

HARRISON COUNTY ORDINANCE 2025 - 8
AN ORDINANCE AMENDING HARRISON COUNTY ORDINANCE 2014-03

WHEREAS the Board of Commissioners of Harrison County, Indiana, (the “County”) desires to amend the existing Restaurant Inspection and Placard System established under Harrison County Ordinance 2014-03; and

WHEREAS the County believes that such amendments to the County’s Restaurant Inspection and Placard System will better protect the public health and safety of the citizens of Harrison County; and

WHEREAS the changes to the County’s Restaurant Inspection and Placard System will bring the county ordinances into compliance with the requirements of the Indiana State Board of Health;

NOW THEREFORE LET IT BE ORDAINED by the BOARD OF COMMISSIONERS OF HARRISON COUNTY, INDIANA that the existing Restaurant Inspection and Placard System Ordinance (2014-03) be amended as follows:

Section 1.

- A. All Food Establishments, retail food markets, farmers markets, bed and breakfasts, vending operators shall comply with at least the minimum sanitary requirements specified by the IDOH as provided in 410 IAC 7-26.
- B. Sanitation Grading System. The Sanitation Grading System is based on the 2025 Indiana Retail Establishment Sanitation Requirements 410 IAC 7-26. The Sanitation Grading System shall be utilized by the Department to conduct its annual inspection and any re-inspections, of all Food Establishments. Every Food Establishment shall begin with 100 points. Points will be deducted by the Department with point values based upon the health risk the violation poses to the public.
 - a. Priority – Priority violations are violations that contribute 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 directly controls the hazard. Priority violations are valued at 5 points per violation.
 - b. Priority foundation – Priority foundation violations are violations that support, facilitate, or enable one or more priority violations. Priority foundation violations are valued at 3 points per violation.
 - c. Core – Core violations are violations that relate to general sanitation, operational controls, sanitation standard operating procedures, facilities or structures, equipment design or general maintenance. Core violations are valued at 2 points per violation.

C. Initial Annual Inspection. The Department shall provide each food establishment with the following Sanitation Grades:

- a. "Grade A": 81-100 points
- b. "Grade B": 71-80 points
- c. "Grade C": 60-70 points
- d. Food Establishments receiving a grade of 59 points or less shall be temporarily closed or for an imminent health hazard. The food establishment may reopen after all priority violations have been corrected and any imminent health hazard has been eliminated.

Each Food Establishment will be issued a grade based on their annual inspection. Most Food Establishments should expect to be reinspected shortly after their annual inspection to assure that any violations have been addressed.

Reinspections are prioritized based on the health risks posed by the violations cited during the annual inspection. There is no additional fee to the initial annual inspection and initial reinspection.

D. Posting. All Sanitation Grades, as determined in accordance with Ordinance XXXX-XX shall be posted on a placard provided by the Department on either (a) the Food Establishment's front window, (b) door, or (c) within five (5) feet of the front door or other direct entrance from the street, and if applicable, on the drive-through window. Sanitation Grades shall be posted 4-6 feet above ground level. If a Food Establishment does not have a direct entrance from the street, the Department shall identify an acceptable place to post the Sanitation Grade. Upon receipt from the Department, a Food Establishment shall be fined \$10 for every day it fails to post its Sanitation Grade.

E. Mandatory Reinspections. Food establishments that receive a Sanitation Grade of "Grade B" during the initial annual inspection will receive at least one (1) mandatory re-inspection during the same year to assure ongoing compliance. Food establishments that receive a Sanitation Grade of "Grade C" during the initial annual inspection may have up to three (3) mandatory reinspections during the same year to assure ongoing compliance. Each mandatory full reinspection shall be charged 25% of the Food Permit. Each subsequent violation-based reinspection may be charged \$10.

F. Operator Requested Reinspection. Food establishments may choose to request a full reinspection one (1) time per calendar year for the opportunity to improve their Sanitary Grade by one level (i.e. from a "Grade C" to a "Grade B") Operator requested reinspections shall be submitted to the Department through the Health Department email address: harrisoncountyhealth@gmail.com. Food establishments shall be charged at the rate of 25% of the Food Permit for any operator requested reinspection.

G. Challenges to Sanitation Grade. Operators may challenge specific points in the annual inspection report for reconsideration. Any challenge shall be submitted in writing within five (5) days of receiving the annual inspection report. Untimely submissions will not be considered by the Department. All challenges must be supported by evidence. The Department will attempt to review any challenge within thirty (30) days of receiving a timely submission. After its review, the Department shall notify the Operator of its decision to either (i) uphold the specific point determination made during its annual inspection, or (ii) modify the specific point determination based upon the Department's further review of the timely submitted challenge.

H. Final Appeal. If an Operator, after timely completing the challenge process provided in Section G, continues to feel aggrieved by the Department's final decision, the Operator may submit an appeal to the Harrison County Health Board (the "Board"). Any appeal shall be submitted through the office within five (5) days of receiving the Department's final decision, as provided in Section F. Untimely submissions will not be considered by the Board. The submission must state the specific reasons for the appeal. An appeal that is timely submitted, and in compliance with ..., shall be placed on the agenda of the Board's next regularly scheduled meeting, or within thirty (30) days, whichever is sooner. At the Board hearing, the Operator and Department will have the opportunity to present evidence to the Board, and the Board will have the opportunity to ask any questions in furtherance of the issue. After conducting a hearing, the Board shall either (i) uphold, (ii) modify, or (iii) rescind the Department's final decision. The Board's decision shall be a final and conclusive order on the matter.

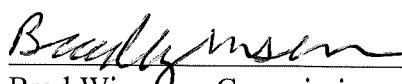
Section 2. All other provisions of the Harrison County's ordinances not in conflict with or specifically changed by this amendment shall remain in full force and effect.

Section 3. This Ordinance shall be of full force and effect from and upon its adoption and publication and in accordance with Indiana law.

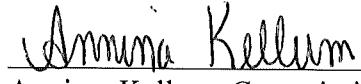
SO ORDAINED, by the Harrison County Board of Commissioners on this 16 day of June, 2025.



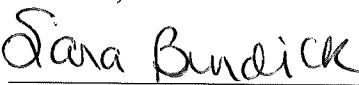
Nelson Stepro, President



Brad Wiseman, Commissioner



Annissa Kellum, Commissioner

Attest:  , Harrison County Auditor