

TOWN OF GREENVILLE
ORDINANCE NO. 2011-TO-021

**AN ORDINANCE AMENDING GREENVILLE ORDINANCE NO. 2008-T-84
PASSED ON MAY 12TH, 2008 ESTABLISHING PUBLIC HEALTH
SAFEGUARDS FOR FOOD AND BED / BREAKFASTS ESTABLISHMENTS
IN FLOYD COUNTY, INDIANA PER REQUEST BY THE BOARD OF
COMMISSIONERS FOR FLOYD COUNTY, INDIANA**

WHEREAS, the Town Council for the Town of Greenville, Indiana is desirous in supporting the Board of Commissioners and the Floyd County Health Department for Floyd County, Indiana in amending Town of Greenville, Indiana Ordinance No. 2008-T-84 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 No. 2008-T-84 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 further more under Enforcement Options section of Ordinance No. 2008-T-84 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:

TOWN OF GREENVILLE
ORDINANCE NO. 2011-TO-021

- 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 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-T-84 not specifically contradicted herein shall remain in full force and effect.

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA, ON THE 14th DAY OF MARCH, 2011.

PRESIDENT OF THE TOWN
COUNCIL OF GREENVILLE,
INDIANA


TALBOTTE RICHARDSON,


JACK TRAVILLIAN,
CLERK/TREASURER

PREPARED BY: RANDAL JOHNES / FLOYD
COUNTY HEALTH
DEPARTMENT

IC 16-20-1-25

Unlawful conditions; abatement order; enforcement

Sec. 25. (a) A person shall not institute, permit, or maintain any conditions that may transmit, generate, or promote disease.

(b) A health officer, upon hearing of the existence of such unlawful conditions within the officer's jurisdiction, shall order the abatement of those conditions. The order must:

- (1) be in writing if demanded;
- (2) specify the conditions that may transmit disease; and
- (3) name the shortest reasonable time for abatement.

(c) If a person refuses or neglects to obey an order issued under this section, the attorney representing the county of the health jurisdiction where the offense occurs shall, upon receiving the information from the health officer, institute proceedings in the courts for enforcement. An order may be enforced by injunction. If the action concerning public health is a criminal offense, a law enforcement authority with jurisdiction over the place where the offense occurred shall be notified.

As added by P.L.2-1993, SEC.3.