



CLINTON COUNTY: FOOD ORDINANCE

ORDINANCE NO. 2023-09

An ordinance pertaining to establishments requiring Permits and Permit fees for operation of a Retail Food Establishment, Mobile Food Establishment, Temporary Food Establishment, Food or Beverage Vending Machine, Farmers' Market Vendor, or Bed and Breakfast Establishment; prohibiting the sale of adulterated, unwholesome, or misbranded food; regulating the inspection of food and Bed and Breakfast Establishments; providing for enforcement of this Ordinance; and providing for incorporation by reference the following statutes and rules: Retail Food Establishment Sanitation Requirements Title 410 Indiana Administrative Code (IAC) 7-24 or as amended; and Bed and Breakfast Establishment Rules, 410 IAC 7-15.5, Indiana Code (IC) 16-42-1, IC 16-42-2, IC 16-42-5, IC 16-42-5.2, 410 IAC 7-21, 410 IAC 7-22 and 410 IAC 7-23.

Be it ordinance by the Board of Commissioners of Clinton County, State of Indiana, that:

SECTION I: DEFINITIONS

BOARD OF HEALTH means a group of appointed officials that will apply policy-making, rule-making and adjudicatory body for public health in the county in its jurisdiction.

DEPARTMENT shall mean the Clinton County Health Department (CCHD) of Clinton County, Indiana and/or its employees.

HEALTH OFFICER means the Medical Director of Public Health of the Clinton County Health Department of Indiana.

AUTHORIZED DESIGNEE means other than the Health Officer who has the authority to issue out the food permit and/or make decisions with the consent of the Health Officer. In CCHD, the Authorized Designee shall be the Administrator or Inspector.

ADMINISTRATOR is a person who manages/oversees the health department and administration of all public health programs.

INSPECTOR is a public health professional who monitors business and public facilities to enforce health and safety regulations.

PERSON means an association; a corporation; an individual; partnership; or other legal entity, government, or governmental subdivision or agency.

OPERATOR means the Person who has primary oversight responsibility for operation of the establishment through ownership, or lease or contractual agreement, and who is responsible for the storage, preparation, display, transportation or serving of food to the public.

PERSON-IN-CHARGE means the individual present at a retail food establishment who is responsible for the operation at the time of inspection.

FOOD EMPLOYEE shall mean an individual working with food, food equipment or utensils, or food-contact surfaces.

FOOD shall mean all articles used for food, drink, confectionery, or condiment whether simple, mixed, or compound, and all substances or ingredients used in the preparation of the aforementioned articles.

CATERING means the preparation of food in an approved Retail Food Establishment and may include the transportation of such food for service and consumption at some other site.

COMMISSARY means a registered catering establishment, restaurant, or any retail food establishment in which food, food containers, or food supplies are: (1) kept; (2) handled; (3) prepared; (4) packaged; or (5) stored; from which meals are catered and mobile retail food establishments or pushcarts are serviced.

PERMIT means the document issued by the Clinton County Health Department that authorized a Person to operate a Retail Food Establishment, Mobile Food Establishment, Temporary Food Establishment, Farmers' Market Vendor, or Bed and Breakfast Establishment.

PERMITTEE shall include the person who is the owner of or responsible for the operation of a food establishment which shall include his/her/its authorized representative and who shall be responsible for the acceptance of all notices at the address listed on the application for any permit issued hereunder.

EVENT ORGANIZER is a person or company that plans, manages, and organizes events of various kinds, these events can range from industry exhibitions, academic conferences, business seminars, career fairs, food service and operation, charity fundraising events and festivals.

INSPECTION REPORT means the document prepared by the CCHD Inspector that is completed as a result of the inspection and provided to the Person-in-charge.

CRITICAL VIOLATION shall mean a violation, if in noncompliance, that is more likely than other violations to significantly contribute to food contamination, illness, or an environmental health hazard designated as being Critical in Title 410 IAC 7-24.

NON-CRITICAL VIOLATIONS shall mean violations designated as being non-critical in Title 410 IAC 7-24.

IMMINENT HEALTH HAZARD shall mean a significant threat or danger to health that is considered to exist when 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 or illness based on:

- A. The number of potential injuries or illnesses; and
- B. The nature, severity, and duration of the anticipated injury or illness.

POTENTIALLY HAZARDOUS FOOD

- A. Potentially hazardous food product, for purposes of IC 16-42-5.3, means a food that is natural or synthetic and requires temperature control because it is in a form capable of supporting any of the following:
 - (1) The rapid and progressive growth of infectious or toxigenic microorganisms.
 - (2) The growth and toxin production of *Clostridium botulinum*.
 - (3) In raw shell eggs, the growth of *Salmonella enteritidis*.
- B. The term includes the following:
 - (1) A food of animal origin that is raw or heat treated.
 - (2) A food of plant origin that is heat treated or consists of raw seed sprouts.
 - (3) Cut melons.
 - (4) Garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth described in subsection (A).

RETAIL FOOD ESTABLISHMENT means an operation that:

- A. Stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, such as the following:
 - (1) a restaurant,
 - (2) a satellite or catered feeding location,
 - (3) a catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people,
 - (4) a market,
 - (5) a grocery store,
 - (6) a convenience store,
 - (7) a conveyance used to transport people,
 - (8) an institution,
 - (9) a food bank,
 - (10) a commissary,
 - (11) a cottage industry.
 - (12) 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.
- B. The term “retail food establishment” includes but is not limited to the following:

- (1) An element of the operation, such as a transportation vehicle or a central preparation facility that supplies vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority.
 - (2) An operation that is conducted in a mobile, stationery, temporary, or permanent facility or location, where consumption is on or off the premises, and regardless of whether there is a charge for the food.
- C. The term “retail food establishment” does not include the following:
- (1) An establishment that offers only prepackaged foods that are not potentially hazardous.
 - (2) A produce stand that only offers whole, uncut fresh fruits and vegetables.
 - (3) A food processing plant operated under IC 16-42-5
 - (4) A private home where food is prepared by a member of an organization that is operating under IC 16-42-5-4
 - (5) An area where food that is prepared as specified in subdivision (4) is sold or offered for human consumption.
 - (6) A bed and breakfast establishment as defined and regulated under IC 16-41-31 and 410 IAC 7-15.5
 - (7) A private home that receives catered or home-delivered food.
 - (8) A private home which provides childcare and is not subject to IC 12-13-5.
 - (9) A private home which provides residential care and is not subject to IC 12-15 and/or IC 23-2-4.

BED AND BREAKFAST ESTABLISHMENT means an operator occupied residence that meets the following conditions:

- A. Provides sleeping accommodations to the public for a fee
- B. Has not more than fourteen (14) guest rooms.
- C. Provides breakfast to the guests as part of the fee.
- D. Provides sleeping accommodations for not more than thirty (30) consecutive days to a particular guest.
- E. The term does not include hotels, motels, boarding houses, or food service establishments.

HOME-BASED VENDOR (HBV) shall prepare and sell only a food product that is:

- A. Made, grown, or raised by an individual at the individual’s primary residence, including any permanent structure that is on the same property as the residence;
- B. not potentially hazardous food product;
- C. prepared using proper sanitary procedures, including:
 - (1) Proper hand washing;
 - (2) Sanitizing the container or other packaging in which the food product is contained;
 - (3) Storing the food product safely;

- (4) Producing the food product in a food preparation or packaging area in which animals are not present; and
- (5) Cleaning and sanitizing of surfaces that have contact with the product;
- D. not resold;
- E. sold in person, by telephone, or through the Internet; and
- F. delivered to the end consumer in person, by mail, or by a third-party carrier.
- G. Packing and Labeling Requirement under House Enrolled Act No. 1149 Chapter 5.3 Sec. 5 (a) must be followed.

FARMERS' MARKET means a common facility where two or more farmers or growers gather on a regular basis to sell a variety of fruits, vegetables, and other farm products directly to consumers.

MOBILE FOOD ESTABLISHMENT shall mean any Food Establishment without a fixed location, capable of being readily moved intact from location to location, where food, intended for human consumption outside of the facility, is stored, sold or offered in pre-packaged form, fresh or frozen.

TEMPORARY FOOD MARKET/SERVICE ESTABLISHMENT shall mean any Food Establishment in any enclosure, stall or other facility, whether fixed or mobile, operating at one site or location for a period of time not in excess of fourteen (14) consecutive days, in conjunction with a single event or celebration, where food in open form intended for human consumption off the premises is offered with or without charge.

MENU TYPE shall mean a designation of risk that is based on the types of foods and the extent to which the foods are handled within each establishment. Inspection frequency shall be based on these designations of risk. The Menu Types shall be designated as follows:

Type 1: Establishment handling or offering only:

- (a) pre-packaged potentially hazardous foods; and/or
- (b) limited preparation of open, non-potentially hazardous foods

Type 2: Establishments handling or offering any of the following:

- (a) a limited menu with preparation of only 1 or 2 potentially hazardous foods;
- (b) products containing pre-packaged raw ingredients that are cooked or prepared to order and require minimal assembly; or
- (c) no advance preparation of foods for next day service.

This menu type may include retail market food operations without deli or seafood departments.

Type 3: Establishments handling or offering any of the following:

- (a) more than 2 potentially hazardous food products requiring cooking, cooling, and/or reheating; or
- (b) food products that are prepared in advance for next day service.

This menu type may include retail market food operations with deli or seafood departments and establishments that serve a highly susceptible population.

Type 4: Establishments handling or offering food products that require the extensive handling of raw ingredients and actual food processing is occurring at the retail level (such as smoking, curing, reduced oxygen packaging, etc.).

MACHINE LOCATION shall include, but not be limited to, any room, enclosure, space or area where one or more food or beverage vending machines are installed or operated.

FOR PROFIT ORGANIZATION is any business entity, whose primary aim is to generate profit from the regular operations, with a view to maximizing the wealth of owners, is called as a profit organization.

NOT-FOR PROFIT ORGANIZATION 501(c) 3 is a legal entity that is not formed and organized to generate a profit, but rather to pursue a social or public benefit. A non-profit organization does not distribute its income to its members, directors, or officers, but reinvests it in its mission-oriented goals.

- A. Most tax-exempt organizations other than churches and certain church-related organizations are required to file an annual information return or notice with the IRS.
- B. Organizations that do not file for three (3) consecutive years automatically lose their tax-exempt status. An automatic revocation is effective on the original filing due date of the third (3) annual return or notice (Section 6033 (j)) of the Internal Revenue Code).
- C. The Internal Revenue Service (IRS) publishes the list of organizations whose tax-exempt status was automatically revoked because of failure to file a required Form 990, 990-EZ, 990-PF or Form 990-N (e-Postcard) for three (3) consecutive years.
- D. The list gives the name, employer identification number (EIN) organization type, last known address the organization provided to the IRS, effective date of revocation and the date the organization was added to the list. For organizations that applied for and received reinstatement, the list gives the date of reinstatement. IRS updates the list monthly.

VENUE ESTABLISHMENT shall mean any venue-type facility, such as an arena, coliseum, stadium or concert hall, wherein one entity operates over twenty (20) concessions, stands, and/or food units (whether fixed or mobile) inside the facility. A permit must be issued for each individual building or facility regardless of whether two buildings or facilities are located on the same property and/or owned by the same entity.

SECTION II: APPROVAL OF PLANS

A. Submit Plan Review:

All Retail Food Establishments, except for those listed under Subsection II B, that are hereafter constructed or re-constructed shall conform to the applicable requirements of the Indiana State Department of Health and the Indiana Department of Fire and Building Services. Properly prepared plans and specifications shall be submitted to and approved by the CCHD, in writing, before starting any construction work. Any new or remodeled establishment must submit a completed plan review application on forms provided by the CCHD at least thirty (30) working days prior to scheduling the pre-opening compliance inspection.

B. Establishments Exempt from Clinton County Food Permit Plan Review:

Regulated establishments are exempt from the plan review requirements of this ordinance if:

- (1) The entire operation of the establishment is receiving inspections by an appropriate State or Federal governmental agency, or
- (2) The establishment is a Mobile Food Establishment, or
- (3) The establishment is a Temporary Food Establishment, or
- (4) The establishment is a Farmers' Market Vendor, or
- (5) The establishment is a Bed and Breakfast Establishment

SECTION III: PERMITS

A. Permit Requirements:

- (1) It shall be unlawful for any person to sell or give away (with or without charge or by being given a donation) any food or to operate a Food Establishment or to act, whether actually or ostensibly, as a Food Establishment operator in Clinton County, Indiana who does not possess a valid permit for each such operation from the Health Officer or Authorized Designee, unless otherwise exempted from the provisions of this ordinance.
- (2) No Food Establishment may open for operations in any capacity (food preparation, sales, or similar activities) until they have received approval to do so during the Department's final opening inspection where it is determined that all requirements herein have been met.
- (3) It is the responsibility of the Person and/or Operator to apply for a food permit(s) for any Retail Food Establishment or any temporary food establishment.

B. Posting:

- (1) All Retail Food Establishment permits shall be posted in a conspicuous place in view of the public in each Food Establishment at all times for purposes of identification in a conspicuous manner.

(2) In addition, a copy of the permit must be located in each mobile unit and temporary food establishment at all times for purposes of identification in a conspicuous manner.

C. Separate permits: A separate permit shall be required for each food establishment.

(1) This requirement as to separate permits; however, shall not apply to those arrangements where a bar and restaurant are being operated under a management agreement as long as the applicant on the Food Establishment permit is the same person as the holder of the Alcoholic Beverage Commission (ABC) permit. See Subsection III C (1) for exception for Separate Permits.

(2) Any Retail Food Establishment, with a valid annual food permit in Clinton County, shall not need a temporary food permit if the operator desires to participate any festivals, events or gatherings in Clinton County in Indiana.

a. You may duplicate the annual permit and follow the subsection III-B-2 of this ordinance regarding posting for any temporary events

b. The duplicate temporary food permit shall start on the issuance date and end on December 31 of the calendar year.

D. Revocation of Permit for Continued Operation:

Upon failure of any Person maintaining or operating a Retail Food Establishment, Temporary Food Establishment or Farmers' Market Vendor to comply with any order of the Health Officer, it shall be the duty of the Health Officer or Authorized Designee to revoke the Permit of the establishment and to forbid the further sale or serving of food until rectified by the Operator then approved by the Health Officer or Authorized Designee.

E. Application (Food Establishment, non-vending):

(1) The application for a Food Establishment permit shall be made to the Person or Operator on forms provided by the Inspector if a completed application for a Permit and appropriate fees are presented and the food establishment demonstrates compliance with all critical requirements and shall include among other information which may be required by the Health Officer or Authorized Designee - the legal name, address, and telephone number of the permittee, the name under which said permittee intends to operate the address of the establishment, the name of the Person in Charge, and the number of food establishment personnel employed at the establishment (which shall include the permittee's manager, or other supervisory personnel).

(2) Only persons who comply with the applicable requirements of this Ordinance will be entitled to receive and retain such a Permit. Said application shall include the signature of permittee or authorized designee.

F. Application (Temporary food establishment):

(1) Any person who desires to operate a Temporary Food Establishment in Clinton County shall obtain from the Health Officer or Authorized Designee a permit for a temporary food establishment. Such temporary permit shall be provided by

the Health Officer or Authorized Designee if a completed application for a Permit and appropriate fees are presented and the temporary food establishment demonstrates compliance with all critical requirements.

- (2) Only persons who comply with the applicable requirements of this Ordinance will be entitled to receive and retain such a Permit. Said application shall include the signature of permittee or authorized representative.
- (3) All temporary food establishments, whether selling packaged or not-packaged food items, must submit application, pay appropriate fee and receive a temporary food permit from the CCHD.

G. Permit Duration:

- (1) All Retail Food Establishments and Bed and Breakfast Establishments shall be one year beginning from the date of issuance and shall apply to expire on December 31 of the calendar year in which the permit is issued.
- (2) Mobile Retail Food Establishments shall not pass the expiration of December 31st of the calendar year in which the permit is issue.
- (3) Farmers' Market Vendors permits shall not pass the expiration of December 31st of the calendar year in which the Permit is issued.

- H.** Any Permits issued by the Health Officer or Authorized Designee shall contain the name of the food establishment, the address of the establishment, duration of permit, and other pertinent information required by the Health Officer.
- I.** Requested Permits shall be provided by the Health Officer or Authorized Designee subject to a completed application, payment of fees, and compliance with all applicable state statutes, rules and regulations and local Ordinances. The applicant must be an owner and/or Operator of the Retail Food Establishment, Mobile Food Establishment, Temporary Food Establishment, Farmers' Market Vendor, or Bed and Breakfast.
- J.** A late renewal fee will apply if a Permit for a Retail Food Establishment or Bed and Breakfast Establishment is not renewed by the date of expiration. Application for a Mobile Food Establishment, Temporary Food Establishment, or Farmers' Market Vendor Permit must be submitted to the CCHD at least 72 hours prior to start of the event or operation.
- k.** Public events where catered food is served or prepared must occur at a facility holding a valid CCHD Food Permit. This permitted establishment shall obtain a current copy of the caterer's local health department food permit. If the site or caterer is not permitted, the caterer must obtain a Temporary Food Establishment Permit for the event.
- L.** Any Person who desires to operate a Temporary Food Establishment in Clinton County shall obtain from the Health Officer or Authorized Designee a permit for a temporary food establishment. Such temporary permit shall be provided by the Health Officer or authorized designee if a completed application for a Permit and

appropriate fees are presented and the Temporary Food Establishment demonstrates compliance with all critical requirements.

- M. A separate Permit shall be required for each Retail Food Establishment, Mobile Establishment, Temporary Food Establishment, Farmers' Market Vendor, or Bed and Breakfast Establishment operated or to be operated by any Person. Any Permit issued under this Ordinance is not transferable from one Person to another, from one establishment to another, from one mobile unit to another, or from one type of operation to another. See Subsection III C (1) for exceptions.
- N. A nonrenewable provisional Permit is available for a Person taking over an existing, permitted establishment. The following conditions apply:
 - (1) The provisional Permit shall be provided by the Clinton County Health Officer or authorized designee if a completed application and the appropriate fee are received by the CCHD.
 - (2) The provisional Permit will end on December 31st of the calendar year and the permit fee will be pro-rated if it does not start on January 1st.
 - (3) The annual Permit must be obtained before the expiration of the provisional Permit. The annual Permit will not be issued until all outstanding violations, if any, have been corrected and an acceptable compliance inspection by the CCHD is recorded.
- O. Not for profit organizations are required to submit their valid 501 (c) 3 registered letter from the IRS as defined in this ordinance in Section I and CCHD annual application. Any Not for profit organizations with not demonstrating valid 501 (c) 3 status will be required to pay the regular permit fees.

SECTION IV: PERMIT FEES

A. Permit Fees:

Except as provided in Subsection IV B, all permitted establishments must pay Permit fees as specified in the Clinton County Board of Health Ordinance for correction of fees. A receipt for the payment of such fee shall be provided by the CCHD. The fees paid under this Ordinance are not transferable or refundable unless it is an error by the CCHD. A Permit shall not be issued to any establishment where outstanding or unpaid fees or penalties are due.

B. Permit Fee Exceptions:

- (1) Food establishment operated by a Public School as defined in IC 20-18-2;
- (2) Not-for profit organization 501 (c) 3 as defined in this ordinance in Section I;
- (3) Home-Based Vendor (HEA 1149) as defined in this ordinance in Section I;
- (4) Food Establishment owned and operated by Clinton County Government; or
- (5) Approved by the Health Officer or Authorized Designee based on hardship.

SECTION V: EVENT ORGANIZER

- A. Each Event Organizer must submit CCHD “Event Organizer Registration Application” for each festival, event or gatherings which has 2 or more food establishment participating at least 30 days prior to the first day of the event.
- B. Event organizer is responsible for making sure the temporary food operators submit their Temporary Food Application, applicable permit fees, and any other information or requirements the health department may request.
- C. Event organizer should provide basic sanitation for event attendees during the event including: adequate toilets, hand washing, and garbage and refuse containers and collection.
- D. The most updated food vendor list including food establishment name, contact person, contact information (phone and/or email) and menu items for For-profit organization, Not-for profit organization and Home-Based Vendors must be submitted at least 5 business days prior to the first day of the event to the CCHD for review.

SECTION VI: MINIMUM SANITARY AND CERTIFICATION REQUIREMENTS FOR RETAIL FOOD ESTABLISHMENTS, MOBILE RETAIL ESTABLISHMENTS, TEMPORARY FOOD ESTABLISHMENTS, VENDING OPERATORS, FOOD AND BEVERAGE VENDING MACHINES AND BED & BREAKFAST ESTABLISHMENTS

- A. All Food Establishments shall comply with the minimum sanitary requirements specified by the Indiana Department of Health (IDOH) as provided in 410 IAC 7-24.
- B. Annual Retail Food Service and Market Establishments shall be required to connect into a publicly supplied water system when said system is located within three hundred (300) feet of the boundary lines of the real estate upon which said Food Establishment is located, when said system is adequate to handle an additional capacity, and when the permittee has direct access to said system or can obtain access to said system by means of easements or other necessary grants authority. In the case where the permittee does not have direct access to said system, the permittee shall be required to make a diligent and reasonable effort to obtain the necessary easements and/or other grants of authority to obtain access to the system.

SECTION VII: FOOD SAFETY EDUCATION

- A. Every person who is employed, or is about to be employed in a Food Establishment, shall be familiar with the requirements of 410 IAC 7-24. A copy of the 410 IAC 7-24 shall be kept on premises at all times (or easily accessible at all times electronically).
- B. Here are the food safety requirements that is necessary to operate in Clinton County:
 - (1) Each Retail Food Establishment that involves cooking raw food of animal origin shall be required to have one current employee that is a Certified Food

Protection Manager (CFPM) education by an accredited American National Standards Institute (ANSI).

- (2) A Home-Based Vendor shall provide CCHD with a Certified Food Handler certificate accredited by ANSI.
- (3) Any Retail Food Establishment or temporary food establishment deemed Menu 2 type or higher, as defined in this ordinance in Section I, are required to have a Certified Food Protection Manager (CFPM) certification accredited by ANSI by at least one current employee.

SECTION VIII: INSPECTIONS

A. Schedule of Inspection:

The Health Officer or Authorized Designee shall establish an inspection schedule, the frequency of which is at the discretion of the Health Officer and Authorized Designee. The schedule will be based on public health risk associated with the establishment's menu; type of operation including the methods and extent of food storage, preparation, and service; the number of people served, past performance and complaints.

- B.** All Retail Food Establishments shall be inspected in accordance of Indiana Department of Health (IDOH) as provided in 410 IAC 7-24.
- C.** Mobile Concessions, Temporary Food Establishments and Farmer's Market inspections shall be conducted in accordance similar to a Retail Food Establishment under Subsection VIII B in this ordinance
- D.** All Mobile Units must contact the Clinton County Health Department after equipment is installed to request a pre-operational inspection.
- E.** A Commissary shall be inspected if not already an approved facility, the Health Department shall obtain a copy of their commissary agreement prior to issuing their permit.
- F.** Retail Food Establishment and Temporary food establishment inspections are recorded on a legal document and public record, under IC 16-20-8-5. The inspection report is used to document any violations that do not meet the criteria of Retail Food Establishment Sanitation Requirements 410 IAC 7-24. The inspection report is reviewed and signed by the person in charge and a copy is given to that person at the end of the exit interview.
- G. Inspection Procedure for temporary non-profit organization:**
 - (1) Temporary food vendors that meet the Senate Enrolled Act 190 (IC 16-18-2-137), 501 (c) 3 Not For-Profit tax-exempt requirements and operates less than fifteen (15) days in a calendar year, is exempt from obtaining a temporary food permit and inspection by Clinton County Health Department.
 - (2) An educational training will be conducted on all Not for Profit food vendors that request the Health Department to do an inspection.

(3) Any Not for Profit organization setting up a food booth at a temporary event must make a request fourteen (14) days prior to the event if they would like to have a food safety courtesy evaluation done by CCHD. This formal request must be written on organization's letterhead including their 501 (c) 3 number, date of event, location of event, and the foundation status. The letter must be signed by an officer of the organization. A courtesy evaluation will be done during the time of the event. These inspections will not be regulatory, and anything found during the courtesy evaluation will be a recommendation, not a violation of the Title 410 IAC 7-24.

H. Public Access to Inspection Records:

- (1) After the Inspection Report is completed, the establishment, under IC 16-20-8-5, has the opportunity to review the reports and submit to the CCHD a written response. The public will have access to Inspection Reports either ten (10) days after the completion of the inspection; or after a written response to the Inspection Report has been submitted to the department under IC 16-20-8-5, whichever is earlier, except as provided in IC 16-20-8-8.
- (2) The Inspection Report and related public records shall be inspected and copied under IC 5-14-3 if the CCHD takes any of the following actions under Subsections IX A B C D with respect to an establishment that is the subject of the records.

I. Refusal to Sign Acknowledgement:

Refusal to sign an acknowledgment of the receipt of inspection will not negate the Operator's obligation to correct the violations noted in the Inspection Report within the date by which the violation shall be abated.

SECTION IX: COMPLIANCE AND ENFORCEMENT

A. Application Denial

If an application for a Permit to operate a Retail Food Establishment, Mobile Retail Food Establishment, Temporary Food Establishment, or Bed and breakfast Establishment is denied, the CCHD shall provide the applicant with a notice that includes:

- (1) The specific reasons and rule citations for the Permit denial;
- (2) The actions, if any, that the applicant must take to qualify for the Permit; and Notice of the applicant's right of appeal and the process and time frames for appeal that are provided by law.

B. Follow-up Inspection – Health Officer Response to Violators

If upon a follow-up inspection, the Health Officer finds that a food operation, Person, or employee is violating any provisions of this Ordinance which were in violation on the previous inspection concerning which a written order was issued, and the date by which the violation shall be abated has passed, the Health Officer may do any or all of the following:

- (1) Offer the alleged violator an opportunity to enter into an agreed order providing for:
 - a. The actions required to correct the violation; and
 - b. If appropriate, the payment of a civil penalty.

The Health Officer is not required to extend the offer for more than thirty (30) days.

- (2) Promptly issue a written order to the permittee of the food operation to appear at a certain time and place in the County, in order to show cause why the Permit issued under provision of Subsection III D should not be revoked.
- (3) Furnish evidence of the violation to the Health Officer or Authorized Designee for enforcement.

C. Suspension of Permit

Any Permit issued under this Ordinance may be temporarily suspended by the Health Officer or Authorized Designee, without notice or hearing, for a period not to exceed thirty (30) days if the Health Officer determines through inspection, or examination of employee, food, operational records, or other means as specified in the Ordinance, that an Imminent Health Hazard exists.

D. Revocation of Permit

The Health Officer or Authorized Designee may revoke the Permit and promptly give written notice of the action to the permittee due to any of the following:

- (1) Upon a meeting with the Operator, as described in Subsection IX B (2), if the Operator should fail to show cause why their Permit should not be revoked;
- (2) Interference with the Health Officer or Authorized Designee in the performance of their duties;
- (3) Habitual (i.e. 2 or more violations under Subsection IX C) non-compliance with the requirements set forth by the Indiana State Department of Health or by this Ordinance.

The Health Officer shall maintain a permanent record of proceedings, filed in the office of the CCHD.

E. Permit Reinstatement

Any Person whose Permit has been suspended or revoked may, at any time, make application with demonstration of compliance to the Health officer for reinstatement of the Operator's permit.

SECTION X: APPEALS

- A. Any Person(s) aggrieved by an application denial, as described Subsection IX A, or revocation of Permit, as described Subsection IX D, shall be entitled to a review of the final order before the Clinton County Board of Health by filing a written request therefore with the Health Officer. The written request must be mailed certified or

- B. Upon the Health Officer's receipt of such request, the Clinton County Board of Health shall hear the matter in an open hearing after at least five (5) days written notice of the time, place and nature thereof to the aggrieved Person. (A shorter period of time may be granted, if requested by either party and agreed upon.)
- C. The notice of the hearing shall be served upon the Person requesting the review by hand delivering or mailing by certified mail the notice to the address listed on the permit application or such other address as the Person shall designate in the letter, or request to the Health Officer.
- D. The Clinton County Board of Health establishes the Rules of Procedure and advises the parties prior to the start of the proceedings.
- E. The minutes from the hearing may act as the final order or determination of this matter. This completes the Appeals process.

SECTION XI: UNCONSTITUTIONAL CLAUSE

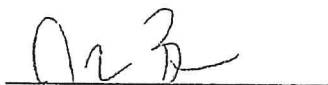
Should any section, paragraph, sentence, clause, or phrase of the Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

SECTION XII: REPEAL AND DATE OF EFFECT

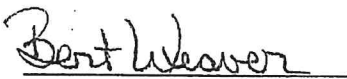
All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed, and this Ordinance shall be in full force and effect upon its adoption and publication as provided by law.

Passed and adopted by the Board of Commissioners of Clinton County, State of Indiana on this 19 of December, 2023. This ordinance shall be effective on January 1, 2024.

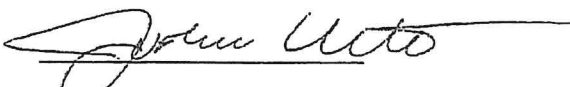
CLINTON COUNTY BOARD OF COMMISSIONERS:



Jordan Brewer, President



Bert Weaver



Josh Uitts

Attest:



Britt Ostler, Clinton County Auditor