sup> or ▪ November 1 <sup>st</sup> - April 30 <sup>th</sup>					
Special Event Establishment A: 1 Date/6 Months	No	Yes	\$50.00	\$75.00	N/A
Special Event Establishment B: 2-3 Dates/6 Months	No	Yes	\$100.00	\$150.00	N/A
Special Event Establishment C: 4-6 Dates/6 Months	No	Yes	\$150.00	\$300.00	N/A
<b>Temporary Food Establishment Commissary Permit (6 Month Period) **</b> ▪ May 1 <sup>st</sup> – October 31 <sup>st</sup> or ▪ November 1 <sup>st</sup> - April 30 <sup>th</sup>	Yes	Yes	\$175.00	\$175.00	\$175.00

# Proposed Suspension Conditions for Temporary and Special Events

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## Section 50-78

- Failure to provide dates of events and/or misrepresentation of frequency of events will result in suspension of the TEMPORARY FOOD ESTABLISHMENT / SPECIAL EVENT PERMIT. More than one incident of misrepresentation will result in a FOOD ESTABLISHMENT / PERSON being denied a TEMPORARY FOOD ESTABLISHMENT / SPECIAL EVENT PERMIT for any type of event for up to 18 months.

# Lavatories in Food Preparation Areas and Dish rooms

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## Current Code

- Lavatories shall be conveniently located within or immediately adjacent to all toilet rooms or vestibules. **In all new or remodeled establishments** lavatories shall also be located to permit convenient use by all employees in food preparation and utensil washing areas. Sinks used for food preparation or washing equipment and utensils shall not be used for handwashing. Lavatories shall be accessible to employees at all times.

## Proposed Code

- Lavatories shall be conveniently located within or immediately adjacent to all toilet rooms or vestibules.
- Hand sinks shall also be located to permit convenient use by all employees in food preparation and utensil washing areas. **A hand sink within five feet, and within the same room/area as a dish machine. Hand sink(s) is/are required to be no more than twenty unobstructed linear feet from any food preparation or service area. Hand-washing sinks are required at all bars, customer self-serve areas including but not limited to convenience stores, lodging breakfast facilities, buffets where customers prepare and dispense their own potentially hazardous foods.**
- Sinks used for food preparation or washing equipment and utensils shall not be used for handwashing.
- Toilet facilities with associated lavatories **and hand sinks** shall be accessible to employees at all times.

# Contact Information

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