

3-4-85

FOOD SERVICE ESTABLISHMENT AND FOOD MARKET ORDINANCE

AN ORDINANCE REVOKING PRIOR COUNTY ORDINANCES AND ESTABLISHING PRESENT AND FUTURE RULES AND REGULATIONS FOR FOOD SERVICE AND FOOD MARKET REQUIREMENTS, INSPECTIONS, PERMITS AND ENFORCEMENT.

BE IT ORDAINED by the Board of Health, Wabash County, Indiana, that:

Section 101. Requirements.

- A. Food service sanitation requirements shall adhere to Rule 410-IAC 7-15.1 in its entirety, which booklet will be distributed and made available to the proper establishments.
- B. Retail food market sanitation requirements shall adhere to Regulation HFD 19, which pamphlet shall be made available upon request, and said regulations shall apply to home preparation of foods offered for sale to the public as regulated by IC 16-1-20.
- C. All other food service sanitation requirements shall follow Indiana Code, Article 16, Food Establishment Law.
- D. All food service establishments, mobile food service establishments, and food markets which are hereafter constructed or altered shall conform with the applicable requirements set forth in Section I of this ordinance. Properly prepared plans and specifications shall be submitted to and approved by the health officer as may be required before starting any construction work.

Section 102. Permits.

- A. It shall be unlawful for any person to operate a food service establishment, mobile food service establishment, temporary food service establishment, or food market in Wabash County, who does not possess a valid permit from the health officer. Such permit shall be posted in a conspicuous place in said establishment. Only persons who comply with the applicable requirements of this ordinance shall be entitled to receive and retain such a permit. The permit for a food service establishment, mobile food service establishment, and food market shall be for a term of one year beginning January 1st and expiring December 31st of the same year and shall be renewed annually. The permit for a temporary food service establishment shall be for the term of one continuous operation. Any permit issued by the health officer shall contain the name and address of the person to whom the permit is granted, the address of the premises for which the same is issued, and such other pertinent data as may be required by the health officer.
- B. A separate permit shall be required for each food service establishment, mobile food service establishment, temporary food service establishment, or food market.
- C. A permit issued under this ordinance is not transferable to any other person than the person named on the permit.
- D. A permit shall be issued to any person on application after inspection and approval by the health officer, provided that the food service establishment, mobile food service establishment, temporary food service establishment, or food market complies with all the applicable provisions of this ordinance.
- E. No permit or renewal thereof shall be denied or revoke on arbitrary or capricious grounds.

Section 103. Inspection

- A. The person operating the food service establishment, temporary food service establishment, mobile food service establishment, or food market shall upon the request of the health officer, permit such health officer access to all parts of said establishment and shall permit the health officer to collect evidence and/or exhibits and to copy any or all records relative to the enforcement of this ordinance.
- B. At least once each three months, the health officer shall inspect each food service establishment, mobile food service establishment, or food market for which a permit is required under the provisions of this ordinance.

- C. At least once each twenty-four hour period, the health officer may inspect each temporary food service establishment for which a permit is required under the provisions of this ordinance.
- D. During the inspection of the food service establishment, temporary food service establishment, mobile food service establishment or food market samples of food may be taken and examined by the health officer as often as may be necessary to determine freedom from contamination, adulteration, or misbranding. The health officer may on written notice to the owner or operator, impound and forbid the sale of any food which is unwholesome, adulterated, or misbranded, or which he has probable cause to believe is unfit for human consumption, unwholesome, adulterated or misbranded, provided, that in the case of misbranding which can be corrected by proper labeling such food may be released to the operator for correct labeling under the supervision of the health officer. The health officer may also cause to be removed or destroyed any dairy product, meat produce, seafood, poultry product, confectionery, bakery product, vegetable, fruit or other perishable articles which in his opinion are unsound, or contain any filthy, decomposed, or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe.
- E. If during the first inspection of any food service establishment, mobile food service establishment or food market, the health officer discovers a violations of this ordinance, he shall issue a written order listing such violations to the proprietor or, in his absence, to the person in charge, and fixing a time within which the said proprietor of said establishment shall abate and remedy such violations. A copy of the written order shall be filed with the records of the health department.
- F. If during the first inspection of any temporary food service establishment, the health officer discovers the violation of any of the requirements of Section I of this ordinance, he shall order the immediate correction of the violation. Upon failure of any person maintaining or operating a temporary food service establishment to comply with any order of the health officer, it shall be the duty of the health officer summarily to revoke the permit of such person and establishment and to forbid the further sale or serving of food therein. Any person continuing to sell or serve food in such temporary food service establishment, the permit of which has been revoked shall be subject to the provisions of Section 3, I of this ordinance.
- G. If upon the second inspection of any food service establishment, mobile food service establishment, or food market, the health officer finds that said establishment, person, or employee is violating any of the provisions of this ordinance which were in violation of the previous inspection, and concerning which a written order was issued, the health officer shall issue a Warning of Ordinance Violation. A Warning shall state the (1) section of Indiana Code violated, (2) necessary corrections, and (3) set a final date of mandatory action, at which time a final inspection is to be made.
- H. If upon final inspection of any food service establishment, mobile food establishment or food market, the health officer finds that the said establishment, person, or employee is violating any of the provisions of this ordinance for which a Warning of Ordinance Violation has been issued, the permit for said establishment may be denied or revoked.
- I. A "Complaint and Summons" may be issued following the final inspection according to General Ordinance No. 85-2, 1985.
- J. Any person whose permit has been denied or revoked may at any time make application to the health officer for reinstatement of his permit after all violations have been corrected.

Section 104. Disease Control.

- A. No person who is infected with any disease in a communicable form or is a carrier of such disease shall work in any food service establishment, mobile food service

establishment, temporary food service establishment, or food market. If the manager of any said establishment has reason to believe that any employee has contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the health officer immediately.

- B. When the health officer has reason to believe that there exists possibility of transmission of infection from any said employee, the health officer is authorized to require any or all of the following measures:
1. The immediate exclusion of the employee from said establishment.
  2. The immediate closing of the said establishment concerned until no further danger of disease outbreak exists in the opinion of the health officer.
  3. Adequate medical examination of the employee and of his associates with such laboratory examinations as may be indicated.
  4. Any other measure as set out in Indiana Code, Article 16, Chapter 9.

Section 105. Repeal and Date of Effect.

- A. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect upon its adoption and its publication as provided by law.

Section 106. Unconstitutionality Clause.

- A. Should any section, paragraph, sentence, clause, or phrase of this ordinance be declare unconstitutional, or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

Section 107. Extension of Time.

- A. In the event a person in unable to comply because of an economic hardship, the Board of Commissioners of Wabash County upon application and upon proof of inability to pay the cost of compliance, may extend the period within which said person shall comply with this Ordinance.

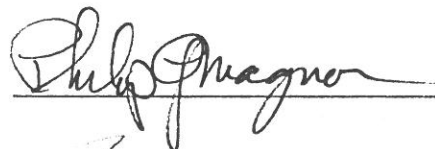
Section 108. Penalties.

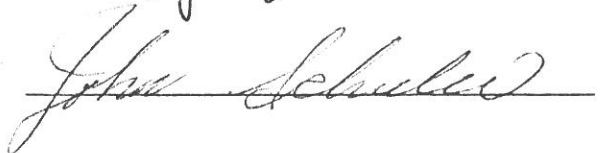
- A. Any person in violation of this Ordinance shall be guilty of a Class B misdemeanor as set out at Indiana Code 35-50-3-3 that being imprisonment for a fixed term of not more than 180 days; in addition, a fine may be imposed of not more than \$1,000.00.

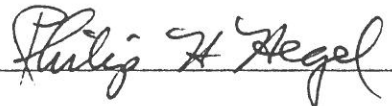
Passed and adopted by the Wabash County Commissioners, State of Indiana, on this 4<sup>th</sup>

day of March, 1985.

  
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ATTEST:   
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APPLICATION FOR EXTENSION OF TIME TO  
CORRECT FOOD ORDINANCE VIOLATION

Date \_\_\_\_\_

I, \_\_\_\_\_, HEREBY APPLY TO THE  
BOARD OF COMMISSIONERS OF WABASH COUNTY FOR AN EXTENSION OF TIME TO  
CORRECT THE VIOLATIONS, WHICH HAS BEEN NOTED BY THE COUNTY SANITARIAN.

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APPLICANT

ADDRESS \_\_\_\_\_ TELEPHONE( ) \_\_\_\_\_

BUSINESS \_\_\_\_\_ TELEPHONE( ) \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

APPLICANT: DO NOT WRITE BELOW THIS LINE

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EXTENSION OF TIME GRANTED: DATE \_\_\_\_\_

EXTENSION OF TIME DENIED: DATE \_\_\_\_\_

COMMENTS: \_\_\_\_\_

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BOARD OF COMMISSIONERS OF WABASH COUNTY

*Philip J. Wagner Jr.*  
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