

FLOYD COUNTY RETAIL FOOD ESTABLISHMENT AND BED AND BREAKFAST
ESTABLISHMENT ORDINANCE

FCO 2025-21

In Floyd County, Indiana

The purpose of this ordinance is to safeguard public health and assure that food provided to consumers is safe, unadulterated, and honestly presented. It establishes definitions; sets standards for management and personnel; food operations, and equipment and facilities; and provides for Retail Food Establishment and/or Bed and Breakfast Establishment plan reviews, permits, inspections, and employee restrictions.

This ordinance provides definitions for clarity and consistency; requires construction and/or alteration plans; requires a Permit and payment of Permit fees for the operation of Bed and Breakfast Establishment and/or Retail Food Establishment; prohibits sale of adulterated, unwholesome, or misbranded food; regulates inspection of such establishments; provides for compliance and the enforcement of this ordinance; provides penalties for violations of said ordinance; and incorporates by reference Indiana Code(s) (IC) 16-41-31, 16-42-1, IC 16-42-2, IC 16-42-5, IC 16-42-5.2 and Indiana Department of Health Rule(s) 410 Indiana Administrative Code (IAC) 7-15.5, 410 IAC 7-26, 410 IAC 7-21-47, 410 IAC 7-22 and 410 IAC 7-23.

The Floyd Health Department is hereby authorized to issue Bed And Breakfast Establishment and/or Retail Food Establishment permits, collect Permit fees and penalties, perform inspections, hold hearings, Order or otherwise compel correction of violations of this ordinance, and is otherwise authorized to perform all actions necessary for the administration and enforcement of this ordinance.

Be it ordained by the Board of Commissioners of Floyd County, State of Indiana, that:

Section A: Definitions

Bed and Breakfast Establishment (as defined in 410 IAC 7-15.5) means an Operator occupied residence that:

- (1) provides sleeping accommodations to the public for a fee;
- (2) has no more than fourteen (14) guest rooms;
- (3) provides breakfast to its guests as part of the fee; and
- (4) provides sleeping accommodations for no more than thirty (30) consecutive days to a particular guest.

Chief Food Specialist means the Official, as defined below, who has primary responsibility over Bed And Breakfast Establishment, Retail Food Establishment, and Temporary Food Establishment inspections.

Conflict of Interest (derived from 68 IAC 9-1-1(b)(2)) means a situation in which the private financial interest of a Floyd County Official, a Floyd County Official's spouse, ex-spouse, siblings, in-laws, children and/or unemancipated child, may influence the Floyd County Official's judgement in the performance of a public duty. (Note: The Floyd County Officials should follow the code of ethics if a code of ethics was established for Floyd County Officials.

Core item means a provision in this rule whose application of which usually relates to:

- (1) general sanitation
- (2) operational control
- (3) sanitation standard operating procedures
- (4) facilities or structures
- (5) equipment design
- (6) general maintenance

Environmental Health Supervisor means the Official who has primary responsibility over all Environmental Health Specialists.

Environmental Health Specialist means an official hired by the Health Officer and designated as Environmental Health Specialist.

Food Establishment (as defined in IC 16-18-2-137) for purposes of IC 16-42-5, means any building, room, basement, vehicle of transportation, cellar, or open or enclosed area occupied or used for handling food.

The term does not include the following:

- (1) A dwelling where food is prepared on the premises by the occupants, free of charge, for their consumption or for consumption by their guests.
- (2) A gathering of individuals at a venue of an organization that is organized for educational purposes in a nonpublic educational setting or for religious purposes, if:
 - (A) the individuals separately or jointly provide or prepare, free of charge, and consume their own food or that of others attending the gathering; and
 - (B) the gathering is for a purpose of the organization.Gatherings for the purpose of the organization include funerals, wedding receptions, christenings, bar or bat mitzvahs, baptisms, communions, and other events or celebrations sponsored by the organization.
- (3) A vehicle used to transport food solely for distribution to the needy, either free of charge or for a nominal donation.
- (4) A private gathering of individuals who separately or jointly provide or prepare and consume their own food or that of others attending the gathering, regardless of whether the gathering is held on public or private property.
- (5) Except for food prepared by a for-profit entity, a venue of the sale of food prepared for the organization:
 - (A) that is organized for:
 - (i) religious purposes; or
 - (ii) educational purposes in a nonpublic educational setting;
 - (B) that is exempt from taxation under Section 501 of the Internal Revenue Code; and
 - (C) that offers the food for sale to the final consumer at an event held for the benefit of the organization;unless the food is being provided in a restaurant or a cafeteria with an extensive menu of prepared foods.

- (6) Except for food prepared by a for-profit entity, an Indiana nonprofit organization that:
 - (A) is organized for civic, fraternal, veterans, or charitable purposes;
 - (B) is exempt from taxation under Section 501 of the Internal Revenue Code; and
 - (C) offers food for sale to the final consumer at an event held for the benefit of the organization;if the events conducted by the organization take place for not more than fifteen (15) days in a calendar year.
- (7) An individual vendor that meets the requirements of IC 16-42-5.3 (Home Based Food Vendor).

This definition also includes a Retail Food Establishment as defined in 410 IAC 7-26-105; however it does not include a Bed and Breakfast Establishment.

To further define the scope of the retail food establishment defined in 410 IAC 7-26-105 establishments shall be a retail food market or a Retail food service establishment as defined in this ordinance.

Health Department means the local health department Floyd County or authorized representative having jurisdiction over a Bed and Breakfast Establishment and/or Retail Food Establishment.

Hazard Analysis Critical Control Point (HACCP) Plan (as defined in 410 IAC 7-26) means a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria for Foods.

Health Officer means the person, appointed as specified in IC-16-20-2-16, or his/her duly authorized representative, as specified in IC 16-20-1-14, who may conduct inspections and make a final decision on an enforcement action.

Hearing Officer means an individual or panel of individuals acting in the capacity of a Hearing Officer in an appeals process. The Hearing Officer is not the Health Officer or any other employee of the Floyd County Health Department. (Examples of Hearing Officer could be the Floyd County Health Board, a subcommittee of Floyd County Health Board, a subcommittee of health professionals from the community or other non-bias third party appointed by the Health Board.)

Imminent Health Hazard means 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 the number of potential injuries and illnesses and the nature, severity and duration of the anticipated injury or illness [e.g., sewage backing up in a food preparation area or contamination of food products with toxic materials].

Inspection Report means the document prepared by the Floyd County Health Department that is completed as the result of the inspection and provided to the Operator.

Official means any Official of Floyd County, Indiana.

Operator means the person who has a 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.

Order (derived from IC 4-21.5-1-9) means a Floyd County Health Department action of particular applicability that determines the legal rights, duties, privileges, immunities, or other legal interests of one (1) or more specific Persons. The term includes a permit.

Permit means the document issued by the Floyd County Health Department that authorizes a Person to operate a Bed and Breakfast Establishment and/or Retail Food Establishment.

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

Priority Item means a provision in this rule whose application of which contributes directly to the elimination, prevention, or reduction to an acceptable level of hazards associated with foodborne illness or injury and there is no other provision that more directly controls the hazard. The term includes items with a quantifiable measure to show control of hazards such as cooking, reheating, cooling, and handwashing. The term is an item that is denoted in this rule with the notation of "P".

Priority Foundation Item means a provision in this rule whose application supports, facilitates, or enables at least one (1) priority item. The term 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 foodborne illness or injury, such as personnel training, infrastructure or necessary equipment, HACCP plans, documentation or record keeping, and labeling. The term is an item that is denoted in this code with the notation of "Pf".

Repeat violation means an observed violation from the previous routine inspection or an uncorrected violation observed during a follow up inspection.

Retail Food Market Establishment means any Retail Food Establishment, including, but not limited to, a grocery store, convenience store, salvage store, discount store, meat market, poultry market, fish market, fresh fruit and vegetable market, delicatessen, confectionary, candy kitchen, nut store, retail bakery store, or any food establishment, whether fixed or movable, where food is intended primarily for human consumption off the premises of such Retail Food Establishment, is manufactured, produced, stored, prepared, handled, sold, or offered with or without charge. Provided, however, that the provisions of this Ordinance shall not include meat or poultry slaughterhouses.

Retail Food Service Establishment means any Retail Food Establishment, including, but not limited to, a restaurant, coffee shop, cafeteria, short-order café, luncheonette, tavern, sandwich stand, soda fountain, commissary, drive-in restaurant, drink establishment, snack bar, food counter, dining room, food catering facility, seasonal establishments opened for more than 6 months out of the year, industrial feeding establishment, private, public, or non-profit organization or institution routinely serving food, and any other eating or drinking establishment, where food or drink products are prepared, served, or provided primarily for human consumption at such Retail Food Establishment, with or without charge. The term does not include private homes where food is prepared or served for individual family consumption.

Temporary Food Establishment (410 IAC 7-24) means a Retail Food Establishment that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration.

Time/Temperature Control for Safety Food or (TCS) as defined in IC 16-18-2-351.7.

Section B: Plan Review

- (1) The owner or other authorized agent of an existing or proposed Bed and Breakfast Establishment and/or Retail Food Establishment shall submit to the Floyd County Health Department properly prepared plans and specifications for review and approval before:
 - (A) the construction of a Bed and Breakfast Establishment and/or Retail Food Establishment;
 - (B) the conversion of an existing structure for use as a Bed and Breakfast Establishment and/or Retail Food Establishment; or
 - (C) the remodeling of a Bed and Breakfast Establishment and/or Retail Food Establishment or a change of type of Bed and Breakfast Establishment and/or Retail Food Establishment or food operation if the Floyd County Health Department determines that plans and specifications are necessary to ensure compliance with this section.
- (2) The plans and specifications for a Bed and Breakfast Establishment and/or Retail Food Establishment shall include, the type of operation, type of food preparation (as specified in the published version of 410 IAC 7-26), and the menu.
- (3) The plans and specifications shall be deemed satisfactory and approved by Floyd County Health Department before a Permit can be issued.
- (4) A pre-operational inspection shows that the Bed and Breakfast Establishment and/or Retail Food Establishment is built or remodeled in accordance with the approved plans and specifications and that the establishment is in compliance with this ordinance, 410 IAC 7-26 and/or 410 IAC 7-15.5.

Section C: Permits

General: It is unlawful for a Person to operate any Bed and Breakfast Establishment and/or Retail Food Establishment in Floyd County, without first obtaining a valid Permit from the Health Officer. The valid Permit must be posted in a conspicuous location in the Bed and Breakfast Establishment and/or Retail Food Establishment.

Only persons who comply with the applicable requirements of 410 IAC 7-15.5 and /or 410 IAC 7-26 will be entitled to obtain and keep a Permit.

A separate permit shall be required

A separate Permit shall be required for each Bed and Breakfast Establishment, and/or Food Establishment operated or to be operated by any person. A Permit issued under this ordinance is not transferable.

A Bed and Breakfast Establishment and/or Retail Food Establishment permitted by Floyd County Health Department shall be considered registered as required in IC16-42-1-6.

Permit Period: A Permit for a Bed and Breakfast Establishment and/or Retail Food Establishment shall be issued for a term beginning January 1, and/or before commencement of

operation, and expiring December 31, of the same year and shall be applied for by the Person and/or Operator annually. Permits applied for after January 1 will be prorated for the remainder of the year with an expiration date of December 31st.

A Permit for a temporary Retail Food Establishment shall be for the term of one continuous operation.

Permit Content: Any Permit issued by the Health Officer shall contain;

- (1) The name and address of the Person and/or owner to whom the permit is granted;
- (2) The location of the establishment for which the Permit is issued;
- (3) The issuance and expiration date(s); and other such pertinent data as may be required by the Floyd County Health Officer.

Application: A Person desiring to operate a Bed and Breakfast Establishment and/or Retail Food Establishment shall submit to the Floyd County Health Department a written application for a Permit on a form provided by the Floyd County Health Department.

Content of the Application: The application shall include:

- (1) The name, mailing address, telephone number, and original signature of the Person and/or Operator applying for the Permit and the name, mailing address, and location of the Bed and Breakfast Establishment and/or Retail Food Establishment;
- (2) Information specifying whether the Bed and Breakfast Establishment and/or Retail Food Establishment is owned by an association, corporation, individual, partnership, or other legal entity;
- (3) A statement specifying whether the Bed and Breakfast Establishment and/or Retail Food Establishment:
 - (A) If not permanent, is mobile and/or temporary, and
 - (B) If the operation includes one (1) or more of the following:
 - (1) Prepares, offers for sale, or serves TCS food:
 - (a) Only to order upon a consumer's request;
 - (b) In advance in quantities based on projected consumer demand and discards food that is not sold or served at an approved frequency;or
 - (c) Using time, rather than temperature, as the public health control as specified under 410 IAC 7-26.
 - (d) Prepares acidified foods as defined in 410 IAC 7-21-3.
- (2) Prepares TCS food in advance using a food preparation method that involves two or more steps which may include combining TCS ingredients; cooking; cooling; reheating; hot or cold holding; freezing; or thawing;
- (3) Prepares food as specified under item (3)(B)(2) of this section for delivery to and consumption at a location off the premises of the Bed and Breakfast Establishment and/or Retail Food Establishment where it is prepared;
- (4) Prepares food as specified under item (3)(B)(2) of this section for service to a highly susceptible population, as defined in 410 IAC 7-26;
- (5) Prepares only food that is Non TCS.

- (4) The name, title, address, and telephone number of the Operator directly responsible for the Bed and Breakfast Establishment and/or Retail Food Establishment.
- (5) The name, title, address, and telephone number of the Person who functions as the immediate supervisor of the Person specified under subdivision (4) of this section, such as the zone, district, or regional supervisor;
- (6) The names, titles, and addresses of:
 - (A) The Persons comprising the legal ownership as specified under subdivision (2) of this section including the owners and Operator(s), and
 - (B) The local resident agent if one is required based on the type of legal ownership;
- (7) A statement signed by the applicant that:
 - (A) Attests to the accuracy of the information provided in the application, and
 - (B) Affirms that the applicant will:
 - (1) Comply with this ordinance, and
 - (2) Allow the Floyd County Health Department access to the Bed and Breakfast Establishment and/or Retail Food Establishment and records as specified in 410 IAC 7-15.5 and 410 IAC 7-26;
- (8) Other information required by the Floyd County Health Department.

Qualification: To qualify for a Permit, an applicant must:

- (1) Be an owner and/or Operator of the Bed and Breakfast Establishment and/or Food Establishment;
- (2) Comply with the requirements of this ordinance;
- (3) Agree to allow access to the Bed and Breakfast Establishment and/or Retail Food Establishment and provide required information; and
- (4) Pay the applicable Permit fees at the time the application is submitted.

Change of Ownership: The Floyd County Health Department may renew a Permit for an existing Bed and Breakfast Establishment, and/or Retail Food Establishment or may issue a Permit to a new owner of an existing Bed and Breakfast Establishment and/or Retail Food Establishment after a properly completed application is submitted, reviewed, and approved, the fees are paid, and an inspection shows that the establishment is in compliance with this ordinance.

Responsibilities of the Operator: Upon acceptance of the Permit issued by the Floyd County Health Department, the Operator in order to retain the Permit shall:

- (1) Comply with the provisions of this ordinance and all laws and rules adopted by reference herein and the conditions of any variances granted by the Indiana Department of Health;
- (2) Immediately discontinue affected operations and notify the Floyd County Health Department if an Imminent Health Hazard may exist;
- (3) Allow representatives of the Floyd County Health Department access to the Bed and Breakfast Establishment and/or Retail Food Establishment at all reasonable times;

- (4) Comply with directives of the Floyd County Health Department including time frames for corrective actions specified in Inspection Reports, notices, Orders, warnings, and other directives issued by the Floyd County Health Department in regard to the Operator's Bed and Breakfast Establishment and/or Retail Food Establishment or in response to community emergencies;
- (5) Accept notices issued and served by the Floyd County Health Department; and
- (6) Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this ordinance or a directive of the Floyd County Health Department.
- (7) Post the Permit in a location in the Bed and Breakfast Establishment and/or Food Establishment that is conspicuous to consumers;

Section D: Permit Fees

It shall be unlawful for any Person to operate a Bed and Breakfast Establishment and/or Retail Food Establishment in Floyd County, who has not paid the Permit fee required to be paid for the operation of such establishment.

The fee shall be paid for a term beginning January 1, and/or before commencement of operation and expiring December 31, of the same year and the permit shall be applied for by the Person and/or Operator annually. Permits applied for after January 1 will be prorated for the remainder of the year with an expiration date of December 31st.

Permit fees for the issuance of a Permit under this Ordinance to a Bed And Breakfast Establishment and/or a Retail Food Establishment shall be set by the Floyd County Health Department, as provided by the Statutes of the State of Indiana. (See IC 16-20-1-27)

The payments will be access in accordance with Floyd County Ordinance 2023-FCO 2023-30 et seq.

A receipt for the payment of such fee shall be provided by the Floyd County Health Department.

The payment of such fees shall be required for each Bed and Breakfast Establishment and/or Retail Food Establishment operated or to be operated by any Person.

Exemption from Permit Fees:

An organization that is exempt under IC 16-18-2-137 will not be subject to permit fees.

A Veteran as described in IC 25-25-2-1.

Late Fees: A late fee for failure to pay the permit fee prior to the operation of the Bed and Breakfast Establishment and/or Retail Food Establishment and/or temporary the late fee for failure to renew a permit after the expiration of the permit to operate Bed and Breakfast Establishment and/or Retail Food Establishment shall be assessed .50% above the annual fee or in such ammount as set by time to time by the Floyd County Health Board.

The payment of fees under this ordinance is not transferable or refundable.

Section E: Inspection

General: The Floyd County Health Department shall inspect a Bed and Breakfast Establishment and/or Retail Food Establishment bi-annually, unless a system of risk based inspections is utilized as stated below. The Floyd County Health Department may modify the interval between inspections beyond bi-annually if;

- (1) The Bed and Breakfast Establishment and/or Retail Food Establishment is fully operating under an approved and validated Hazard Analysis Critical Control Point (HACCP) plan(s); (OR)
- (2) The Bed and Breakfast Establishment and/or Retail Food Establishment is assigned a less frequent inspection frequency based on a written risk-based inspection schedule that is being uniformly applied throughout the jurisdiction and at least once every 6 months the establishment is contacted by telephone or other means by the regulatory authority to ensure that the establishment manager and the nature of food operation are not changed; or
- (3) The establishment's operation involves only coffee service and other unpackaged or prepackaged food that is Non- TCS food such as carbonated beverages and snack food such as chips, nuts, popcorn, and pretzels.

The Floyd County Health Department should contact the Operator to determine that the nature of the food operation has not changed.

Temporary Food Establishment: The Floyd County Health Department shall periodically inspect throughout its Permit period a temporary Retail Food Establishment that prepares, sells, or serves unpackaged TCS food and may inspect a temporary Retail Food Establishment that prepares, sells or serves unpackaged, Non-TCS food that:

- (1) Has improvised rather than permanent facilities or equipment for accomplishing functions such as handwashing, food preparation and protection, food temperature control, warewashing, providing drinking water, waste retention and disposal, and insect and rodent control; or
- (2) Has food employees that have not demonstrated knowledge, as per 410 IAC 7-26, of food operations.

Performance and Risk Based Inspections: Within the parameters specified in the above Inspection Subsection(s) of this Ordinance, the Floyd County Health Department shall prioritize, and conduct more frequent inspections based upon its assessment of a Bed and Breakfast Establishment and/or Retail Food Establishment's history of compliance with this ordinance and the Bed and Breakfast Establishment and/or Retail Food Establishment's potential as a vector of foodborne illness by evaluating:

- (1) Past performance, for violations of 410 IAC 7-15.5, 410 IAC 7-26 and/or 410 IAC 7-22 and/or HACCP plan requirements that are Priority (P), Priority Foundation (Pf), or Core;
- (2) Past performance, for numerous or repeat violations of 410 IAC 7-15.5, and/or 410 IAC 7-26 and/or HACCP plan requirements that are P, Pf, or Core;

- (3) Past performance, for complaints investigated and found to be valid;
- (4) The hazards associated with the particular foods that are prepared, stored, or served;
- (5) The type of operation including the methods and extent of food storage, preparation, and service;
- (6) The number of people served; and
- (7) Whether the population served is a highly susceptible population as defined by Indiana law.

Access Allowed at Reasonable Times After Due Notice: After the Floyd County Health Department presents official credentials and provides notice of the purpose of and the intent to conduct an inspection, the Operator shall allow the Floyd County Health Department to determine if the Bed and Breakfast Establishment and/or Retail Food Establishment, is in compliance with this ordinance by allowing access to the establishment, allowing inspection, and providing information and records specified in this ordinance. The Floyd County Health Department is entitled the information and records according to IC 16-42-1-13 and IC 16-42-5-23, during the Bed and Breakfast Establishment and/or Retail Food Establishment's hours of operation and other reasonable times.

Access is a condition of the acceptance and retention of a Retail Food Establishment Permit to operate.

If access is denied, an Order issued by the appropriate authority allowing access may be obtained according to law. (See IC 16-20-1-26)

Inspection Reports: At the conclusion of the inspection, the Floyd County Health Department shall provide a copy of the completed Inspection Report and the notice to correct violations to the Operator or to the Person-in-charge, as required under IC 16-20-8.

Timely Correction of Priority or Priority Foundation Items: Except as specified in the next paragraph, an Owner/Operator shall at the time of inspection correct a violation of a Priority (P) or Priority Foundation (Pf) item of 410 IAC 7-15.5, 410 IAC 7-26 and/or 410 IAC 7-22 and implement corrective actions for a HACCP plan provision that is not in compliance with its critical limit.

Considering the nature of the potential hazard involved and the complexity of the corrective action needed, the Floyd County Health Department may agree to or specify a longer time frame not to exceed :

- (1) 72 hours after the inspection for a Priority Item; or
- (2) 15 calendar days after the inspection for a Priority Foundation Item or HACCP plan deviations, for the Owner/Operator to correct violations.

After receiving notification that the Operator has corrected a Priority or Priority Foundation Item violation or HACCP plan deviation, or at the end of the specified period of time, the Floyd County Health Department shall verify correction of the violation, document the information on an Inspection Report, and enter the report in the Health Department's records.

Refusal to Sign Acknowledgement: Refusal to sign an acknowledgment of receipt will not affect the Operator's obligation to correct the violations noted in the Inspection Report within the time frames specified.

A refusal to sign an acknowledgment of receipt is noted in the Inspection Report and conveyed to the Floyd County Health Department historical record for the Bed and Breakfast Establishment and/or Retail Food Establishment.

The Operator is not necessarily in agreement with the findings of the Floyd County Health Department inspection by acknowledgement of receipt.

Public Information: Except as specified in Section 487 (Confidentiality of Trade Secrets) of 410 IAC 7-26, the Floyd County Health Department shall treat the Inspection Report as a public document and shall make it available for disclosure to a Person who requests it as provided in law. (See IC 16-20-8)

Section F: Compliance and Enforcement

Application Denial: If an application for a plan review and/or Permit to operate a Bed and Breakfast Establishment and/or Retail Food Establishment is denied, the Health Department shall provide the applicant with a notice that includes:

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

Permit Revocation: The Floyd County Health Department may revoke a Permit to operate a Bed and Breakfast Establishment and/or Retail Food Establishment for a time period not to exceed 90 calendar days. If the Permit has been revoked in the past and a clear demonstration of non-compliance is demonstrated by the Permit Holder then the Permit may be revoked for a longer period of time as determined by the Health Officer.

Permit Suspension: The Floyd County Health Department may suspend a Permit to operate a Bed and Breakfast Establishment and/or Retail Food Establishment if it determines through inspection, or examination of employee, food, records, or other means as specified in this ordinance, that an Imminent Health Hazard exists. Initial suspension shall not exceed 30 calendar days. The permit may then be suspended for a longer period of time as determined by the Health Officer.

Ceasing Operation and Contacting the Floyd County Health Department: An Operator of a Bed and Breakfast Establishment and/or Retail Food Establishment shall immediately discontinue operations and notify the Floyd County Health Department if an Imminent Health Hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water service, sewage backup, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, gross insanitary occurrence or condition, or other circumstance that may endanger public health. An Operator need not discontinue operations in an area of an establishment that is unaffected by the Imminent Health Hazard.

Resuming Operation: If a Bed and Breakfast Establishment and/or Retail Food Establishment has discontinued operations for the reasons stated above or otherwise according to law, the Operator must obtain approval from the Floyd County Health Department before resuming operations.

Outstanding Fees: Any outstanding fees and civil penalties owed to the Floyd County Health Department shall be paid prior to the issuance of a permit.

Enforcement Options: When the Health Officer or an Official finds a Priority (P) violation at a retail food establishment it will be addressed at the time of the inspection; a follow-up inspection will be required if during a routine inspection there are 3 or more Priority (P) violations, 3 repeat violations or a combined total of 6 or more Priority (Pf) Core violations.

(1) First Follow-up Inspection

If a first follow-up inspection is required, all violations must be corrected at the time of the follow-up inspection. If any repeat violations are observed a second follow-up inspection will be required along with a fee of 50% the original permit amount. The fee must be paid before the second follow-up inspection.

(2) Second Follow-up Inspection

If a second follow-up inspection is required, all violations must be corrected at the time of the follow-up inspection. If any repeat violations observed a third follow-up inspection will be required along with a fee of 75% the original permit amount. The fee must be paid before the third follow-up inspection.

(3) Third or more Follow-up Inspection

If a third or more follow-up inspection is required, all violations must be corrected at the time of the follow-up inspection. If any, repeat violations observed a fourth follow-up inspection will be required along with a fee of 100% the original permit amount. The fee must be paid before the fourth follow-up inspection.

After a third follow-up inspection in which repeat violations are continuing, one or a combination of the following measures may be implemented at the discretion of the Health Officer;

- a) Letter or warning
- b) Informal meeting held in the Health Departments office
- c) A meeting held at the establishment by the Health Officer, Environmental Health supervisor or Chief Food Specialist
- d) Issue a notice of permit revocation hearing with the Health Officer provided by certified and regular mail
- e) 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)).

Section H: Conflict of Interest

No Floyd County Official shall conduct himself or herself in a manner that is or could have the appearance of a Conflict of Interest.

Section I: Unconstitutionally Clause:

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 thereby.

Section J: Repeal and Effective Date


All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall be in full force and effect thirty (30) days after its adoption and publication as provided by law.

Adopted and Passed this 15th day of July, 2025.

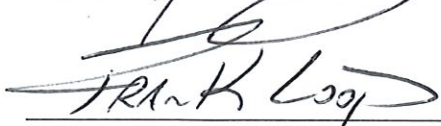
BOARD OF COMMISSIONERS, COUNTY OF FLOYD



Al Knable, President

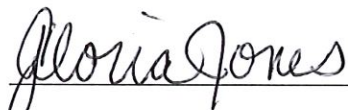


Jason Sharp, Commissioner



Frank Loop, Commissioner

Attest:



Diana Topping, Auditor

Chief Deputy Auditor