

**ORDINANCE NO. 18-01-09-01**

**AN ORDINANCE ESTABLISHING A POLICY TO PROHIBIT SEXUAL HARASSMENT IN THE COUNTY OF WILLIAMSON, ILLINOIS**

WHEREAS, County of Williamson, a body politic and corporate of the state of Illinois (“Williamson County”) is a non-home rule unit of local government pursuant to Article VII, § 7 of the 1970 Illinois Constitution; and

WHEREAS, the Illinois General Assembly enacted Public Act 100-554 (the “Act”), effective November 16, 2017, which is a comprehensive revision of State statutes regulating policies prohibiting sexual harassment, more specifically amending sections of the State Officials and Employees Ethics Act found at 5 ILCS 430/1-1, *et. seq.*; and

WHEREAS, the Act requires that, no later than 60 days after the effective date of this amendatory Act of the 100th General Assembly, November 16, 2017, each governmental unit shall adopt a Resolution or Ordinance establishing a policy to prohibit sexual harassment; and

WHEREAS, the County Board of Williamson County has determined that, as a governmental unit, it must comply with the Act by passage of this Ordinance; and

WHEREAS, because the Act provides for the imposition of significant penalties for violations of said local regulations, it is necessary to adopt the required regulations by Ordinance rather than by Resolution.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF WILLIAMSON COUNTY THAT THIS ORDINANCE ESTABLISHING A POLICY TO PROHIBIT SEXUAL HARASSMENT BE AND HEREBY IS ADOPTED AS FOLLOWS:

**SECTION I. Adoption of Discrimination and Sexual Harassment Policy.**

The Policy Prohibiting Sexual Harassment, included as Exhibit A to this Ordinance, is hereby adopted.

**SECTION II: Existing Policies.**

All prior existing sexual harassment policies of Williamson County that conflict with the policy contained in Exhibit A hereto shall be superseded by the Policy Prohibiting Sexual Harassment adopted by this Ordinance;

**SECTION III. Severability.**

It is the intention of the County Board that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

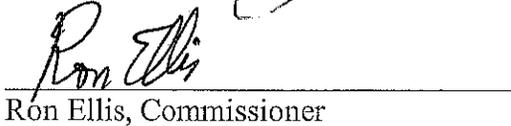
**SECTION IV: Effective Date.**

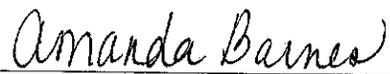
This Ordinance shall be in full force and effect from and after its passage.

Passed and Approved this 9th day of January, 2018.

  
\_\_\_\_\_  
Jim Marlo, Chairman

  
\_\_\_\_\_  
Brent Gentry, Commissioner

  
\_\_\_\_\_  
Ron Ellis, Commissioner

Attest:   
\_\_\_\_\_  
Amanda Barnes, County Clerk & Recorder

**WILLIAMSON COUNTY, ILLINOIS POLICY**  
**PROHIBITING SEXUAL HARASSMENT**

**SECTION I: Statement of Policy.**

It is the policy of Williamson County, Illinois, (hereafter County) that it will not tolerate or condone discrimination or harassment on the basis of race, color, religion, creed, sex, gender-identity, gender-expression, sexual orientation, pregnancy, childbirth, medical or common conditions relating to pregnancy and childbirth, genetic information, national origin, age, physical or mental disability, ancestry, marital status, military status, arrest record, unfavorable discharge from military service, order of protection status, citizenship status or any other classification protected under federal or state law. Sexual misconduct is also prohibited. The County will neither tolerate nor condone discrimination, harassment or sexual misconduct by employees, managers, supervisors, elected officials, co-workers, or non-employees with whom the County has a business, service, or professional relationship.

Retaliation against an employee who complains about or reports any act of discrimination, harassment or misconduct in violation of this policy is prohibited. Retaliation against any employee who participates in an investigation pursuant to this policy is likewise prohibited. The County is committed to ensuring and providing a work place free of discrimination, harassment, sexual misconduct and retaliation. The County will take disciplinary action, up to and including termination, against an employee who violates this policy.

**SECTION II: Definitions.**

- A. "Employee" means a person employed by Williamson County, whether on a fulltime or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.
- B. "Employer" means Williamson County.
- C. "Officer" means a person who holds, by election or appointment, an office in Williamson County, regardless of whether the officer is compensated for service in his or her official capacity.

- D. "Ethics Officer" means the person appointed by the Williamson County Board to receive and oversee investigations of complaints made pursuant to this policy and is referred to in this policy as the County's "Ethics Officer." Human Resources Director Jessica Force has been appointed as the County Ethics Officer. She can be contacted by phone at (618) 998-2136 or by email at [wmsnetyins@williamsoncountyil.gov](mailto:wmsnetyins@williamsoncountyil.gov).
- E. "Sexual Harassment" means any unwelcome sexual advances, requests for sexual favors or any conduct of a sexual nature when:
1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
  2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
  3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- F. "Working environment" is not limited to a physical location an employee is assigned to perform his or her duties.

**SECTION III: Prohibition on Sexual Harassment.**

- A. Each Employee and officer of Employer has the responsibility to refrain from sexual harassment in the workplace and is prohibited from engaging in conduct that constitutes sexual harassment.
- B. Conduct which may constitute sexual harassment includes:
1. Verbal: sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.
  2. Non-verbal: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
  3. Visual: posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.

4. Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
  5. Textual/Electronic: “sexting” (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).
- C. The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is subtler and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a “reasonable person.”

**SECTION IV: Responsibilities.**

**A. Supervisors**

Each supervisor shall be responsible for ensuring compliance with this policy, including the following:

1. Monitoring the workplace environment for signs of discrimination, harassment or sexual misconduct;
2. Immediately notifying law enforcement where there is reasonable belief that the observed or complained of conduct violates the criminal laws of the State of Illinois.
3. Immediately notifying the Department of Children and Family Services (DCFS) Hotline (1-800-25-ABUSE or 1-800-252-2873) if the observed or complained of conduct involves the abuse of a minor.
4. Immediately stopping any observed acts of discrimination, harassment or sexual misconduct and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;
5. Immediately reporting any complaint of harassment, discrimination or sexual misconduct to the Ethic’s Officer or the State’s Attorney, and:

6. Taking immediate action to limit the work contact between the individuals when there has been a complaint of discrimination, harassment or sexual misconduct, pending investigation.

**B. Employees**

Each employee is responsible for assisting in the prevention of discrimination, harassment and sexual misconduct through the following acts:

1. Refraining from participation in, or encouragement of, actions that could be perceived as discrimination, harassment or sexual misconduct;
2. Immediately reporting any violations of this policy to a supervisor, the Ethics Officer, or the State's Attorney and law enforcement (if appropriate under the circumstances) and/or DCFS (if appropriate under the circumstances); Employees are obligated to report violations of this policy as soon as they occur. An employee should not wait until the conduct becomes unbearable before reporting the prohibited conduct. All employees are obligated to report instances of prohibited conduct even if the conduct is merely observed and directed toward another individual and even if the other person does not appear to be bothered or offended by the conduct. All employees are obligated to report instances of prohibited conduct regardless of the identity of the alleged offender (e.g. man, woman, supervisor, elected official, co-worker, volunteer, vendor, member of public).
3. Encouraging any employee who confides that he/she is the victim of conduct in violation of this policy to report these acts to a supervisor.

There is a clear line most cases between a mutual attraction and a consensual exchange and unwelcome behavior or pressure for an intimate relationship. A friendly interaction between two persons who are receptive to one another is not considered unwelcome or harassment. Employees are free to form social relationships of their own choosing. However, when one employee is pursuing or forcing a relationship upon another who does not like or want it, regardless of friendly intentions, the behavior is unwelcome sexual behavior. An employee confronted with these actions is encouraged to inform the harasser that such behavior is offensive

and must stop. You should assume that sexual comments are unwelcome unless you have clear unequivocal indications to the contrary. In other words, another person does not have to tell you to stop for your conduct to be harassment and unwelcome. Sexual communications and sexual contact with a minor are ALWAYS prohibited.

If you are advised by another person that your behavior is offensive, you must immediately stop the behavior, regardless of whether you agree with the person's perceptions of your intentions.

The County does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including supervisory and management employees.

**SECTION V: Reporting an Allegation of Sexual Harassment.**

- A. An employee who either observes or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending employee along with reporting it to her/his supervisor and the Williamson County Ethics Officer.
- B. It is not necessary for sexual harassment to be directed at the person making a complaint.
- C. The employee as well as the harasser may be a woman or a man. The employee does not have to be of the opposite sex.
- D. During the occurrence of an incident of sexual harassment or following reporting, the Employer should document or record each incident. (what was said or done, the date, the time, and the place). Additionally, the Employer may collect and/or compile related records, including but not limited to letters, notes, memos, witness statements, videos, electronic messages, and telephone messages.
- E. All charges, including anonymous complaints, will be accepted and investigated regardless of how the matter comes to the attention of the Employer. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.
- F. When reporting a complaint the reporting party must provide, to the extent possible, a description of the specific conduct that occurred, identification of all parties engaged in

the conduct, the date, time, and location of each occurrence, any witnesses to the occurrence, whether similar conduct has occurred before, whether there are any documents which would support the allegations, and how this has impacted the complaining employee. While not required, the County encourages anyone making a complaint under this policy to provide a written statement setting forth the above details and attaching any relevant records.

- G. After a complaint is submitted by the employee, the alleged offending individual should be contacted and advised of the complaint brought against him or her and be given an opportunity to fully explain his or her side of the circumstances and may also submit a written statement or any other relevant records. Witness to the alleged conduct shall be interviewed and encouraged to submit written statements as to anything they saw or heard.
- H. Proper methods of reporting conduct believed to be sexual harassment include the following:
1. Electronic/Direct Communication. If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.
  2. Contact with Supervisory Personnel. At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor and the County's Ethics Officer. If the harasser is the immediate supervisor; the problem should be reported to the next level of supervisor, if there is one, and the County's Ethics Officer or State's Attorney.
  3. Formal Written Complaint. An employee may also report incidents of sexual harassment directly to the Ethics Officer. The Ethics Officer will counsel the reporting employee and be available to assist with filing a formal complaint. The Ethics Officer will fully investigate the complaint and advise the complainant and the alleged harasser of the results of the investigation.

4. Resolution Outside Employer. The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every complaint and incident so that problems can be identified and remedied internally. However, an employee has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) about filing a formal complaint with those entities. An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.
  - I. All reports shall be received and handled as confidential to the extent permitted by law and subject to any disclosure requirements pursuant to the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*).
  - J. The employee experiencing what he or she believes to be sexual harassment must not assume that the Employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the Employer will not be presumed to have knowledge of the harassment.

**SECTION VI: Prohibition Against Retaliation for Reporting Sexual Harassment.**

- A. An Employee shall not be retaliated against by the Employer or the Employees or Officers of the Employer due to the Employee's:
  1. Disclosure or threatened disclosure of any violation of this policy,
  2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
  3. Assistance or participation in a proceeding or investigation to enforce the provisions of this policy.
- B. No individual making a report will be retaliated against even if a report made in good faith is not substantiated.
- C. The Employer will take reasonable steps to protect from retaliation any Employee or Officer who is a witness.
- D. Supervisors must ensure that no retaliation will result against an employee making a sexual harassment complaint.

Exhibit A

- E. Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:
1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation,
  2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee, or
  3. Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.
- F. Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).
- G. According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.
- H. An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – due within 180 days (IDHR) or 300 days (EEOC) of the alleged retaliation.

**SECTION VII: Consequences.**

- A. In addition to any and all other discipline that may be applicable pursuant to the Employer's policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to applicable discipline or discharge by the Employer and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the Employer shall be separate and distinct from any penalty imposed by any ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.
- B. False and frivolous charges refer to cases where the accuser is using a sexual harassment complaint to accomplish some end other than stopping sexual harassment. It does not refer to charges made in good faith which cannot be proven. A false and frivolous charge is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable Williamson County policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.
- C. Any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor pursuant to 5 ILCS 430/50-5(d).

**SECTION VIII: Severability.**

It is the intention of the County Board that this policy and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this policy shall not affect the validity of any other portion of this policy.

**Acknowledgment of Receipt and Understanding of Williamson County's  
Policy Prohibiting Sexual Harassment**

Please acknowledge receipt and review of this policy by completing and signing this form. All supervisors are directed to keep copies in all personnel files and to return all completed Acknowledgement forms to the Ethics Officer, Jessica Force, 2<sup>nd</sup> Floor Administration Building.

I have read and I understand the **Policy Prohibiting Sexual Harassment**. I understand that if I ever have any questions or concerns I can speak to my supervisor, the County Ethics Officer or the State's Attorney. I have signed and dated this acknowledgment to confirm my receipt and understanding of the policy.

PRINTED Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

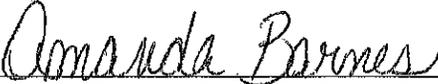
Dept./Office currently employed in: \_\_\_\_\_



I, **Amanda Barnes**, County Clerk in and for Williamson 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 Commissioners of Williamson County at its regular meeting held at Williamson County Courthouse on **June 12, 2018**.

I further certify to the ordinance being published in the Southern Illinoisan.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seal of said County at my office in Williamson County, this 12<sup>th</sup> day of June, 2018.

  
\_\_\_\_\_  
Amanda Barnes, Clerk and Recorder

**SCHEDULE OF ALTERED SPEED ZONES**

**Exact Limits of Zone**

<b><u>Name of Highway</u></b>	<b><u>From</u></b>	<b><u>To</u></b>	<b><u>Maximum Speed Limit (MPH)</u></b>
Corinth Road	Old Frankfort Road (North)	4 Way Stop @ East Side of Johnston City	45 mph

**Ordinance No. 18-06-12-03**

**WILLIAMSON COUNTY FOOD SANITATION ORDINANCE**

WHEREAS, the Franklin-Williamson Bi-County Health Department was established in accordance with the Illinois State Statute, 55 ILCS 5/5 as amended; and

WHEREAS, said local health departments are subject to the provisions of 77 Illinois Administrative Code, Part 600, 610, 615, and 750; and

WHEREAS, said Illinois Administration Code requires local health departments to conduct a food sanitation program in accordance with a local ordinance that incorporates by reference or includes provisions at least as stringent as the Illinois Department of Public Health Food Sanitation and Retail Food Store Sanitation Codes; and

WHEREAS, the Williamson County Board desires to enact ordinances, in accordance with State Statutes, that regulate the activities of its local health department and promote the enforcement of minimum rules and regulations for retail food stores, food establishments, food pantries, and bed & breakfast facilities within Williamson County; and

WHEREAS, it is the desire of the Williamson County Board to protect the citizens of Williamson County from transmitting or contacting foodborne illness and disease;

NOW, THEREFORE, BE IT ORDAINED by the County Board of Williamson County, Illinois that the following Ordinance defining, licensing, and regulating food establishments, retail food stores, and temporary food establishments within the County, be adopted.

**SECTION I- GENERAL PROVISIONS**

**1.01 ADOPTION BY REFERENCE**

In addition to those provisions set forth herein, this Ordinance hereby adopts by reference the current edition and any subsequent or amended revisions of the following:

- a. Illinois Department of Public Health Food Service Sanitation Code, 77 Illinois Administrative Code, Part 750.
- b. Food Handling Regulation Enforcement Act, 410 Illinois Compiled Statutes, Chapter 625.
- c. Bed and Breakfast Act, 50 Illinois Compiled Statutes, Chapter 820.
- d. Illinois Food Drug and Cosmetic Act, 410 Illinois Compiled Statutes, Chapter 620.
- e. Any other Rules and Regulations promulgated by the Illinois Department of Public Health pertaining to food service establishments and retail food stores.

1.02 DEFINITIONS

- A. ADULTERATED shall mean the condition of any 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 tolerances if one has been established.
  - c. If it consists in whole or in 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 been 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 animal which has died otherwise than by slaughter.
  - f. If its containers are composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health.
- B. AUTHORIZED REPRESENTATIVE shall mean the legally designated Administrator of the Franklin-Williamson Bi-County Health Department and shall include those persons designated by the Administrator to enforce the provisions of this Ordinance.
- C. BED AND BREAKFAST ESTABLISHMENT shall mean an operator-occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms for rent, in operation for more than ten (10) nights in a twelve month period; breakfast may be provided to the guests only; this term shall not include motels, hotels, boarding houses or food service establishments.
- D. BUILDING shall mean a structure built, erected and framed of component structural parts designed for the housing, work, recreations, shelter, enclosure, or support of persons, animals, or property of any kind.
- E. CATEGORY I FACILITY means a food establishment that presents a high relative risk of causing food-borne illness, based on the large number of food handling operations typically implicated in food-borne outbreaks and/or the type of population served by the facility. Category I facilities include those where the following operations occur:
- a. Potentially hazardous foods are cooled, as part of the food handling operation at the facility;
  - b. Potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;
  - c. Potentially hazardous cooked and cooled foods must be reheated;
  - d. Complex preparation of foods or extensive handling of raw ingredients with hand contact for ready-to-eat foods occurs as part of the food handling operations at the facility;

- e. Vacuum packaging, other forms of reduced oxygen packaging, or other special processes that require an HACCP plan; or
  - f. Immunocompromised individuals, such as the elderly, young children under age four and pregnant women are served, in a facility in which these individuals compose the majority of the consuming population.
- F. CATEGORY II FACILITY means a food establishment that presents a medium relative risk of causing food-borne illness, based upon few food handling operations typically implicated in food-borne illness outbreaks. Category II facilities include those where the following operations occur:
- a. Hot or cold foods are held at required temperatures for no more than 12 hours and are restricted to same-day services;
  - b. Foods are prepared from raw ingredients, using only minimal assemble; and
  - c. Foods that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food-processing plants, high-risk food service establishments or retail food stores.
- G. CATEGORY III FACILITY means a food establishment that presents a low relative risk of causing food-borne illness, based upon few or no food handling operations typically implicated in food-borne illness outbreaks. Category III facilities include those where the following operations occur:
- a. Only potentially hazardous foods commercially pre-packaged in an approved processing plant are available or served at the facility;
  - b. Only limited preparation of non-potentially hazardous foods and beverages, such a snack foods and carbonated beverages, occurs at the facility; or
  - c. Only beverages (alcoholic and non-alcoholic) are served at the facility.
- H. CERTIFIED FOOD SERVICE MANAGER OR SUPERVISOR means a person certified in compliance with Section 750.540 of the Illinois Administrative Code, Title 77.
- I. CODE means the Illinois Administrative Code.
- J. CORE ITEM
- a. Means a provision in the Code that is not designated as a priority item or a priority foundation item
  - b. Includes an item that usually relates to general sanitation, operational controls, sanitation standard operating procedures (SSOP's), facilities or structures, equipment design, or general maintenance.
- K. COTTAGE FOOD OPERATION means an operation conducted by a person who produces or packages food or drink, other than foods and drinks listed as prohibited in the Food Handling Regulation Enforcement Act at 410 ILCS 625/4(b)(1.5), in a kitchen located in that person's primary domestic residence or another appropriately designed and equipped residential or commercial-style kitchen on that property for direct sale by the owner, a family member, or employee.

- L. ENTITY means a business, non-profit organization, institution or certified local health department.
- M. FARMERS MARKET means a common facility or area where farmers gather to sell a variety of fresh fruits and vegetables and other locally produced farm and food products directly to consumers.
- N. FOOD means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or sale in whole or in part for human consumption, or chewing gum.
- O. FOOD EMPLOYEE OR FOOD HANDLER means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces. "Food employee" or "food handler" does not include unpaid volunteers in a food establishment, whether permanent or temporary.
- P. FOOD ESTABLISHMENT means an operation that:
- a. 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, conveyance used to transport people, institution or food pantry; and
  - b. 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.
  - c. Food establishment includes:
    - i. An element of the operation, such as a transportation vehicle or a 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
    - ii. 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.
  - d. Food establishment does not include:
    - i. An establishment that offers only prepackaged foods that are not time/temperature controlled for safety;
    - ii. A produce stand that only offers whole, uncut fresh fruits and vegetables;
    - iii. A food processing plant, including those that are located on the premises of a food establishment;
    - iv. 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;

- v. 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
  - vi. A cottage food operation.
- Q. FOOD PANTRY shall mean a nonprofit organization that distributes pre-packaged food at no cost from an approved source to low-income or unemployed households to relieve situations of emergency and distress.
- R. HACCP (HAZARD ANALYSIS CRITICAL CONTROL POINT) means a food safety management system to identify, evaluate, and control food safety hazards.
- S. HEALTH DEPARTMENT means the Franklin-Williamson Bi-County Health Department.
- T. HEALTH OFFICER means an official employee or designee of the Bi-County Health Department.
- U. HOME KITCHEN OPERATION means a person who produces or packages non-potentially hazardous baked goods in a kitchen in compliance with Section 4 of the Food Handling Regulation Enforcement Act.
- V. IMMIMENT HEALTH HAZARD means a significant threat or danger to health that is considered to exist wherein there is evidence sufficient to show that a product, practice, circumstance or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:
- a. The number of potential injuries, and
  - b. The nature, severity, and duration of the anticipated injury.
  - c. Examples of imminent health hazards include, but are not limited to, fire, flood, extended interruption of electrical or water supply, sewage backup, contaminated water supply, misuse of poisonous or toxic chemicals, onset of apparent food-borne illness or outbreak, inadequate hot or cold food holding facilities, rodent or insect infestation, unsanitary conditions, other conditions deemed prejudicial to public health.
- W. LABEL shall mean a written, printed, or graphic matter upon the immediate container of an article.
- X. 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.
- Y. PERMIT shall mean written authorization issued by the Health department or its authorized representative.
- Z. PERMIT HOLDER means the entity that is legally responsible for the operation of the food establishment such as the owner, the owner's agent, or other person; and possesses a valid permit to operate a food establishment.
- AA. POTENTIALLY HAZARDOUS FOOD means foods that are time/temperature controlled for food safety.

- BB. POTLUCK EVENT means an event where people are gathered to share food in compliance with Section 4 of the Food Handling Enforcement Act.
- CC. PRIORITY ITEM means a provision in the Illinois Food Sanitation Code whose application supports, facilitates or enables one or more priority items. Priority foundation item includes an item that requires the purposeful incorporation of specific actions, equipment or procedures by industry management to attain control of risk factors that contribute to food-borne illness or injury such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling.
- DD. RETAIL FOOD STORE means any establishment or section of an establishment where food products are offered to the consumer and intended for, though not limited to, off-premises consumption. The term does not include establishments which handle only prepackaged spirits; roadside markets that offer only fresh fruits and fresh vegetables for sale, food establishments, or food and beverage vending machines.
- EE. TEMPORARY FOOD ESTABLISHMENT shall mean any food establishment which prepares food or drink or otherwise handles food for public consumption in a fixed location in conjunction with a special event for a period of no longer than fourteen (14) days.
- FF. VENDING MACHINE means a self-service device that, upon insertion of a coin, paper currency, token, card, or key, or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation.

## SECTION II- PERMITS

2.01 It shall be unlawful for any person or persons to operate a food-service establishment, retail food store or temporary food establishment, and bed and breakfast establishment within the County of Williamson, State of Illinois, who does not possess a valid permit issued by the Franklin-Williamson Bi-County Health Department. Only a person who complies with the requirements of this Ordinance shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person to another person nor shall said permit be applicable to any location, building, or place other than that for which it was issued. A valid permit shall be posted in every food establishment so as to be clearly visible to all customers.

### 2.02 TYPE/TERM

- A. Annual Food Permit: Food service establishments that operate in Williamson County must hold a valid annual food permit. The annual permit shall be valid for one (1) year from the date of issuance.
- B. Mobile Food Service Establishments: Mobile food service establishments that operate at multiple locations and/or events throughout Williamson County must obtain an Annual Food Permit from the Health Department prior to beginning operation each year. The

mobile food permit shall be valid one (1) year from the date of issuance. Mobile food facilities must provide a list of locations where they will be operating to allow for inspection. Mobile food facilities will be inspected and charged based on their Risk Categorization.

- C. Seasonal Permit: Facilities that operate for a period of time less than 180 days in a calendar year at the same location must obtain a Seasonal Permit from the Health Department prior to beginning operation.
- D. Temporary Food Permit: Establishments that operate for a period of less than 14 days must apply for a permit prior to the start of each temporary event as follows:
  - a. Single Day: In the case of temporary food establishments, a permit is not required for single day food functions at private clubs or other nonprofit associations of a religious, philanthropic, civic improvement, social, political or educational nature. However, inspections may be performed by the Health Department at these single day events dependent on the type of food being prepared and served. Recurring events at the same location are not considered single day events.
  - b. Multiple Day Events: Establishments that operate at an event for a period of less than 14 days must apply for a permit prior to the start of each temporary event. This permit will be valid for the duration of the event.
- E. Vending Food Permit: Establishments that operate at vending machines serving time temperature control for safety foods in Williamson County must obtain a Vending Food Permit from the Health Department. The vending food permit shall be valid for one (1) year from the date of issuance.
- F. Other Food Service Operations:
  - a. Cottage Food Operations: Cottage Food Operations must operate in accordance with Section 4 of the Food Handling Enforcement Act and register annually with the Health Department. Annual registrations expire March 31<sup>st</sup> of each calendar year.
  - b. Home Kitchen Operations: Home kitchen operations must operate in accordance with Section 4 of the Food Handling Enforcement Act to be exempt from permitting requirements. This statement is not intended to authorize the operation of Home Kitchen Operations.
  - c. Potluck Events: Potluck events must operate in accordance with Section 4 of the Food Handling Enforcement Act to be exempt from permitting requirements.

## 2.03 FEES

- A. Annual Permit Fees shall be assessed for each permitted establishment and collected by the Bi-County Health Department. Permit fees shall be based on the risk classification of the establishment.
- B. The Fee schedule shall be set by the Franklin-Williamson Bi-County Board of Health and a copy of which can be obtained from the Bi-County Health Department Office.

- C. At the discretion of Bi-County Health Department, permit fees may not apply to units of local government and public or private schools.
- D. Permit fees are non-refundable.
- E. LATE PAYMENT PENALTY. All permit fees for the annual renewal of permits are due prior to the permit expiration date. Establishments failing to submit the appropriate fee and renewal application within 30 days past the due date shall be assessed a late fee. Failure to submit the total fee required by the date of permit expiration will result in an expired permit and a request for cessation of food establishment operations by the Health Department Officer due to the lack of a valid permit. A permit which has expired shall be removed from the establishment by the Health Officer. Facilities that change ownership or open prior to issuance of permits shall be subject to the same late fees.
- F. Establishments that require repeat re-inspections may be subject to the repeat inspection fee. Any re-inspection fees must be paid at the time of the re-inspection unless another arrangement has been made.
- G. Establishments undergoing a plan review are subject to a plan review fee.
- H. All outstanding fees shall be paid within 30 days. No annual permit, seasonal permit or temporary permit will be issued until all outstanding fees are paid.

#### 2.04 ISSUANCE

- A. Any person desiring to operate a food service establishment, retail food store, or temporary food establishment shall make written application for a permit on forms provided by the Health Department. Such application shall include
  - a. Permit holder's full legal name and post office address
  - b. Permit holder's phone number
  - c. Whether said Permit holder is an individual, partnership, firm, or corporation
  - d. Location and type of establishment including address and phone number
  - e. Signature of permit holder
  - f. Any other information deemed necessary for proper review by the Health Department.
- B. Upon receipt of such application and permit fee, the Health Department shall make inspection of the establishment to determine compliance with the provisions of this ordinance. When inspection reveals that the applicable requirements of this ordinance have been met, a permit shall be issued to the applicant. Conditional Operating Permits may be issued for a time period not to exceed 60 days, in order for the food-service operation to come into compliance with this ordinance.
- C. The permit holder has an affirmative and continuing requirement to update the original and all renewal applications. As a result the license holder must inform the Health Department of any changes in the information listed in this application within thirty (30) days.

- D. Failure to comply with these sections or to knowingly furnish false information on the original or renewal application shall be grounds for immediate suspension or revocation of any license issued pursuant to this ordinance.

2.06 CLASSIFICATION

- A. Franklin-Williamson Bi-County Health Department shall periodically conduct a category assessment for every food service establishment and retail food store in Williamson County.

**SECTION III- SUSPENSION/REVOCATION & HEARING**

3.01 SUSPENSION

- A. At any time the Health Officer determines that a permit holder or operator is not in compliance with the provisions of this ordinance, he/she shall issue a notice under the provisions of this ordinance to the permit holder or operator. Said notice shall state the nature of the violation, and a reasonable time in which corrective action must be taken.
- B. In the event such violation constitutes an immediate hazard to the public health, the aforesaid notice may also require the immediate suspension of the entire operation of the establishment or portions thereof. Any person to whom such a notice is issued shall comply immediately therewith, but upon written request shall be afforded a hearing as soon as possible. The suspension shall become effective immediately and upon service on the permit holder.
- C. Upon suspension of the permit, the permit shall be removed from the establishment by the Health Officer and returned to the Health Department.
- D. Permits may be suspended temporarily by the Health Department for failure of the permit holder to comply with notices or citations issued for violation of the Smoke-Free Illinois Act. Whenever a permit holder or operator has received a Smoke Free Illinois citation and failed to request a hearing within 10 calendar days, or pay the fine within 28 calendar days, or failed to obey the findings and final order of an Illinois Department of Public Health Administrative Law Judge, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended.
- E. Reinstatement/Re-Inspection. Any person whose permit has been suspended may make application for a re-inspection for the purpose of reinstatement of the permit. Within ten (10) days following receipt of the written request, including a signed statement by the permit holder that in his/her opinion the conditions causing suspension of the permit have been corrected, the Health Officer shall make a re-inspection. If the permit holder is found to be in compliance with this ordinance and applicable laws, the permit shall be reinstated.

3.02 REVOCATION

- A. For serious or repeated violations of any of the requirements of this ordinance, or for interference with the Health Department or Health Officer in the performance of his/her duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Health Department. Prior to such action, the Health Department 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 five (5) days following service of such notice, unless a request for a hearing is filed with the Health Department by the permit holder within such five (5) day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

### 3.03 FAILURE TO COMPLY

- A. When a food service establishment fails to comply with any provision of Section II of this ordinance, the Health Department shall issue a citation notice to the permit holder. The citation notice shall state the date, time and place the permit holder is to appear in the Circuit Court. Upon conviction, the permit holder shall be subject to penalties, fines, and court costs.

### 3.04 HEARING

- A. The hearings provided for in this ordinance shall be conducted by the Health Department at a time and place designate by it. Any oral testimony given at a hearing shall be reported verbatim and the presiding officer shall make provision for sufficient copies of the transcript. The Health Department shall make a final finding based upon the complete hearing record and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder.
- B. Whenever a revocation of a permit has become final, the holder of the revoked permit may make written application for a new permit as provided in this ordinance.

## SECTION IV- INSPECTIONS

### 4.01 FREQUENCY OF INSPECTIONS

- A. The Health Department shall inspect and regulate each food service establishment within the County of Williamson, State of Illinois, as specified in the Illinois Administrative Code, Title 77, Part 615.310 and any subsequent revisions thereto and shall make as many additional inspections and re-inspections as are necessary for the enforcement of this ordinance.
- B. The Local Health Department shall inspect facilities at least as often as prescribed by the following schedule:

- a. Category I facilities shall receive three inspections per year, or two inspections per year if one of the following conditions is met:
  - i. A certified food service manager is present at all times that the facility is in operation; or
  - ii. Employees involved in food operations receive a Hazard Analysis Critical Control Point (HACCP) training exercise or in-service training in another food service sanitation area, or attend an educational conference on food safety or sanitation.
- b. Category II facilities shall receive one inspection per year.
- c. Category III facilities shall receive one inspection every two years.

#### 4.02 RIGHT OF ENTRY.

- A. The Health Officer, after appropriate identification, shall be permitted to enter at any reasonable time, any food establishment, retail food store, bed and breakfast establishment, or temporary food establishment in the County of Williamson, State of Illinois for the purpose of making inspection to determine compliance with this ordinance. The Health Officer shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to the food and supplies purchased, received, or used and persons employed.
- B. Whenever an inspection of a food service establishment or retail food store is made, the finding shall be recorded on an inspection report. One copy of the inspection report form shall be furnished to the person in charge of the establishment. In the case that violations of this ordinance are found, this inspection report shall serve as official notice to the permit holder or operator that the establishment is in violation of the provisions of this ordinance. The report shall specify a reasonable period of time for the correction of the violations found and correction of the violations shall be accomplished within the period specified.

#### 4.03 CORRECTION OF VIOLATIONS

- A. The completed inspection report form shall specify a reasonable period of time for the correction of the violations found; and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions:
  - a. If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by Bi-County Health Department.
  - b. Priority Items: All priority item violations noted on the inspection report will require immediate or twenty-four (24) hour correction and follow-up inspections will be conducted within one (1) working day.

- c. Priority Foundation Items: All priority foundation items violations noted on the inspection report will require correction within ten (10) days and follow-up inspections will be conducted with ten days.
- d. Certified Food Protection Manager: All certified food protection manager violations noted on the inspection report will require correction within the timeline required by the Code.
- e. Other Violations: All other violations noted on the inspection report will be corrected according to a compliance schedule as determined by the Health Officer and the permit holder.
- f. Alternative Timeline for Corrections: In the event that correction of the violation would require the installation of new equipment or structural changes, the owner can request an alternative timeline for correction. The request for the alternative timeline for correction shall be in writing and received prior to the expiration of the initial timeline for correction. The request shall include:
  - i. Date of proposed violation correction; and
  - ii. Explanation of why original timeline for correction cannot be met; and
  - iii. Documentation on how the public health will be protected during the alternative correction timeline.

The Health Department shall review each request for alternative timelines to insure that the public health is being protected and notify the requestor in writing as to whether the alternative timeline for correction has been approved or denied.

- g. The inspection report shall state the failure to comply with any time limits for corrections may result in cessation of food service operations. An opportunity for a hearing on the inspection finding or the time limitations or both will be provided if a written request is filed with the Bi-County Health Department within ten (10) days following cessation of operations. If a request for a hearing is received, a hearing shall be held within twenty (20) days of receipt of the request.

#### 4.04 EXEMPTIONS

- A. Food Service Establishments and Retail Food Stores constructed prior to the original effective date of this Ordinance and holding a valid food service permit shall be exempt from the provisions of this Ordinance regarding the construction of physical facilities provided such physical facilities function in a manner not prejudicial to the public health. This does remain in effect for those Food service Establishments and Retail Food Stores constructed prior to the effective date of this Ordinance that undergo a change of ownership. *If the Food Service Establishment fails to function in a manner that is not prejudicial to public health or substantially remodels or changes their food preparation practices, then additional equipment or structural changes may be required to comply with the Ordinance and Code.*

4.05 ADDITIONAL REQUIREMENTS

- A. If necessary to protect against public health hazards or nuisances, the Bi-County Health Department may impose specific requirements in addition to the requirements contained in the Code that are authorized by law. The Bi-County Health Department shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the establishment and a copy shall be maintained in the file for the food establishment.

4.06 NOTICE

- A. Notices provide for in 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 cop of such notice shall also be filed with the records of the Bi-County Health Department.

**SECTION V-EXAMINATION AND CONDEMNATION**

**OF FOOD AND/OR EQUIPMENT**

5.01 FOOD

- A. Food may be examined or sampled by the Health officer as often as necessary to determine freedom from adulteration or misbranding. The Health Officer may upon written notice to the owner or person in charge, place a hold order on any food which de determined or has probable cause to believe to be unwholesome or otherwise adulterated or misbranded. Under a hold order, food shall be permitted to be suitable stored. It shall be unlawful for any person to move or alter a hold order notice or tag placed on food by the Health Department. Neither such food nor the containers thereof shall be relabeled, repackaged, or reprocessed, altered, disposed of, or destroyed without permission of the Health Department, except on an order by a court of competent jurisdiction. After the owner or person in charge has had a hearing as provided in Section 3.05 of this Ordinance, and on the basis of evidence produced at such hearing, or on the basis of examination in the event of written request for a hearing is not received within ten (10) days, the Health Department may vacate the hold order or may, by written order, direct the owner or person in charge of food which was placed under the hold order to denature or destroy such food or bring it into compliance with the provisions of this ordinance. Such order shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.

- B. Any potentially hazardous food found to be in the optimal temperature range for the growth of pathogenic foodborne bacteria by the Health Officer during an inspection of an establishment will be subject to immediate condemnation. The condemned food shall be held under embargo until it has been proved satisfactory for human consumption by a certified laboratory at the expense of the permit holder if the food product is not voluntarily destroyed immediately.
- C. **FOOD ESTABLISHMENTS OUTSIDE JURISDICTION OF HEALTH AUTHORITY**-Food from establishments outside the jurisdiction of the Health Department of the County of Williamson, State of Illinois, may be sold in the County of Williamson, State of Illinois, if such food establishments conform to the provisions of this ordinance or to substantially equivalent provisions. To determine extent of compliance with such provisions, the Health Department may accept reports from responsible authorities in other jurisdictions where such food establishments are located.
- D. **ADULTERATED FOOD**- No food service establishment, retail food store, bed and breakfast establishment, or temporary food establishment shall offer for sale or keep for the purpose of selling or offering for sale, any food of any kind intended for human consumption which is adulterated for any reason, or violate any rule or regulation as provided herein.

#### 5.02 EQUIPMENT

- A. Where equipment used in the preparation of food products is found to be in a state of disrepair, unsafe, unsuitable for use, or insanitary in the preparation, display or service of food, such equipment shall be taken out of use and a hold order placed on said equipment by the Health Department. Such equipment may not be put back into service until written permission is obtained from the Health Department. It shall be unlawful for any person to move or alter a hold order notice or tag placed on equipment by the Health Department. Such equipment will not be altered, disposed of or destroyed without permission of the Health Department except on an order in a court of competent jurisdiction.
- B. After the owner or person in charge has had a hearing, and on the basis of the evidence produced at such hearing or on the basis of examination in the event of a written request for a hearing is not received within ten (10) days, the Health Department may vacate the hold order or may by written notice direct the owner or person in charge of the equipment which is placed under the hold order to remove such equipment or bring it into compliance with the provisions of this ordinance. Such order shall be stayed if the order is appealed to a court of competent jurisdiction within three (3) days.

#### 5.03 IMMINENT HEALTH HAZARDS AND FOOD PROTECTION

- A. In the event of a fire, flood (including sewage backup), power outage, misuse of poisonous or toxic materials, foodborne illness outbreak, or similar event that might

result in the contamination of food, or that might prevent potentially hazardous food from being held at required temperatures, the permit holder or person in charge shall cease operations and contact the Health Department. Upon receiving notice of this occurrence, the Health Department shall take whatever action it deems necessary to protect the public health. If operations are ceased, the establishment must get approval from the Health Department to reopen. A permit holder is not required to discontinue operations in an area of the establishment that is unaffected by the imminent health hazard.

#### 5.04 PROCEDURE WHEN INFECTION IS SUSPECTED/EMPLOYEE HEALTH

- A. When the Health Department has reasonable cause to suspect possibility of disease transmission from any food service establishment employee, it shall secure a morbidity history of the suspected employee or make any other investigation as may be indicated, and take appropriate action. The Health Department may require any of the following measures:
  - a. The immediate exclusion of the employee from any food handling activities.
  - b. Immediate closure of the establishment concerned until in the opinion of the Health Department, no further danger of disease outbreak exists.
  - c. Restriction of the employee's service to some area of the establishment where there will be no danger of transmitting disease.
  - d. Adequate medical and laboratory examinations of the employee or other employees and of his or their body discharges.
  - e. No employee shall be allowed to return to work in the establishment until the Health Department certifies that the employee no longer presents a health hazard.
- B. Any person to whom such an order is issued shall comply immediately therewith, failure to comply with such order shall entitle the Health Department to seek a Court order for compliance with any or all of the above measures. Pursuant to the administrative search provisions of this ordinance, the Health Department shall be permitted to examine employee records to obtain pertinent information required to prevent the possibility of disease transmission.

### SECTION VI-PLAN REVIEW/FUTURE CONSTRUCTION

#### 6.01 PLAN REVIEW

- A. Whenever a food service establishment, bed and breakfast establishment, or retail food store is constructed or extensively remodeled or whenever an existing structure is converted to use as a food service establishment, bed and breakfast establishment or retail food store, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the Health Department for review and approval before construction, remodeling or conversion may begin. The preparations and plans

shall indicate the proposed menu, proposed layout, arrangement, mechanical plans, and construction materials of work areas; and the model of proposed fixed equipment and facilities. The Health Department shall approve the plans and specifications if they meet the requirements of this ordinance. No food service establishment, bed and breakfast establishment, or retail food store shall be constructed, remodeled, or converted except in accordance with plans and specifications approved by the Health Department.

- B. Minimum Requirements. At a minimum, a food service establishment that is constructed or remodeled shall have the following:
  - a. A ware washing sink with three compartments. Each compartment shall be sized to allow for the immersion of the largest piece of equipment washed. The ware washing sink shall include integral drain boards. A three compartment sink is required as a back-up ware washing option for those facilities that have automatic ware washing machines.
  - b. A food preparation sink for rinsing of produce, thawing of food products, etc.
  - c. A utility/mop sink
  - d. Handwashing stations in each food preparation and ware-washing area.
- C. Establishments that upgrade their operations to higher risk categories after opening may be required to install additional sinks/equipment.

#### 6.02 PRE-OPENING INSPECTIONS

- A. Whenever plans and specifications are required by this ordinance to be submitted to the Health Department, the Health Department shall inspect the food service establishment, bed and breakfast establishment, or retail food store prior to the start of operations, to determine compliance with the approved plans and specifications and with the other requirements of this ordinance prior to the issuance of a permit to operate.

### SECTION VII-VARIANCES & HACCP REQUIREMENTS

#### 7.01 VARIANCES

- A. The health Department may grant a variance, modifying or waiving requirements of the Ordinance or Illinois Food Code if in the opinion of the Health Department a health hazard or nuisance condition will not result from the variance. If a variance is granted, the Health Department shall retain the information in its records for the food establishment. Variances are not transferable to new owners or locations.

#### 7.02 DOCUMENTATION & JUSTIFICATION

- A. Before a variance from a requirement of the ordinance or Illinois Food Code is approved, the information that shall be provided by the person requesting the variance and retained in the Health Department's file on the food establishment includes:

- a. A statement of the proposed variance of the Ordinance or Code requirement citing relevant Section numbers therein;
  - b. An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant Ordinance or Code sections will be alternatively addressed by the proposal; and
  - c. A HACCP plan, if required as specified in this Ordinance that includes the information specified as it is relevant to the variance requested.
- B. If the Health Department grants a variance as specified or a HACCP plan is otherwise required, the permit holder shall:
- a. Comply with the HACCP plans and/or procedures that are submitted as specified and approved as a basis for the variance; and
  - b. Maintain and provide to the Health Department, upon request, records specified that demonstrate that the following are routinely employed:
    - i. Procedures for monitoring the critical control plans;
    - ii. Monitoring the critical control plans;
    - iii. Verification of the effectiveness of the operation or process; and
    - iv. Necessary corrective actions if there is failure at a critical control point.

7.03 HACCP REQUIREMENTS

- A. The Health Department may require establishments to submit HACCP plans in accordance with the Illinois Administrative Code.
- B. WHEN AN HACCP PLAN IS REQUIRED
- a. Before engaging in an activity that requires an HACCP plan, the permit holder shall submit to the Health Department for approval a properly prepared HACCP plan as specified and the relevant provisions of the Code if:
    - i. Submission of a HACCP plan is required according to law;
    - ii. A variance is required by the Code;
    - iii. The Health Department determines that a food preparation or processing method requires a variance based on a plan submittal, an inspection finding, or a variance request.
  - b. Before engaging in reduced oxygen packaging without a variance as specified under the code, the permit holder shall submit a properly prepared HACCP plan to the Health Department.
- C. CONTENTS OF HACCP PLAN- For a food establishment that is required to have a HACCP plan, the plan and specifications shall indicate:
- a. A categorization of the types of time/temperature control for safety foods that are specified in the menu such as soups and sauces, salads, and bulk, solid foods such as meat roasts, or other foods that are specified by the Health Department;
  - b. A flow diagram by specific food or category of food type identifying critical control points and providing information on the following:

- i. Ingredients, materials, and equipment used in the preparation of that Food; and
- ii. Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;
- iii. Food employee and supervisory training plan that addresses the food safety issues of concern;
- iv. A statement of standard operating procedures for the plan under consideration including clearly identifying:
  - 1. Each critical control point;
  - 2. The critical limits for each critical control point;
  - 3. The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge;
  - 4. The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points;
  - 5. Action to be taken by the person in charge if the critical limits for each critical control point are not met; and
  - 6. Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed.
- c. Additional scientific data or other information, as required by the Health Department, supporting the determination that food safety is not compromised by the proposal.

**SECTION VIII- PENALTIES & EFFECTIVE DATE**

8.01 PENALTIES

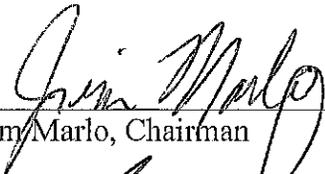
- A. Any person who violates any provision of this ordinance, or any rules and regulations adopted herein shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$100.00, but not more than \$500.00 for each violation. In addition thereto, such person may be enjoined from continuing such violations. Each day upon which such violation occurs shall constitute a separate offense.

8.01 EFFECTIVE DATE

- A. This ordinance shall be in full force and effect from and after the date of adoption as provided by law; and this ordinance shall supersede all previous Food Sanitation Ordinances, and all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

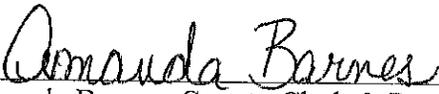
B. Should any Section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected and remain in full force and effect.

Voted on and Approved by the Williamson County Board of Commissioners this 12 day of June, 2018.

  
\_\_\_\_\_  
Jim Marlo, Chairman

  
\_\_\_\_\_  
Brent Gentry, Commissioner

  
\_\_\_\_\_  
Ron Ellis, Commissioner

Attest:   
\_\_\_\_\_  
Amanda Barnes, County Clerk & Recorder

**ORDINANCE NO. 18-06-12-04**

**GRAVEL TAX ORDINANCE**

**WHEREAS**, Section 5/5-604.1 of Chapter 605 of the Illinois Revised Statutes grants local authorities the power to levy by ordinance, an annual tax at a rate not exceed .05% of the value, as equalized or assessed by the Department of Local Government Affairs, of all taxable property in the county for the purpose of constructing or maintaining gravel, rock macadam or other hard roads, and

**WHEREAS**, it is deemed necessary and in the public interest to provide and maintain county highways for their ordinary and designated use at a cost to the taxpayers which reasonably reflects such use.

**THEREFORE, BE IT ORDAINED**, that an annual tax be levied at a rate of .05% of all value, as equalized or assessed by the Department of Local Government Affairs, of all taxable property in Williamson County, Illinois, for a period of **five (5) years** from the effective date of the ordinance as provided by law, and

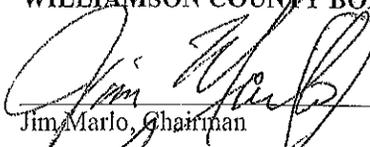
**BE IT FURTHER ORDAINED**, that should a legal voter of Williamson County, Illinois, request that the question of the adoption of this ordinance be submitted to the electors of the county, then said legal voter shall obtain a petition from the County Clerk's office and obtain **4,490** signatures of legal voters of Williamson County, Illinois, on such a petition. The petitioner shall have thirty (30) days after this publication to file the petition with the County Clerk's office. The date of the prospective referendum shall be **November, 2018**.

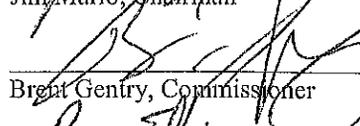
**BE IT FURTHER ORDAINED** that the following highways are to be improved and maintained:

CH 1 Prosperity Road; CH 2 Corinth Road; CH 3 Pittsburg Road; CH 4 Stotlar Road; CH 5 Dykersburg Road; CH 6 Old Ben Road; CH 7 Will Scarlett Road; CH 9 Cambria Road; CH 12 Stonefort Road; CH 13 South Market Road; CH 14 Old Frankfort Road; CH 15 Paulton Road; CH 16 Grand; CH 17 Freeman Spur Road; CH 18 Saraville Road; CH 19 Hudgens Road; CH 20 S. Wolf Creek; CH 21 N. Wolf Creek; CH 22 Prison Road; CH 25 Grassy Road; CH 26 Spillway Road; CH 27 Lake of Egypt Road; CH 28 Classic Coal Road; CH 29 Crenshaw Road; CH 29A Bandyville Road

**ORDINANCE NO. 18-06-12-04 GRAVEL TAX ORDINANCE**, is passed, approved and adopted this **12<sup>th</sup> day of June, 2018**.

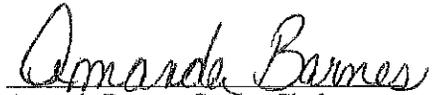
WILLIAMSON COUNTY BOARD OF COMMISSIONERS

 VOTING Yea  
Jim Marlo, Chairman

 VOTING Yea  
Brent Gentry, Commissioner

 VOTING Yea  
Ron Ellis, Commissioner

ATTEST;

  
Amanda Barnes, County Clerk

**ORDINANCE NO. 18-06-27-05**

**PREVAILING WAGE RATE**

**WHEREAS**, the State of Illinois has enacted "An Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, contract for public works," approved June 26, 1941, codified as amended, 820 ILCS 130/1 et seq. (1993), formerly Ill. Rev. State. 1987, ch. 48, par. 39s-1 et seq; and

**WHEREAS**, the aforesaid Act requires that the Board of Commissioners of Williamson County investigate and ascertain the prevailing rate of wages as defined in said Act for laborers, mechanics and other workers in the locality of Williamson County employed in performing construction of public works, for said Williamson County.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF WILLIAMSON COUNTY, ILLINOIS** that:

**SECTION 1:** To the extent and as required by "An Act regulating wages of laborers, mechanics and other workers employed in any public works by State, County, City or any public body or any political subdivision or by anyone under contract for public works," approved June 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in construction of public works coming under the jurisdiction of Williamson County is hereby ascertained to be the same as the prevailing rate of wages for construction in Williamson County area as determined by the Department of Labor of the State of Illinois as of July 2004, a copy of that determination being attached hereto and incorporated herein by reference. As required by said Act, any and all revisions of the prevailing rate of wages by the Department of Labor or the State of Illinois shall supersede the Department's July determination and apply to any and all public works construction undertaken by Williamson County. The definition of any terms appearing in this Ordinance which are also used in aforesaid Act shall be the same as in said Act.

**SECTION 2:** Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of Williamson County to the extent required by the aforesaid Act.

**SECTION 3:** The Williamson County Clerk shall publicly post or keep available for inspection by any interested party in the main office of Williamson County this determination or any revisions of such prevailing rate of wage. A copy of this determination or of the current revised determination of prevailing rate of wages then in effect shall be attached to all contract specifications.

**SECTION 4:** The Williamson County Clerk shall mail a copy of this determination to any employer, and to any association of employers to any person or association of employees who have filed their names and addresses, requesting copies of any determination stating the particular rate and the particular class of workers whose wages will be affected by such rates.

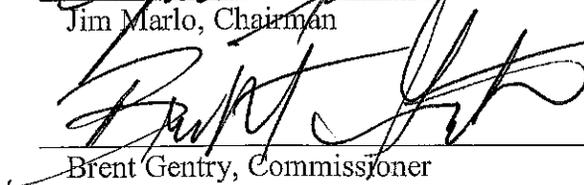
**SECTION 5:** The Williamson County Clerk shall promptly file a certified copy of this Ordinance with both the Secretary of State Index Division and the Department of Labor of the State of Illinois.

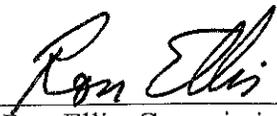
**SECTION 6:** The Williamson County Clerk shall cause to be published in a newspaper of general circulation within the area copy of this Ordinance, and such publication shall constitute notice that the determination is effective and that this is the determination of this public body.

On roll call vote **ORDINANCE NO. 18-06-27-05 PREVAILING WAGE RATE** passed this 27th day of June, 2018.

**WILLIAMSON COUNTY BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
Jim Marlo, Chairman VOTING *Yea*

  
\_\_\_\_\_  
Brent Gentry, Commissioner VOTING *Yea*

  
\_\_\_\_\_  
Ron Ellis, Commissioner VOTING *Yea*

ATTEST:

  
\_\_\_\_\_  
Amanda Barnes, County Clerk and Recorder

Ordinance No. 18-07-10-06

AN ORDINANCE FOR THE ESTABLISHMENT OF ALTERED SPEED ZONES

**IT IS HEREBY DECLARED** by the Board of Commissioners of Williamson County, Illinois, that the basic statutory vehicular speed limits established by Section 11-601 of the Illinois Vehicle Code are greater than that considered reasonable and proper on the road listed in the following Schedule for which the County 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 road listed in the Schedule; and

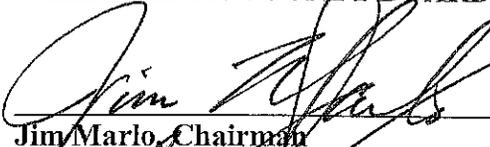
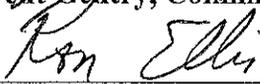
**BE IT FURTHER DECLARED** that, the result of the engineering and traffic investigation is a recommendation that an altered speed limit be established for the road listed in the Schedule; and,

**BE IT FURTHER DECLARED** that, by virtue of Section 11-604 of the above Code, this Board determines and declares that reasonable and proper absolute maximum speed limits upon the roads described in the Schedule shall be as stated therein; and

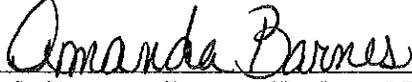
**BE IT FURTHER DECLARED** that, for the altered speed zone or zones of each street or highway described in the Schedule, signs giving notice thereof shall be erected to conform with the standards and specifications contained in the **Illinois Manual of Uniform Traffic control Devices for Streets and Highways**; and

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

**WILLIAMSON COUNTY BOARD OF COMMISSIONERS**

 Jim Marlo, Chairman	VOTING <u>Yea</u>
 Brent Gentry, Commissioner	VOTING <u>Yea</u>
 Ron Ellis, Commissioner	VOTING <u>Yea</u>

ATTEST:

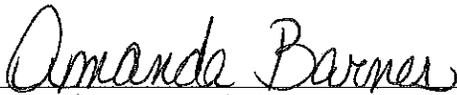


Amanda Barnes, County Clerk and Recorder

I, **Amanda Barnes**, County Clerk in and for Williamson 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 Commissioners of Williamson County at its regular meeting held at Williamson County Courthouse on **July 10, 2018**.

I further certify to the ordinance being published in the Southern Illinoisan.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and affixed the seal of said County at my office in Williamson County, this 10<sup>th</sup> day of July 2018.



Amanda Barnes, Clerk and Recorder

SCHEDULE OF ALTERED SPEED ZONES

Exact Limits of Zone

<u>Name of Highway</u>	<u>From</u>	<u>To</u>	<u>Maximum Speed Limit (MPH)</u>
Bandyville Road	Stotlar Road	Herrin Road	45 mph

**COUNTY RECORDER FEE INCREASE  
ORDINANCE NO. 18-08-14-07**

**WHEREAS**, 55 ILCS 5/3-5018 provides that the statutory County Recorder fees may be increased by the County Board if an increase is "justified by an acceptable cost study showing that the fees allowed by this Section (55 ILCS 5/3-5018) are not sufficient to cover the costs of providing the services"; and

**WHEREAS**, 55 ILCS 5/3-5018 requires a statement of the costs of providing each service, program and activity be prepared and be part of the public record; and

**WHEREAS**, a statement cost (attached hereto and made a part hereof) and cost analysis by Bellwether, LLC. has been prepared; and

**WHEREAS**, based on the Bellwether, LLC study and the recommendation of the County Clerk the County Board agrees that the fee schedule should be amended to change and establish the fees charged by the Williamson County Clerk.

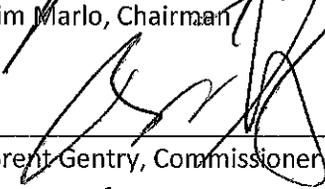
**NOW, THEREFORE, BE IT ORDAINED** that the fee schedule is amended as follows:

**Schedule of Recorder Fees**

Recording Land Record	\$ 60
Recording Non Standard	\$ 78
Recording	\$ 50
Plat (City)	\$ 97
Plat (County)	\$227

On roll call vote **ORDINANCE NO. 18-08-14-07** was passed this 14<sup>th</sup> day of August, 2018.

**WILLIAMSON COUNTY BOARD OF COMMISSIONERS**

 _____ Jim Marlo, Chairman	VOTING <u>yea</u>
 _____ Brent Gentry, Commissioner	VOTING <u>yea</u>
 _____ Ron Ellis, Commissioner	VOTING <u>yea</u> <u>8/16/18</u>

**ATTEST:**

  
\_\_\_\_\_  
Amanda Barnes, County Clerk and Recorder

**COUNTY CLERK FEE INCREASE  
ORDINANCE NO. 18-08-14-08**

**WHEREAS**, 55 ILCS 5/4-4001 provides that the statutory County Clerk fees may be increased by the County Board if an increase is "justified by an acceptable cost study showing that the fees allowed by this Section (55 ILCS 5/4-4001) are not sufficient to cover the costs of providing the services"; and

**WHEREAS**, both 55 ILCS 5/4-4001 require a statement of the costs of providing each service, program and activity be prepared and be part of the public record; and

**WHEREAS**, a statement of cost (attached hereto and made a part hereof) and cost analysis by Bellwether, LLC. has been prepared; and

**WHEREAS**, based on the Bellwether, LLC study and the recommendation of the County Clerk the County Board agrees that the fee schedule should be amended to change and establish the fees charged by the Williamson County Clerk.

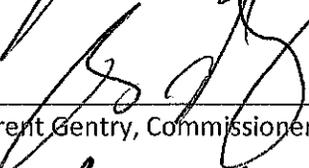
**NOW, THEREFORE, BE IT ORDAINED** that the fee schedule is amended as follows:

**Schedule of County Clerk Fees**

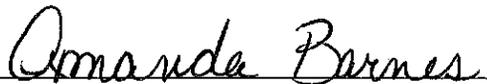
Certified Copies, Birth Certificate	\$ 20
Additional Certified Copies (Birth)	\$ 6
Certified Copies, Death Certificate	\$ 20
Additional Certified Copies (Death)	\$ 6
Certified Copies, Marriage Certificate	\$ 20
Additional Certified Copies (Marriage)	\$ 6
Marriage License	\$ 50
Civil Union License	\$ 50
Tax Redemption	\$ 74
Search Fee	\$ 10
Business Assumed Name	\$ 25
Business Changed Name	\$ 25
Notary in Person	\$ 25
Notary by Mail	\$ 25

On roll call vote **ORDINANCE NO. 18-08-14-08** was passed this 14<sup>th</sup> day of August, 2018.

**WILLIAMSON COUNTY BOARD OF COMMISSIONERS**

 _____ Jim Marlo, Chairman	VOTING <u>yea</u>
 _____ Brent Gentry, Commissioner	VOTING <u>yea</u>
 _____ Ron Ellis, Commissioner	VOTING <u>yea</u> <u>8/16/18</u>

**ATTEST:**

  
\_\_\_\_\_  
Amanda Barnes, County Clerk and Recorder

**ORDINANCE NO. 18-08-14-09**

**AN ORDINANCE RELATIVE TO WIRELESS TELECOMMUNICATION**

**FACILITIES IN WILLIAMSON COUNTY RIGHTS-OF-WAY**

**IN RESPONSE TO THE SMALL WIRELESS FACILITIES DEPLOYMENT ACT**

**WHEREAS**, the County of Williamson (“County”) is empowered to take and have the care and custody of all of the real estate owned by the County including the roadways and the trail systems pursuant to 55 ILCS 5/5-1015; and

**WHEREAS**, the County is empowered to consent to the use of its rights-of-way by public utility companies and others pursuant to 605 ILCS 5/9-113; and

**WHEREAS**, telecommunications providers have placed, or from time to time may request to place, certain telecommunication facilities in the County Highway rights-of-way; and

**WHEREAS**, on June 13, 2017, the Williamson County Board enacted Resolution No. 17-06-13-48, the Resolution for Assessing Utility Permit Fees due to the significant engineering evaluation, time, and coordination with utility companies to evaluate the capability of the county and county-unit roads and bridges to accommodate the utilities; the Board also passed Resolution No. 10-11-09-56 for Assessing Overweight/Oversize Permit fees due to the significant amounts of damage that can result in the use of county and county-unit roads by overweight and oversize vehicles; The Williamson County Board also enacted the Williamson County Subdivision Ordinance, No. 06-02-14-01 concerning rules and procedures covering plats, divisions of land, subdivisions, condominiums, dedications, and vacations in Williamson County, Illinois; and

**WHEREAS**, while State and federal law limit the authority of local governments to enact laws that prohibit or have the effect of prohibiting telecommunications services, the County has the power, under existing State and federal law, to approve appropriate regulations and restrictions relative to small cell, distributed antenna systems and other wireless telecommunication facility installations in the public rights-of-way as long as these regulations and restrictions are consistent with recently enacted Public Act 100-0585, known as the Small Wireless Facilities Deployment Act (“the Act”), found at 50 ILCS 835/1, *et seq.*; and

**WHEREAS**, in light of the anticipated increased demand for placement of small cell facilities, distributed antenna system facilities and other wireless telecommunication facility installations within the public rights-of-way, the County Board finds and determines that it is necessary to and in the best interests of the public health, safety and general welfare to adopt the Ordinance below in order to establish generally applicable standards for construction, installation, use, maintenance and repair of such facilities and installations within the County Highway rights-of-way, so as to, among other things, (i) prevent interference with the facilities and operations of the County's infrastructure and of other utilities lawfully located in public rights-of-way or property, (ii) provide specific regulations and standards for the placement and siting of wireless telecommunication facilities within County rights-of-way, (iii) preserve the character of the areas in which facilities are installed, (iv) minimize any adverse visual impact of wireless telecommunication facilities and prevent visual blight, (v) facilitate the location of wireless telecommunication facilities in permitted locations within the County Highway rights-of-way, and (vi) assure the continued safe use and enjoyment of properties adjacent to wireless telecommunication facilities locations.

**NOW THEREFORE BE IT ORDAINED** by the County Board, Williamson County, Illinois as follows:

**A. TITLE:** This Ordinance shall be known and may be referred to as the "WIRELESS TELECOMMUNICATION FACILITIES ORDINANCE."

**B. ENABLING STATUTE:**

The legislature passed Public Act 100-0585, creating 50 ILCS 835/1, *et seq.*, the Small Wireless Facilities Deployment Act (hereinafter "the Act"), enabling Williamson County to pass an ordinance to adopt rates, fees and terms which comply with the Act for the collocation of small wireless facilities within the County's rights-of-way. All definitions, terms and conditions of the Act are incorporated herein and made a part hereof without the necessity of repeating all definitions, terms and conditions. To implement a clear, simplified permitting process, the County is reiterating some, but not all, of the provisions from the Act. The fact that a provision from the Act is not specifically listed in this Ordinance does not impact its legal effect. In the event that applicable federal or state laws or regulations conflict with the requirements of this Ordinance, the Wireless Provider shall comply with the requirements of this Ordinance to the maximum extent possible without violating federal or state laws or regulations.

Since Williamson County's previous resolutions do not sufficiently address the collocation of small wireless facilities, and the legislature has enacted specific terms which apply only to small wireless companies who request to locate small wireless facilities within the County rights-of-way, the County is enacting this new ordinance, the Wireless Telecommunication Facilities Ordinance.

Where the conditions imposed by any provisions of this Ordinance regarding the siting and installation of wireless telecommunication facilities are more restrictive than comparable conditions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance shall govern.

**C. DEFINITIONS:**

All definitions of the Small Wireless Facilities Deployment Act shall be incorporated herein and shall apply. All terms from the Williamson County Subdivision Ordinance shall be applicable to this Ordinance unless otherwise stated. As used in this Ordinance, the additional subsequent terms shall have the following meanings:

**“Alternative Antenna Structure”** means an existing pole or other structure within the public right-of-way that can be used to support an antenna and is not a County-owned infrastructure.

**“County-Owned Infrastructure”** means streetlights and traffic signals owned, operated and maintained by the County and within the public right-of-way.

**“Distributed Antenna System (DAS)”** means a type of wireless telecommunication facility consisting of a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area.

**“Landscape Screening”** means the installation at grade of plantings, shrubbery, bushes or other foliage intended to screen ground mounted wireless telecommunication equipment from public view.

**“Provider”** excludes any person who is providing service to or for a private niche market.

**“Structural Engineer”** means a person licensed in the State of Illinois as a professional structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989.

**“Structure”** includes alternative antenna structure and County-owned infrastructure as herein defined, collectively.

**“Tower”** means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers.

**“Variance”** means a grant of relief by the County Engineer or designee from specific limitations of this Ordinance.

**“Wireless Telecommunication Antenna”** means an antenna that is part of a wireless telecommunications facility.

**“Wireless Telecommunication Equipment”** means equipment, exclusive of an antenna, that is part of a wireless telecommunications facility.

**“Wireless Telecommunication Facility”** means an antenna, equipment, and related improvements used, or designed to be used, to provide publicly accessible wireless transmission of voice, data, images, or other information including, but not limited to, cellular phone service, personal communication service, paging, and Wi-Fi antenna service.

**“Wireless Services”** means any services provided to the general public, including a particular class of customers, and made available on a non-discriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

**“Wireless Services Provider”** means a person who provides wireless services.

**D. REGULATIONS AND STANDARDS:**

Wireless telecommunication facilities shall be permitted to be placed in public rights-of-way as attachments to existing alternative antenna structures or County-owned infrastructure or as an attachment to a new alternative antenna structure subject to the following regulations:

1. Siting of wireless telecommunication facilities: When deciding where to install wireless telecommunication facilities, wireless services providers shall take into consideration the surrounding and adjacent land uses and make every effort to avoid siting wireless telecommunication facilities at or near properties with high frequency outdoor usage such as parks, schools, recreational facilities, etc.
2. New Alternative Antenna Structures: With respect to the application for the installation of a wireless telecommunication facility on a *new* alternative antenna structure, the County may propose that the wireless telecommunication facility be collocated on an existing alternative antenna structure within one hundred (100) feet of the proposed installation, which the applicant will accept if it has the right to use the alternate antenna structure on reasonable terms and conditions and the alternate location and structure does not impose technical limits or unreasonable additional material costs as determined by the applicant. The applicant shall provide a written certification describing any property rights, technical limits or material costs as reasons that the alternate location does not satisfy the criteria in this paragraph.

3. Signage: Identification signage shall be affixed onto each wireless telecommunication facility identifying the wireless services provider, contact phone number and unique identifier. Installation of other signs on a wireless telecommunication facility shall be prohibited, unless they are for warning labels or otherwise are required by law or regulations.
4. Frequency Interference: The wireless services provider's operation of the wireless telecommunication facilities in the rights-of-way shall not interfere with the frequencies used by the County's public safety or roadway facility communications, including, but not limited to, streetlight and traffic signal transmissions. In the event that an interference with the frequencies used by the County's public safety or roadway facility communications is detected, at any time, the wireless services provider is required to, at its own expense, either: (i) reconfigure or filter its antenna system's transmissions or frequency; or (ii) cease transmitting/receiving from said unit; or (iii) remove the entirety of the installation immediately upon notification of said interference. In the event a relocation is required, the wireless services provider will be required to apply for a new wireless telecommunication facilities permit under the terms of this Ordinance.
5. Attachment Limitations: No wireless telecommunication antenna or facility shall be attached to an alternative antenna structure or County-owned infrastructure unless all of the following conditions are satisfied:
  - a. Height Requirements: The maximum height of a wireless telecommunication antenna attached to a structure is limited to ten (10) feet above the structure on which the wireless telecommunication antenna is collocated. The height of a new or replacement structure on which wireless telecommunication facilities are collocated shall be limited to the higher of:
    1. ten (10) feet in height above the tallest existing structure, other than a tower supporting only wireless facilities, that is in place on the date the application is submitted to the County, that is located within three-hundred (300) feet of the new or replacement structure and that is in the same rights-of-way within the jurisdictional boundary of the County; or
    2. forty-five (45) feet above ground level.
  - b. Antenna Size: The wireless telecommunication antenna, including antenna panels, whip antennas or dish-shaped antennas, shall be located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet. Applicant shall provide written proof by way of design drawings

and details at time of application submittal that show the volume limitation has been met.

- c. **Equipment Volume of Above-Ground Wireless Telecommunication Facility:** The total combined volume of all above-ground equipment and appurtenances comprising a wireless telecommunication facility, exclusive of the antenna itself, shall not cumulatively exceed twenty-five (25) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunication demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services. Applicant shall provide written proof by way of design drawings and details at time of application submittal that show the volume limitation has been met.
- d. **Mounting Requirements:** The base of the equipment, antenna or appurtenances of a wireless telecommunication facility collocated on a structure shall be located no lower than ten (10) feet above grade and at a location and height that meets the requirements of the American Disabilities Act (ADA) and the clearances set forth in the Public Rights-of-Way Accessibility Guidelines (PROWAG) or the subsequent regulations on accessibility in public rights-of-way. Collocation on County-owned infrastructure shall also not interfere with or obscure existing traffic control devices including signal heads and signage. For traffic signals or street lights, no elements of a wireless telecommunication facility shall be mounted onto the signal mast arm or lighting luminaire arm.
- e. **Landscape Screening:** In the event that a wireless telecommunication facility is proposed to be installed at grade, landscape screening shall be installed to minimize the visibility of the wireless telecommunication facility, at the discretion of the County.
- f. **Wiring and Cabling:** Wires and cables connecting the antenna to the remainder of the facility shall be installed in accordance with the version of the National Electric Code and National Electrical Safety Code in effect at the time of application. In no event shall wiring and cabling serving the facility interfere with any wiring or cabling installed by a cable television or video service operator, electric utility or telephone utility. The applicant shall be required to provide written sign-off by each owner/operator that a proposed collocation will not adversely impact their existing facilities. Said sign-offs must be provided at the time of application submittal.

- g. Grounding: The wireless telecommunication facility shall be grounded in accordance with the requirements of the most current edition of the National Electrical Code currently in effect.
- h. Guy Wires: No guy or other support wires shall be used in connection with a wireless telecommunication facility unless the facility is proposed to be attached to an existing structure that incorporated guy wires prior to the date that an applicant has applied for a permit.
- i. Pole Extensions: Extensions to structures utilized for the purpose of collocating a wireless telecommunication antenna and its related wireless telecommunication equipment shall be fabricated from material similar to the structure, and shall have a degree of strength capable of supporting the antenna and any related appurtenances and cabling and capable of withstanding wind forces and ice loads in accordance with the structural loading standards set forth as noted below. An extension shall be securely bound to the structure in accordance with applicable engineering standards for the design and attachment of such extensions.
- j. Structural Loading: The wireless telecommunication facility, including the antenna, pole extension and all related equipment shall be designed to withstand wind forces and ice loads in accordance with applicable standards established in Chapter 25 of the National Electric Safety Code for structures, Rule 250-B and 250-C standards governing wind, ice, and loading forces on structures, in the American National Standards Institute (ANSI) in TIA/EIA Section 222-G established by the Telecommunications Industry Association (TIA) and the Electronics Industry Association (EIA) for steel structures and the applicable industry standard for other existing structures. The applicant shall provide the County with a structural evaluation of each specific location affirming that the proposed installation passes the standards described above. The evaluation shall be prepared by a professional structural engineer licensed in the State of Illinois.
- k. Electrical Disconnect: The wireless telecommunication facility shall include an electrical service disconnect switch to allow County personnel and agents to shut off power in the event of an incident or other abnormal conditions. The switch shall be located a minimum of ten (10) feet from the wireless telecommunication facility and accessible to County and emergency response personnel without restriction.

**E. PERMITTING REQUIREMENTS:**

All applications for the collocation or installation of wireless telecommunication facilities shall be submitted to the Williamson County Highway Engineer. Applications for the collocation or installation of wireless telecommunication facilities shall be required to include the following:

**1. General Permitting Requirements:**

- a. A site specific structural integrity analysis prepared by a professional structural engineer licensed in the State of Illinois.
- b. An exhibit showing the location where each proposed wireless telecommunication facility would be installed.
- c. If the County does not have fee ownership of the property or utility pole, documentation is required showing consent/permission for use by the fee owner.
- d. A line-of-sight analysis to ensure that wireless telecommunications equipment, either pole or ground mounted, does not obscure the safe visibility of/by motorists, bicyclists or pedestrians.
- e. Photographs taken within six (6) months of application submittal of the location and its immediate surroundings depicting the land uses and structure(s) on which each proposed wireless telecommunication facility would be mounted.
- f. Specifications and drawings prepared by a structural engineer, for each proposed wireless telecommunication facility covered by the application as it is proposed to be installed, with height and offset dimensions shown as well as volumetrics (cubic feet) of each of the wireless telecommunication facility components.
- g. A proposed schedule for the installation and completion of each wireless telecommunication facility covered by the application, if approved.
- h. Certification that the collocation complies to the best of the applicant's knowledge, with the frequency interference requirements in section D. (4).
- i. Restoration - Upon completion of the work authorized by permit under this Ordinance, all disturbed or damaged areas of the right-of-way shall be restored to their original condition or better. Said restoration shall include, but is not limited to, repairs to shoulders, ditches, parkways, curbs, and pavements and/or any special landscaping, hardscaping, or enhanced areas that existed in the rights-of-way prior to the commencement of the permitted work. The County shall bear no responsibility for costs associated with such restoration. The applicant shall provide a Performance Bond in the amount of twenty thousand (\$20,000.00) dollars or one hundred ten percent (110%) of the engineer's estimate of probable cost, whichever is greater. An engineer's estimate of probable cost shall be submitted to the County for approval prior the provision of a bond.

- j. Service Connections - Other related improvements including, but not limited to, buried electrical service, and buried fiber optic or cable connections that are needed to service the wireless telecommunication facility and are installed within County rights-of-way beyond the physical pole or structure require additional and separate permits. These types of connections shall be applied for concurrently by the respective utility provider providing that service or connection.
2. **County-Owned Infrastructure:**
- a. Pole Attachment Agreement - In addition to the required permit, a separate pole attachment agreement between the wireless services provider and the County is required prior to the County authorizing the placement of wireless telecommunication facilities on County-owned infrastructure.
  - b. Replacement of County-Owned Infrastructure - If the County determines that applicable codes or public safety requires the County's infrastructure to be replaced to support the requested collocation, the County shall require the wireless services provider to replace the County's infrastructure at no cost to the County. If the proposed installation requires replacement of the County's infrastructure, no property rights will be conferred on the applicant by the replacement of such infrastructure.
  - c. Make Ready Analysis - When a wireless services provider is seeking a permit to collocate a wireless telecommunication facility on County-owned infrastructure a Make Ready Analysis prepared by a professional structural engineer licensed in the State of Illinois shall be required.
3. **Alternative Antenna Structure:**
- Permission to Use Alternative Antenna Structure – When the applicant of a wireless telecommunication facility submits an application, the applicant shall submit to the County a copy of the approval from the owner of an alternative antenna structure, to mount the wireless telecommunication facility on that specific alternative antenna structure. Approval by the alternative antenna structure owner to allow the installation of a wireless telecommunication facility shall also include a guarantee by the alternative antenna structure owner that it will either remove abandoned equipment in accordance with section (K) below or cause the removal of the equipment. Approval by the alternative antenna structure owner shall also include a determination by the alternative antenna structure owner that the alternative antenna structure is structurally capable of supporting the wireless telecommunication facility.

**F. PERMIT FEES:**

1. Permits for placement of wireless telecommunication facilities are required. Except as otherwise provided in this Ordinance, the procedures for the application for, approval of and revocation of such a permit shall be those required in the Small Wireless Facilities Deployment Act. If, after receiving an application, a determination is made by the County Engineer or his designee that it is incomplete or requires additional information, the applicant will be notified and the processing deadlines are tolled from the time the County sends notice to the time the applicant provides the missing information. All applications shall demonstrate compliance with the requirements of the Act and this Ordinance. All applications for permits pursuant to this Ordinance shall be accompanied by a non-refundable application fee according to the following schedule:
  - a. Single wireless telecommunication facility on an existing structure - six hundred and fifty (\$650.00) dollars;
  - b. Multiple wireless telecommunication facilities (maximum 25) included in a single application to collocate on existing structures – three hundred and fifty (\$350.00) dollars each;
  - c. Wireless telecommunication facility that includes the replacement or installation of a new structure or tower- one thousand (\$1,000.00) dollars each.
2. Annual Recurring Rate: The wireless services provider shall pay to the County an annual recurring rate for each permitted location of two hundred (\$200.00) dollars per year or an amount equal to the County's direct costs, whichever is greater, to collocate telecommunication facilities on County-owned infrastructure. Initial payment shall be received prior to permit issuance by the County. Thereafter, payment shall be received annually beginning on the second March 1<sup>st</sup> following the initial payment. (Example: If initial payment is on January 1, 2019, the next payment is March 1, 2020, and the third payment is March 1, 2021.).
3. Penalties: Any person who violates any provision of this Ordinance or fails to comply with any requirements thereof, or who constructs, alters, repairs, disconnects, removes any facility within the County Highway rights-of-way in violation of an approved plan or directive of the County Engineer or his designee, or fails to apply for or obtain a permit issued under the provisions of this Ordinance shall be guilty of an offense punishable by a fine equal to the greater of:
  - a. Seven hundred and fifty (\$750.00) dollars; or
  - b. Twice the assessed application fees under this Ordinance; or
  - c. An amount sufficient to correct any deficiencies or maintain the proper movement and safety of the County Highway users.

Each day that a violation continues shall be deemed a separate offense. The imposition of any fine shall not exempt the offender from compliance with the requirements of this Ordinance.

- G. ADJUSTMENTS OR RELOCATIONS OF WIRELESS TELECOMMUNICATION FACILITIES:** The wireless services provider shall be responsible for making adjustments, relocations and/or removal of its facilities within the County rights-of-way due to highway construction, reconstruction or maintenance work within ninety (90) calendar days of receipt of written notification as directed by the County Engineer or the duly authorized designee. If such facility is not removed or relocated as directed within ninety (90) days of such notice, the County may remove or cause the removal of such facility through whatever actions are provided by law for removal and cost recovery.
- H. DAMAGE TO WIRELESS TELECOMMUNICATIONS FACILITY:** If the structure or attached wireless telecommunications facility is damaged, the wireless telecommunications facility operator shall make the equipment safe or clear the equipment from the right-of-way within one (1) hour of notification to the wireless services provider designee.
- I. DAMAGE TO COUNTY INFRASTRUCTURE OR PROPERTY:** The wireless services provider shall be financially responsible for any damage to County infrastructure or property caused by the installation, maintenance, or operation of wireless telecommunication facilities.
- J. VARIANCE REQUIREMENTS:** Each location of a wireless telecommunication facility within County right-of-way shall meet all of the requirements of the Ordinance. The decision to deny a permit application may be appealed to the County Engineer or authorized designee. The County Engineer or authorized designee shall hear the request for a variance within fourteen (14) calendar days following receipt of notice, and the decision shall be the final action of the County with respect to the request for a variance. Any request for a variance shall be made in writing to the County Engineer, c/o Williamson County Highway Department, 1817 N. Court St., Marion, Illinois 62959 within fourteen (14) calendar days of receipt of a decision by the County.
- K. ABANDONMENT AND REMOVAL:** Any wireless telecommunication facility located within the right-of-way of a County Highway that is not operated for a continuous period of twelve (12) months, shall be considered abandoned and the owner of the facility shall remove same within ninety (90) days of receipt of written notice from the County notifying the owner of such abandonment. Such notice shall be sent by certified or registered mail, return-receipt-requested, by the County to such owner at the last known address of such

owner. In the case of wireless telecommunication facilities attached to County-owned infrastructure, if such facility is not removed within ninety (90) days of such notice, the County may remove or cause the removal of such facility through the terms of the applicable pole attachment agreement or through whatever actions are provided by law for removal and cost recovery.

- L. COUNTY WIRELESS TELECOMMUNICATION FACILITIES:** This Ordinance shall not apply to wireless telecommunication facilities owned by the County.
- M. NO IMPLIED WARRANTIES:** As to County-owned infrastructure onto which wireless telecommunications facilities are to be considered for installation upon, no implied or expressed warranty is given, granted, inferred, etc. as to its capability to accept, support, etc. and/or provide for the needs of the wireless telecommunication facility installation. The complete responsibility for assuring the support element's ability will rest and lie entirely with the permit applicant. In the event the permit applicant's selected County-owned infrastructure is deemed inadequate by the permit applicant or the applicant's consultant, the County will be under no obligation to augment or create a new element for the installation of the wireless telecommunication facility.
- N. HOLD HARMLESS AGREEMENT:** It is recognized that the system being created by the wireless telecommunication facilities network requires an interconnection and complete coverage for the system to function. It is also recognized that during events, weather conditions, traffic accidents and maintenance and construction operations sometimes cause damage to roadway facilities within rights-of-way including County-owned infrastructure. Although replacement, reconstruction or re-installation of this infrastructure is typically accomplished in as efficiently, timely and economically a manner as possible, there is no defined timeframe in which this repair work is completed. In the event such incidents occur causing damage to County-owned infrastructure which have wireless telecommunication facilities mounted or otherwise attached to them, and in the event such accidents or occurrences cause elements of or the complete wireless telecommunication facility to be incapacitated, rendered inoperable, made irreparable, or destroyed, the County and its elected and appointed officials, employees, and agents shall be held harmless and under no obligation to replace, reconstruct or re-install the roadway facilities within a certain time frame or to the same configuration or condition, nor shall there be any obligation by the County to repair, reconfigure or replace any elements of the wireless telecommunication facility. Such duties and responsibilities for the repair, reconfiguration or replacement of the wireless telecommunication facility shall rest solely and at the expense of the wireless services provider.

**O. SEVERABILITY:**

In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of the Ordinance, which shall remain in full force and effect.

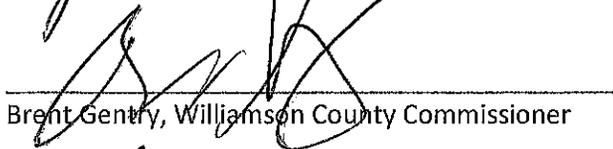
**P. EFFECTIVE DATE:**

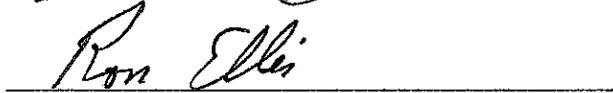
This Ordinance shall be effective upon its adoption.

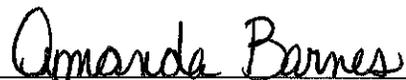
BE IT FURTHER ORDAINED that the County Clerk is directed to publish notice hereof in a newspaper of general circulation within Williamson County.

Enacted and approved this 14<sup>th</sup> day of August, 2018.

  
\_\_\_\_\_  
Jim Marlo, Williamson County Board Chairman

  
\_\_\_\_\_  
Brent Gentry, Williamson County Commissioner

  
\_\_\_\_\_  
Ron Ellis, Williamson County Commissioner

ATTEST:   
\_\_\_\_\_  
Amanda Barnes, Williamson County Clerk & Recorder