

RETAIL FOOD ESTABLISHMENT AND/OR BED AND BREAKFAST
ESTABLISHMENT ORDINANCE
ORDINANCE No. 2020-18
In Vermillion 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 established definitions; sets standards for management and personnel; food operators, 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 defines Bed and Breakfast Establishment, Conflict of Interest, Vermillion County Health Department, Official Hazard Analysis Critical Control Point, Health Officer, Hearing Officer, Imminent Health Hazard, Inspection Report, Operator, Order, Permit, Person, Retail Food Establishment; and Temporary Food Establishment; requires construction and/or alteration plans; requires a Permit and payment of Permit fees for the operation of Bed and Breakfast Establishment, Retail Food Establishment, and/or Temporary 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 (IC) 16-42-1, IC 16-42-2, IC 16-42-5, Indiana State Department of Health Rule(s) 410 Indiana Administrative Code (IAC) 7-15.5, 410 IAC 7-20, 410 IAC 7-21-47, 410 IAC 7-22 (effective May 2003), 410 IAC 7-23 (effective November 13, 2004) and 410 IAC 7-24 (effective January 2005).

The Vermillion County Health Department is hereby authorized to issue Bed and Breakfast Establishment, Retail Food Establishment and/or Temporary 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 Vermillion 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) Provided 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.

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

Vermillion County Health Department means the local health department in Vermillion County or authorized representative having jurisdiction over Bed and Breakfast Establishments, Retail Food Establishments and/or Temporary Food Establishments.

Vermillion County Official means any Official of Vermillion County, Indiana.

Hazard Analysis Critical Control Point (HACCP) Plan (as defined in 410 IAC 7-24) means a written document that delineates for 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 Health Officer having jurisdiction in Vermillion County or his duly authorized representative.

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

Imminent Health Hazard means any circumstance or situation, which in the opinion of the Health Officer, endangers the health of the general public.

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

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 Vermillion 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 Vermillion County Health Department that authorizes a Person to operate a Bed and Breakfast Establishment, Retail Food Establishment, and/or Temporary Food Establishment.

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

Retail Food Establishment (as derived from 410 IAC 7-24) means

- (a) An operation that:
 - (1) Stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, such as:
 - (A) A restaurant;
 - (B) A satellite or catered feeding location;
 - (C) A catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people;
 - (D) A retail meat market, fresh fruit & vegetable market, poultry market, fish market, delicatessen, confectionery, candy kitchen, nut store or retail bakery;
 - (E) A grocery store;
 - (F) A convenience store;
 - (G) A vending location;
 - (H) A Conveyance used to transport people;
 - (I) A private, public or non-profit organization routinely serving food;
 - (J) A tavern, bar, cocktail lounge, night club, tea room, coffee shop, café, cafeteria, or soda fountain;
 - (K) An institution, or
 - (L) A food bank; and
 - (M) That relinquishes possession of food to a consumer directly or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carrier.