

## FULTON COUNTY HEALTH ORDINANCE PART XI

### BED AND BREAKFAST ORDINANCE

#### SECTION A, SCOPE:

An Ordinance for the regulation, permitting, operation, and inspection of bed and breakfast establishments in the County of Fulton, Illinois.

Pursuant to the powers granted to the Fulton County Board by the Illinois Compiled Statutes Chapter 55, Act 5, Section 1113 in such case made and provided therefore, and WHEREAS, the improper operation of a bed and breakfast is a menace to the public health: THEREFORE, BE IT RESOLVED by the County Board of Fulton County, Illinois that the following Ordinance is hereby made and adopted.

#### SECTION B, ADOPTION BY REFERENCE:

In addition to those provisions set forth in the Fulton County Health Ordinance, Part XI, Bed and Breakfast Ordinance, this Ordinance hereby adopts, by reference, the provisions set forth in the State of Illinois Bed and Breakfast Act, the Illinois Department of Public Health Food Service Sanitation Code, the Illinois Department of Public Health Drinking Water Systems Code, the Illinois Department of Public Health Public Area Sanitary Practice Code, and the Illinois Department of Public Health Plumbing Code, and any subsequent amendments or revisions thereto.

#### SECTION C, PERMIT:

It shall be unlawful for any person to operate a bed and breakfast establishment within the boundaries of Fulton County, Illinois who does not possess a valid Bed and Breakfast Permit issued by the Fulton County Board of Health. Only a person who complies with the requirements of this Ordinance and the Rules and Regulations as adopted by reference by the Fulton County Board and subsequent Rules and Regulations adopted by the Board of Health shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person to another person, nor shall said permits be applicable to any locations, buildings or places other than that for which it is issued. A valid permit shall be conspicuously posted in every bed and breakfast establishment.

A permit is valid for only one calendar year. All permits will expire on December 31<sup>st</sup> of each year.

## SECTION D, ENFORCEMENT PROVISIONS:

### 1. Issuance of Permit.

- a. Any person desiring to operate a bed and breakfast shall make written application for a permit on forms provided by the Fulton County Health Department.
- b. Upon receipt of such application, the Health Officer shall make an inspection of the bed and breakfast establishment to determine compliance with the provisions of this Ordinance and the Rules and Regulations adopted by the Board of Health. When inspection reveals that all applicable requirements of the Ordinance and the Rules and Regulations have been met, the Health Officer shall issue a permit to the applicant.
- c. The permit shall be such form as adopted and approved by the Health Department and shall contain the facility name, owners name, and the address of the establishment. The permit shall be valid only for the location, building or place described therein.

### 2. Suspension of Permit:

Permits may be suspended temporarily by the Health Officer for failure of the holder to comply with the requirements of this Ordinance.

- a. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this Ordinance, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended, and that an opportunity for a hearing is filed with the Board of Health by the permit holder.
- b. Notwithstanding the other provisions of this Ordinance, whenever operational conditions exist that constitutes a substantial hazard to the public health, the Health Officer, without warning, notice or hearing may issue a written notice to the permit holder or operator citing such condition, specifying the time period within which such action shall be taken and if deemed necessary. Such order shall state that the permit is immediately discontinued. Any person to whom such an order is issued shall comply immediately herewith, but upon written petition to the Board of Health shall be afforded a hearing within ten (10) working days from the date the written petition is received by the Health Department.

3. Reinstatement of Suspended Permit:

Any person whose permit has been suspended may, at any time, make application for a reinspection for the purpose of reinstatement of the permit. Within ten (10) working days following receipt of a written request, including a statement signed and dated by the applicant that by the applicant's opinion the condition causing suspension of the permit have been corrected, the Health Officer shall make a reinspection. If the applicant is complying with the requirements of this ordinance, the permit will be reinstated.

4. Revocation of Permit:

For serious repeated violations of any of the requirements of this Ordinance, or for interference with the Health Officer in the performance of his duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Board of Health.

Prior to such action, the Health Officer shall notify the permit holder that the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five (5) days following the serving of such notice, unless a request for a hearing is filed with the Board of Health by the permit holder, within such five (5) day period. The permit may be suspended for cause pending revocation of a hearing relative thereto.

5. Voluntary Termination of Operation:

Any person who terminated the operation of a bed and breakfast establishment must surrender their Bed and Breakfast Permit to the Health Officer of the Fulton County Health Department.

6. Inspection:

- a. The Health Officer is hereby authorized and directed to make such inspections as are deemed necessary to determine satisfactory compliance with the provisions of this Ordinance. A minimum of three (3) inspections must be performed each calendar year.
- b. The owner and/or operator of the Bed and Breakfast establishment shall give the Health Officer access to the property for the purpose of making such inspections as are necessary to determine compliance with the provisions of this Ordinance and the Rules and Regulations as established by the Fulton County Board of Health.
- c. The owner or operator of a bed and breakfast establishment shall not interfere with the Health Officer in the performance of the Health Officer's duties.

## 7. Plan Review

When a bed and breakfast establishment is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a bed and breakfast establishment, properly prepared plans and specifications for such construction, materials of work areas, and the location, size, and type of fixed equipment, and facilities, shall be submitted to the Health Officer for approval before work is initiated

## 8. Appeals:

A person whose permit has been suspended or revoked may make a written request within five (5) days of notification of such suspension or revocation to the Health Officer for a hearing before the Board of Health to contest the conditions of the suspension or revocation of a permit. Failure to request such hearing within five (5) days of the aforementioned notification shall constitute a waiver of the permit holder's right to a hearing to contest such suspension or revocation. Any bed and breakfast establishment for which the permit has been suspended or revoked shall remain closed during those periods when an appeal and/or a hearing is being sought or under consideration by the Board of Health.

All hearings shall be conducted so as to provide the parties with written notice of the hearings, written notice of the conditions which have lead to the suspension or revocation, adequate time to prepare, the right to make an opening statement, the right to present evidence in support of their position including the right to present witnesses, the right to cross-examine any witness called to testify, the right to legal counsel at their expense, and the right to make a closing statement. All hearings shall be conducted in an informal manner, with consideration to be provided to all parties. All hearings shall be tape-recorded.

The formal rules of evidence shall not apply; however, all witnesses called to testify shall do so under oath or affirmation administered by the Chair of the Board of Health. The hearing body may exclude irrelevant or immaterial evidence. The hearing body, the Board of Health, may question any witness called to testify to clarify any point or to otherwise assist the body in reaching a decision. Written notice of a hearing may be waived by the party.

The health officer shall be designated as "petitioner", and the permit holder shall be designated as "respondent" in hearings before the Board of Health. The petitioner bears a civil burden of proof, preponderance of the evidence, to have a suspension or revocation of a permit affirmed by the Board of Health. A majority decision of the Board of Health of the members present at the hearing shall be required to affirm a suspension or revocation of a permit. The decision of the appeal body, the Board of Health, shall be a final decision.