

**FCO 2011- IV
AN ORDINANCE AMENDING
FLOYD COUNTY ORDINANCE 2008-FCO-V**

**AN ORDINANCE ESTABLISHING PUBLIC HEALTH SAFEGUARDS
FOR FOOD ESTABLISHMENTS AND BED AND BREAKFASTS
IN FLOYD COUNTY, INDIANA**

WHEREAS, the Board of Commissioners for Floyd County, Indiana is desirous of amending Section F: Compliance and Enforcement to add Permit Revocation and under Enforcement Options to add noncritical violations:

NOW THEREFORE BE IT ORDAINED that Section F: Compliance and Enforcement of Ordinance 2008-FCO-V is hereby amended to add:

Permit Revocation: The Health Department may permanently revoke a Permit to operate a Bed and Breakfast Establishment, Retail Food Establishment, and/or Temporary Food Establishment if it determines through an inspection and examination of past and current inspections reports that repeat and habitual critical violations exist, presenting an Imminent Health Hazard.

and under Enforcement Options section of Ordinance 2008-FCO-V is hereby amended to add:

1. **First Follow-up Inspection**

A letter of warning may be issued when there are critical *or noncritical* violations continuing upon the first follow-up inspection. If a letter of warning is issued, a second follow-up inspection will be conducted.

2. **Second Follow-up Inspection**

After a second follow-up inspection in which it is determined that critical *or noncritical* violations are continuing, one or a combination of the following measures may be implemented at the discretion of the Environmental Health Supervisor:

- a. letter of warning,
- b. informal meeting held in the Health Department offices,
- c. a meeting held at the establishment by the Health Officer, Environmental Health Supervisor or Chief Food Specialist, and/or
- d. another follow-up inspection.

There shall be a fee payable before any Second Follow-up Inspection in the amount of 50% of the annual Permit, or in such amount as set from time to time by the Floyd County Health Board.

3. **Third/Subsequent Follow-up Inspection**

Upon a third inspection follow-up inspection, with continuing critical *or noncritical* violations, or upon the continued unlawful operation during an event of imminent health hazard, an enforcement action may be instituted, and may include one or more of the following:


- a. issuance of a notice of violation and order to abate,
- b. follow-up inspections conducted as often as necessary to ensure compliance, and/or
- c. if the action concerning public health is a criminal offense, request county prosecuting attorney to institute a proceeding in the courts for enforcement. (See IC 16-20-1-25(c)).


There shall be a fee payable upon before any Third Follow-up Inspection or subsequent inspection in the amount of 50% of the annual Permit, or in such amount as set from time to time by the Floyd County Health Board.

NOW THEREFORE BE IT FURTHER ORDAINED that any provision of Ordinance No. 2008-FCO-V not specifically contradicted herein shall remain in full force and effect.

SO ORDAINED this _____ day of _____, 2011.

BOARD OF COMMISSIONERS
OF FLOYD COUNTY, INDIANA


D. Mark Seabrook, President


Charles A. Freiburger, Member


Stephen A. Bush, Member

ATTEST: 
Floyd County Auditor