

**TOWN OF GREENVILLE  
ORDINANCE NO. 2009-T-015**

**ORDINANCE CONCERNING THE SUPPRESSION OF DISEASE IN  
UNLICENSED CHILD CARE FACILITIES IN THE TOWN OF  
GREENVILLE, INDIANA**

WHEREAS, the town council for the Town of Greenville, Indiana, in the interest of public health, safety, welfare and in consideration of a request by the Floyd County Health Department adopt the following regulation for unlicensed child care facilities within the Corporate limits of the Town of Greenville;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GREENVILLE, INDIANA, AS FOLLOWS:

WHEREAS, Floyd County, Indiana has established a local health department board pursuant to I.C. 16-20-2-2, namely the Floyd County Health Department; and

WHEREAS, the Floyd County Health department is charged with the responsibility of disease prevention, control and suppression; and

WHEREAS, the Indiana Department of Health and Human Services is charged with the responsibility of monitoring conditions in licensed child care facilities; and

WHEREAS, an individual may operate a residential child care home for less than six (6) children without a license pursuant to I.C. 12-17.2-2-8; and

WHEREAS, the Floyd County Health Department has the authority to enter upon and inspect private property in regard to the possible presence, source and cause of disease pursuant to I.C. 16-20-1-23; and

WHEREAS, under I.C. 16-20-1-23 the Floyd County Health Department may order what is reasonable and necessary for prevention and suppression of disease and in all reasonable ways protect the public health; and

1. If it has reason to believe that a contagious and/or communicable disease and/or illness is present in an unlicensed child care home, the Floyd County Health Department may require any individual operating an unlicensed child care home to cease all operations until the unlicensed child care home has been properly cleaned, sanitized and disinfected to eliminate the possibility of spreading the disease.

**TOWN OF GREENVILLE  
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2. The Floyd County Health Department may require any individual operating an unlicensed child care home to hire professionals, who are properly trained in the eradication of contagious and/or communicable diseases, to clean, sanitize and disinfect the entire premises of the child care home if any child for whom care is provided at the home is found to have any contagious and/or communicable disease or illness.

3. The Floyd County Health Department may require any individual operating an unlicensed child care home to provide proof of immunizations for each child for whom care is provided.

4. In the event that any individual and/or unlicensed child care home fails to comply with an order of the Floyd County Health Department and/or the provisions of this Ordinance, the Floyd County Health Department may issue an order requiring the unlicensed child care home to immediately cease all operations until the individual and/or unlicensed child care home comes into compliance.

5. Nothing in this Ordinance shall be construed to limit, in any way, the authority and powers granted to the Floyd County Health Department in I.C. 16-20-1-1 et. seq.

ADOPTED BY THE TOWN COUNCIL OF GREENVILLE, INDIANA,  
ON THE 27th DAY OF APRIL, 2009.

PRESIDENT OF THE TOWN  
COUNCIL OF GREENVILLE,  
INDIANA

  
TALBOTTE RICHARDSON,

  
\_\_\_\_\_  
JACK TRAVILLIAN,  
CLERK/TREASURER

PREPARED BY:  
RANDAL JOHNES AND REED STRIEGEL  
{GREENVILLE}                      {FLOYD COUNTY HEALTH DEPARTMENT}

**ORDINANCE NO. 2009-\_\_\_\_\_**  
**AN ORDINANCE CONCERNING THE SUPPRESSION OF DISEASE**  
**IN UNLICENSED CHILD CARE FACILITIES**

**WHEREAS**, Floyd County, Indiana has established a local health department board pursuant to I.C. 16-20-2-2, namely the Floyd County Health Department; and

**WHEREAS**, the Floyd County Health department is charged with the responsibility of disease prevention, control and suppression; and

**WHEREAS**, the Indiana Department of Health and Human Services is charged with the responsibility of monitoring conditions in licensed child care facilities; and

**WHEREAS**, an individual may operate a residential child care home for less than six (6) children without a license pursuant to I.C. 12-17.2-2-8; and

**WHEREAS**, the Floyd County Health Department has the authority to enter upon and inspect private property in regard to the possible presence, source and cause of disease pursuant to I.C. 16-20-1-23; and

**WHEREAS**, under I.C. 16-20-1-23 the Floyd County Health Department may order what is reasonable and necessary for prevention and suppression of disease and in all reasonable ways protect the public health; and

**NOW THEREFORE, BE IT ORDAINED**, by the Greenville Town Council, Indiana as follows:

1. If it has reason to believe that a contagious and/or communicable disease and/or illness is present in an unlicensed child care home, the Floyd County Health Department may require any individual operating an unlicensed child care home to cease all operations until the unlicensed child care home has been properly cleaned, sanitized and disinfected to eliminate the possibility of spreading the disease.
2. The Floyd County Health Department may require any individual operating an unlicensed child care home to hire professionals, who are properly trained in the eradication of contagious and/or communicable diseases, to clean, sanitize and disinfect the entire premises of the child care home if any child for whom care is provided at the home is found to have any contagious and/or communicable disease or illness.
3. The Floyd County Health Department may require any individual operating an unlicensed child care home to provide proof of immunizations for each child for whom care is provided.
4. In the event that any individual and/or unlicensed child care home fails to comply with an order of the Floyd County Health Department and/or the provisions of this Ordinance, the Floyd County Health Department may issue an order requiring the unlicensed child care home to immediately cease all operations until the individual and/or unlicensed child care home comes into compliance.

5. Nothing in this Ordinance shall be construed to limit, in any way, the authority and powers granted to the Floyd County Health Department in I.C. 16-20-1-1 et. seq.

6. This Ordinance shall be effective upon its passage.

**SO ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**Greenville Town Council**

\_\_\_\_\_  
Talbotte Richardson, Council President

ATTEST:

\_\_\_\_\_  
Jack Travillian, Clerk of the Council

This Ordinance prepared by Reed Striegel  
Subscribed and sworn to before me this ( \_\_\_\_\_ )th day of \_\_\_\_\_, 2009

Indiana Code 16-20-2

**Information Maintained by the Office of Code Revision Indiana Legislative Services Agency**

03/24/2009 03:36:19 PM EOT 1C 16-20-2

Chapter 2. Local Boards of Health

**1C 16-20-2-1 Application of chapter**

Sec. 1. This chapter does not apply to a county that is subject to 1C 16-22-8. As added by P.L.2-1993, SEC.3.

**1C 16-20-2-2**

**Establishment and maintenance of local health department; adoption of health ordinances**

Sec. 2. (a) Except as provided in 1C 16-20-3, the executive of each county shall by ordinance establish and maintain a local health department.

(b)The executive of a county having a population of more than one hundred forty-eight thousand

(148,000) but less than one hundred seventy thousand (170,000) may only establish and maintain one

(1) local health department having countywide jurisdiction.

(c)The county executive in a county having a population of more than one hundred forty-eight

thousand (148,000) but less than one hundred seventy thousand (170,000) may adopt health ordinances

that apply to the entire county.

(d)A health ordinance adopted by a city legislative body after December 31, 1993, in a county having

a population of more than one hundred forty-eight thousand (148,000) but less

than one hundred seventy thousand (170,000) is void.

*As added by P.L. 2-1993, SEC. 3. Amended by P.L. 2-1993, SEC. 127; P.L. S7-1994, SEC. 7; P.L. 95-1994, SEC. I; P.L. 170-2002, SEC. 98*

### **1C 12-17.2-2-8 Licensure exemptions**

Sec. 8. The division shall exempt from licensure the following programs:

(1) A program for children enrolled in grades kindergarten through 12 that is operated by the department of education or a public or private school.

(2) A program for children who become at least three (3) years of age as of December 1 of a particular school year (as defined in 1C 20-18-2-17) that is operated by

the department of education or a public or private school.

(3) A nonresidential program for a child that provides child care for less than four (4) hours a day.

(4) A recreation program for children that operates for not more than ninety (90) days in a calendar year.

(5) A program whose primary purpose is to provide social, recreational, or religious

activities for school age children, such as scouting, boys club, girls club, sports, or the

arts.

(6) A program operated to serve migrant children that:

(A) provides services for children from migrant worker families; and

(B) is operated during a single period of less than one hundred twenty (120) consecutive days during a calendar year.

(7) A child care ministry registered under 1C 12-17.2-6.

(8) A child care home if the provider:

(A) does not receive regular compensation;

(B) cares only for children who are related to the provider;

(C) cares for less than six (6) children, not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative; or

(D) operates to serve migrant children.

(9) A child care program operated by a public or private secondary school that:

(A) provides day care on the school premises for children of a student or an employee of the school;

(B) complies with health, safety, and sanitation standards as determined by the division under section 4 of this chapter for child care centers or in accordance with a

variance or waiver of a rule governing child care centers approved by the division under

section 10 of this chapter; and

(C) substantially complies with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under section 4 of this chapter for

child care centers or in accordance with a variance or waiver of a rule governing

child

care centers approved by the division under section 10 of this chapter.

(10) A school age child care program (commonly referred to as a latch key program)

established under 1C 20-26-5-2 that is operated by:

(A) the department of education;

(B) a public or private school; or

(C) a public or private organization under a written contract with:

(i) the department of education; or

(ii) a public or private school.

*As added by P.L.1-1993, SEC.141. Amended by P.L.61-1993, SEC.8; P.L.136-1993, SEC.6; P.L.2-1995, SEC.50; P.L.50-2001, SEC.1; P.L.1-2005, SEC.136.*

## **Information Maintained by the Office of Code Revision Indiana Legislative Services Agency**

03/24/2009 03:58:00 PM EOT 1C 16-20 ARTICLE 20. LOCAL HEALTH

### **DEPARTMENTS**

#### **1C 16-20-1**

Chapter 1. Powers and Duties of Local Health Departments

##### **1C 16-20-1-1 Application; limited area**

Sec. 1. (a) Powers and duties described in this chapter and 1C 16-20-8 apply to all local health officers and local health boards. However, this article does not apply to a county that is subject to 1C 16-22-8.

(b) The powers and jurisdiction of a local health officer or local board are limited to the area in which the officer or board serves. *As added by P.L.2-1993, SEC.3.*

##### **1C 16-20-1-2**

##### **Operation as local government agency**

Sec. 2. A local health department shall operate as an agency of local government administratively responsible to the appropriate county or city executive. *As added by P.L.2-1993, SEC.3.*

##### **1C 16-20-1-3 Procedural rules**

Sec. 3. The board of each local health department may adopt procedural rules for the board's guidance and to establish administrative and personnel policies of the local health department that are consistent with the administrative operating policy of the appointing authority. *As added by P.L.2-1993, SEC.3.*

##### **1C 16-20-1-4**

##### **Board organization and officers**

Sec. 4. The board of each local health department shall, immediately after appointment, meet and organize. The board shall elect a chairman, vice chairman, and other officers the board considers necessary. *As added by P.L.2-1993, SEC.3.*

##### **1C 16-20-1-5 Annual budget**

Sec. 5. The board of each local health department shall submit an annual budget to the county executive, county fiscal body, and city fiscal body concerned with approval of the budget at the regular time for consideration of annual budgets. *As added by P.L.2-1993, SEC.3.*

<http://www.in.gov/legislative/ic/code/title16/ar20/ch1.html> 3/24/2009

#### **1C 16-20-1-6**

##### **Offices and equipment**

Sec. 6. The board of each local health department shall provide, equip, and maintain suitable offices, facilities, and appliances for the health department. *As added by P.L. 2-1993, SEC. 3.*

#### **1C 16-20-1-7 Annual report**

Sec. 7. The board of each local health department shall publish in pamphlet form, within ninety (90) days after January 1, for free distribution, an annual report for the previous year showing the following:

- (1) The amount of money received from all sources.
- (2) The name of any donor.
- (3) How all money has been expended and for what purpose.
- (4) Other statistics and information concerning the work of the health department that the board considers to be of general interest.

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

#### **1C 16-20-1-8**

##### **Health and planning services contracts**

Sec. 8. (a) The board of each local health department may enter into contract with the state department, other local boards of health, other units of government, a private individual, or a corporation for the provision of health services within the board's jurisdiction. The private contracts are subject to approval of the county executive or city executive.

(b) A local board of health, a county executive, or a city fiscal body may contract with or purchase from any individual, organization, limited liability company, partnership, or corporation planning services considered essential to the development of an effective community health program. *As added by P.L. 2-1993, SEC. 3. Amended by P.L. 8-1993, SEC. 250.*

#### **1C 16-20-1-9**

##### **Duties of officers and employees**

Sec. 9. The board of each local health department shall prescribe the duties of all officers and employees. *As added by P.L. 2-1993, SEC. 3.*

#### **1C 16-20-1-10 Records; minutes**

Sec. 10. The local health officer shall keep full and permanent records of the public health work of the local health department and minutes of all meetings of the board of the local health department. *As added by P.L. 2-1993, SEC. 3.*

#### **1C 16-20-1-11**

##### **Monthly reports; approval; permanent records**

Sec. 11. The local health officer shall make a monthly report of the work done by the local health department to the board of the local health department. After the report is approved by the board, the local health officer shall make the report a permanent record. *As added by PL. 2-1993, SEC. 3.*

[http://www.in.gov/legislative/ic/code/title 16/ar20/ch1 .html](http://www.in.gov/legislative/ic/code/title_16/ar20/ch1.html) 3/24/2009

**1C 16-20-1-12**

**Activities reports to state department**

Sec. 12. Reports of local health department activities shall be made to the state department, as required by the rules of the state department. *As added by P.L.2-1993, SEC.3.*

**1C 16-20-1-13**

**Local health officer or representative; consultative meetings with state department; expenses**

Sec. 13. (a) The local health officer or a representative of all county or city boards of health shall attend meetings of the state department, when requested by the state department, for consultation concerning any matter concerning public health.

(b) The expenses of the local health officer or representative must be paid out of the health fund of the county or the city where the board of health is established, in an amount determined by the local board of health. *As added by P.L.2-1993, SEC.3.*

**1C 16-20-1-14**

**Personnel; delegation of duties on the basis of agent-principal relation; water well inspections**

Sec. 14. (a) Local health officers may appoint and employ public health nurses, environmental health specialists, computer programmers, clerks, other personnel, and an administrator of public health, subject to the confirmation of the local board of health, as is necessary and reasonable to carry out and perform the duties of the local health department.

(b) Except as provided in subsection (d), the employees of local health departments shall perform any of the duties of the health officer delegated by the health officer, with the approval of the local board of health, on the basis of an agent-principal relation.

(c) The public health personnel of local health departments:

(1) must meet the minimum qualification requirements of the local board of health;

(2) by local ordinance, become part of the county classification system for the respective public health personnel positions; and

(3) shall perform additional duties prescribed by the rules of the state department and local board of health under the general supervision of the local health officer.

(d) If an appointee or employee of a local health officer is not a licensed water well driller under

1C 25-39-3, the appointee or employee may not inspect the drilling of a water well.

*As added by P.L.2-1993, SEC.3. Amended by P.L.105-1999, SEC.1; P.L.121-2007, SEC.1; P.L.134-2008, SEC.9.*



### **1C 16-20-1-15 Compensation**

Sec. 15. (a) The board of city health departments shall recommend and the city fiscal body shall fix the compensation of employees of the city health department.

(b) The county fiscal body shall fix the compensation of the employees of county health departments, in the manner provided by 1C 36-2-5 or 1C 36-3-6, after consideration of the recommendations of the local board of health. *As added by P.L.2-1993, SEC.3*

### **1C 16-20-1-16**

#### **Salaries and expenses; authorized payment**

<http://www.in.gov/legislative/ic/code/title16/ar20/ch1.html> 3/24/2009 Indiana Code 16-20-1

Sec. 16. The board of each local health department shall authorize payment of salaries and all other department expenses from the proper fund. *As added by P.L.2-1993, SEC.3.*

### **1C 16-20-1-17**

#### **Vital statistics; birth and death records**

Sec. 17. (a) The local health officer shall collect, record, and report to the state department the vital statistics for the local health officer's area of jurisdiction.

(b) The local health officer shall be the registrar of births and deaths. After making a birth or death record, the local health officer shall, by the fourth day of each month, forward the original record to the state department. *As added by P.L.2-1993, SEC.3.*

### **1C 16-20-1-18**

#### **Financial assistance; approval**

Sec. 18. A health officer may, on behalf of the local board of health, receive financial assistance from an individual, an organization, or the state or federal government. The financial assistance must be approved by the county executive or city fiscal body and the local board of health. *As added by P.L.2-1993, SEC.3.*

### **1C 16-20-1-19 Enforcement**

Sec. 19. Local health officers shall enforce the health laws, ordinances, orders, rules, and regulations of the officer's own and superior boards of health. *As added by P.L.2-1993, SEC.3.*

### **1C 16-20-1-20**

#### **Proposed rules and ordinances; fiscal impact statement**

Sec. 20. A proposed rule of the state department or a local board of health mandating additional or revised local services must include a general fiscal impact statement of the rule or ordinance.

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

### **1C 16-20-1-21**

#### **Communicable disease control; powers**

Sec. 21. Each local health board has the responsibility and authority to take any action authorized by statute or rule of the state department to control communicable diseases. The board of each local health department or a designated representative may make sanitary and health inspections to carry out this chapter and 1C 16-20-8. *As added by P.L.2-1993, SEC.3.*

**1C 16-20-1-22**

**Sanitary inspections and surveys of public buildings and institutions**

Sec. 22. Local health officers may make sanitary inspections and surveys of all public buildings and institutions. *As added by P.L.2-1993, SEC.3.*

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**1C 16-20-1-23**

**Inspection of private property; property in which officer has interest**

Sec. 23. (a) Except as provided in subsection (b), the local health officer or the officer's designee may enter upon and inspect private property, at proper times after due notice, in regard to the possible presence, source, and cause of disease. The local health officer or designee may order what is reasonable and necessary for prevention and suppression of disease and in all reasonable and necessary ways protect the public health.

(b) However, a local health officer, or a person acting under the local health officer, shall not inspect property in which the local health officer has any interest, whether real, equitable, or otherwise. Any such inspection or any attempt to make such inspection is grounds for removal as provided for in this article.

(c) This section does not prevent inspection of premises in which a local health officer has an interest if the premises cannot otherwise be inspected. If the premises cannot otherwise be inspected, the county health officer shall inspect the premises personally.

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

Indiana Code 16-20-8

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03/24/2009 04:19:38 PM EDT 1C 16-20-8

Chapter 8. Food Service Inspections

**1C 16-20-8-1 "Checklist" defined**

Sec. 1. As used in this chapter, "checklist" refers to a food service establishment inspection report checklist form prepared by the state department. *As added by P.L.2-1993, SEC.3.*

**1C 16-20-8-2**

**"Narrative report" defined**

Sec. 2. As used in this chapter, "narrative report" refers to a food service establishment inspection report narrative form prepared by the state department. *As added by P.L.2-1993, SEC.3.*

**1C 16-20-8-3**

**Checklist explaining narrative report**

Sec. 3. Whenever an authorized representative of a local health department or the state department uses a checklist, the representative must complete a narrative report that explains the checklist. *As added by P.L.2-1993, SEC.3*

#### **1C 16-20-8-4**

##### **Narrative report; time for completion**

Sec. 4. The narrative report required under this chapter must be completed at the same time the checklist is completed. *As added by P.L.2-1993, SEC.3.*

#### **1C 16-20-8-5**

##### **Inspection report review; written response**

Sec. 5. Except as provided in section 8 of this chapter, a food service establishment that is the subject of inspection reports such as checklists or narrative reports must have an opportunity to review the reports and submit to the local health department a written response to the reports. If a written response is submitted to the local health department:

- (1) within the time stated for abatement of the alleged violations; or
- (2) within ten (10) calendar days after the completion of the inspection reports; whichever is earlier, the written response must be attached to and becomes part of the inspection reports. *As added by P.L.2-1993, SEC.3. Amended by P.L. 190-1995, SEC.2.*

#### **1C 16-20-8-6**

##### **Inspection and copying of documents**

Indiana Code 16-20-8

Sec. 6. After the checklist, the narrative report, and the written response are completed, the checklist, the narrative report, and the written response may be inspected and copied under 1C 5-14-3. *As added by P.L.2-1993, SEC.3.*

#### **1C 16-20-8-7**

##### **Inspection and copying of checklist and narrative report in absence of written response**

Sec. 7. If a written response is not submitted within the time described in section 5 of this chapter, the checklist and the narrative report may be inspected and copied under 1C 5-14-3 immediately after the expiration of that period of time. *As added by P.L.2-1993, SEC.3.*

#### **1C 16-20-8-8**

##### **Immediate inspection and copying of checklist and narrative report; conditions**

Sec. 8. Notwithstanding sections 6 and 7 of this chapter, the checklist, the narrative report, and the related public records may upon completion be inspected and copied under 1C 5-14-3 if a local health department takes any of the following actions with respect to a food service establishment that is the subject of the records:

- (1) Schedules a hearing by the local health department or a designee.
- (2) Orders closure.
- (3) Requests revocation of a permit.
- (4) Finds the existence of an imminent danger to public health or a gross deception of or fraud upon the consumer.

*As added by P.L.2-1993, SEC.3. Amended by P.L. 190-1995, SEC.3.*

#### **1C 16-20-8-9 Forms**

Sec. 9. The state department shall provide to local health departments the forms used under this chapter. *As added by P.L.2-1993, SEC.3*

<http://www.in.gov/legislative/fic/code/title6/ar20/ch8.html> 3/24/2009