

CLARK COUNTY SANITARY CODE
CHAPTER I
GENERAL PROVISIONS

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PART 1: TITLE, SHORT TITLE, CITATION AND REFERENCE

- 1-1-1 Title and Short Title

This Code is comprised of several Chapters, Parts, Sections and Subsections which are intended as a unified coverage of its subject-matter and shall be known as the "Clark County Sanitary Code" and it shall be sufficient to refer to said Code as the "Sanitary Code".

- 1-1-2 Citation and Reference

- (A) The Sanitary Code may be cited as "CCSC" which shall be followed by the Chapter, Part, Section and Subsection which shall indicate the provision or provisions being referred to (ie. CCSC 4-2-1(A)(5) denotes Chapter 4 of the Clark County Sanitary Code, Part 2, Section 1, Subsection (A) and refers to only provision (5) thereunder, and CCSC 4-2 refers to all the provisions of the Sections and Subsections in Part 2, Chapter 4 of the Clark County Sanitary Code, and any reference made by this method of citation may be used in any prosecution for the violation of any provision thereof or in any proceeding at law or equity or in any proceeding or document to amend, correct or repeal all or any part or portion of the Sanitary Code.
- (B) Whenever a reference is made to this Code as the "Clark County Sanitary Code" or "Sanitary Code" or to any Chapter, Part, Section, Subsection or portion thereof by the method of citation pursuant to the provisions of CCSC 1-1-2(A), or to any ordinance affecting same, such reference or references shall apply to all amendments, corrections and additions.

PART 2: PURPOSES AND RULES OF CONSTRUCTION

1-2-1 Purposes

- (A) The Sanitary Code shall be liberally construed and applied to promote its underlying purposes and policies.
- (B) Underlying purposes and policies of the Sanitary Code are:
 - (1) to establish minimum sanitary standards for the protection, promotion, and improvement of public health, safety and welfare, and for the control of disease, which are consistent with the laws of the State of Indiana, regulations of any superior governmental administrative department or agency of the United States or the State of Indiana or any department or agency comprised of any combination thereof; and,
 - (2) to maintain a sanitary environment; and,
 - (3) to establish the procedure whereby the Clark County Board of Health can effectively and properly perform the duties required of it pursuant to the Public Health Code of Indiana, Acts 1949, CH. 158, I.C. 16-1-1, et.al, through I.C. 16-1-35, et-al.

1-2-2 Rules of Construction

- (A) Throughout the Sanitary Code, unless the context otherwise requires:
 - (1) words in the singular number include the plural and words in the plural include the singular;
 - (2) words in the masculine gender include the feminine and the neuter and, when the sense so indicates, words of the neuter gender may refer to any gender.
 - (3) (a) unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing interpretation of the Indiana Code.
 - (b) where a section of this code is followed by a reference to the Indiana Code, the reference indicates the section is analogous or similar to or derives its authority from the cited sections in the Indiana Code. Footnotes, cross references, and other comments are by way of explanation only and should not be deemed a part of the text of any section.
 - (c) the provisions of this code be construed according to the normal usage of the language. Words and phrases which have acquired a specific, technical meaning in the law shall be interpreted according to that meaning.
 - (d) once a provision has been repealed it can be revived only by re-enactment.
 - (e) a reference to any provision of this code refers also to amendment of the provision.

(f) should provisions of this code conflict with one another, each provision shall control the subject matter with which it is most directly concerned.

- (4) if any provision of any ordinance or the application of any ordinance to any person or circumstances is invalid, the invalidity shall not affect the other provisions or application of any ordinance which can be given effect without the invalid provision or application, and to this end, all sections of ordinances are declared to be severable.
- (5) whenever in one section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.
- (6) if a manifest error is discovered consisting of the misspelling of any words; the omission of any word necessary to express the intention of the provisions affected; the use of a word to which no meaning can be attached; or the use of a word when another word was clearly intended to express the intent, the spelling shall be corrected and the word supplied, omitted, or substituted that will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding extent of the error.
- (7) this code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.
- (8) all ordinances of a temporary or special nature, all other ordinances pertaining to subjects not embraced in this code, and resolutions shall remain in full force and effect unless herein repealed expressly or by necessary implication.
- (9) ordinances passed by the County Commissioners shall be printed and published pursuant to law.
- (10) The term Clark County Health Department shall be interchangeable with Clark County Board of Health

PART 3: GENERAL DEFINITIONS

1-3-1 General Definitions - Terms Used

In addition to, and not in substitution of, any definitions of words and terms which may be included in subsequent Chapters and provisions of the Sanitary Code, and unless the context otherwise requires, the following definitions of words and terms shall be generally applicable and shall have the following meanings throughout the Sanitary Code, including any subsequent additions and/or amendments to the Sanitary Code which may hereafter be enacted and adopted by ordinance:

Administrator shall mean that person employed by the Clark County Board of Health and Health Officer as the Health Officer's immediate subordinate;

Adulterated and misbranded shall have the same meaning as provided in I.C. 16-1-29, et.al., 16-1-30, et.al, and 16-1-31, et-al, known as part of the Indiana Food, Drug and Cosmetic Act;

Authorized representative shall mean an agent in principal, of the Clark County Board of Health including the Health Officer, Administrator, and other employees as provided by the provisions of I.C. 16-1-7-28 and I.C. 16-1-4-21;

Bakery shall mean any retail food store that properly prepares or offers to the consumer only baked goods, pastries, or confections that do not consist in whole or in part of meat, poultry, fish, shellfish or edible crustacea;

Board of Health shall mean and apply to the Clark County Board of Health pursuant to the provisions of I.C. 16-1-7-10;

Commissary shall mean a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored;

Dwelling shall mean any house or place used or intended to be used by any person as a place of residence;

Existing on site sewage disposal system shall mean all equipment and devices necessary for conduction, collection, storage, treatment, for on-site sewage disposal.

Facility shall mean any operation for the disposal or processing of solid waste, including the site on which the operation rests;

Food shall mean any raw, cooked, or processed edible substances, beverage, drink or ingredient, used or intended for use or for sale, in whole or in part, for human consumption;

Food-service establishment shall mean any place where food is prepared and intended for individual portion service, including the site at which individual portions are provided regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food, specifically including, but not limited to, delicatessens that offer prepared food in individual service portions. The term does not include private homes where food is prepared or served for individual family consumption.

Garbage shall mean all putrescible vegetable solid and semi-solid wastes resulting from the processing, handling, preparation, cooking, serving or consumption of food or food materials;

Hazardous refuse shall mean any solid or liquid wastes with inherent dangers including, but not limited to, toxic chemicals, explosives, pathological wastes, radioactive materials, materials likely to cause fires, liquids, semi-liquids, sludges containing less than thirty percent

(30%) solids, pesticides, pesticide containers, raw animal manure, septic tank pumpings, and raw or digested sewage sludge;

Health Officer shall mean the Clark County Health Officer as provided by I.C. 16-1-7-27;

IAC shall mean the Indiana Administrative Code comprising all amendments, additions and repeals to the Indiana Administrative Code filed with the Indiana Secretary of State and published under the direction of Indiana Legislative Council, including any amendments, additions and repeals subsequent to the adoption and effective date of, and subsequent amendments, additions and changes to, the Sanitary Code, and when cited in the Sanitary Code, the Title number of the Indiana Administrative Code is followed by the initials "IAC" followed by the appropriate Article, Rule and/or Section number being cited [ie. 410 IAC 7-15.1 denotes Title 410 of the Indiana Administrative Code, Article 7, Rule 15.1 and cites all sections, subsections and provisions thereunder, and 410 IAC 7 denotes all Rules, sections,, subsections and provisions under Article 7, Title 410 of the Indiana Administrative Code];

IC shall mean the Official Indiana Code comprising all amendments, additions and repeals to the Official Indiana Code enacted by the Indiana General Assembly and published under the direction of the Indiana Legislative Council, including any amendments, additions and repeals subsequent to the adoption and effective date of, and subsequent amendments, additions and changes to, the Sanitary Code, and when cited in the Sanitary Code, the abbreviation "IC" is followed by the appropriate Title, Article, Chapter and/or Section number being cited [ie., I.C. 16-1-7 denotes Title 16 of the official Indiana Code, Article 1, Chapter 7 and cites all sections, and subsections thereunder, and I.C. 16-1-7-28 cites all provisions under Section 28 of Chapter 7, Article 1, Title 16 of the Official Indiana Code);

Ice cream shop and sweet shop shall mean a food-service establishment that properly prepares or offers to the consumer only ice cream, sweets, or confections that do not consist in whole or in part of meat, poultry, fish, shellfish or edible crustacea;

Inert fill shall mean earth, rocks, bricks, concrete, crushed glass asphalt, or any combination thereof, but specifically excluding garbage, sewage, rubbish, refuse, and hazardous refuse;

Inert fill disposal shall mean the permanent or semi-permanent placement of inert fill in any location;

Landfill shall mean a sanitary landfill;

Local Unit of Government shall mean Clark County, or any municipality or township within the jurisdiction of Clark County, State of Indiana, as provided by I.C. 36-1-2-23;

Mobile food-dispensing unit shall mean any movable vehicle limited to serving non- potentially hazardous foods or commissary-wrapped food maintained at proper temperatures.

Mobile food-service establishment shall mean any food-service establishment capable of being readily moved from location to location without having a fixed location; such term shall not include any food-service or temporary food-service establishments or mobile food-dispensing units;

Municipality shall mean any city or town within the jurisdictional

boundaries of the County of Clark, State of Indiana, as provided by I.C. 36-1-2-11;

Open burning shall mean the combustion of any matter in the open, or in an open dump;

Open dump shall mean the consolidation of refuse or hazardous refuse from one or more sources, or the deposit of solid waste materials at a single disposal site that does not fulfill the requirements of regulation SPC-18 as a sanitary landfill or refuse processing facility;

Open dumping shall mean the act of depositing refuse or hazardous refuse or solid wastes at an open dump. It shall not include the act of depositing or transporting solid waste to a sanitary landfill or solid waste processing facility, nor shall it include the act of transporting inert fill to an inert fill disposal area;

Owner shall mean any person who is vested with the ownership, dominion, possession or title of any building, structure, or property, real or personal, within the jurisdiction of the Board of Health or the County of Clark, State of Indiana;

Perishable food shall mean any food of such type or in such condition as may spoil;

Person shall mean and include any human being, individual, firm, corporation, unincorporated association, partnership, copartnership, public body, local unit of government, municipality, company, joint-stock company, trust, estate, or any other legal entity;

Person in Possession shall mean any person or owner in actual or constructive possession (including, but not limited to, a resident, lessee or occupant) of any building, structure or property, real or personal, in the jurisdiction of the Board of Health or the County of Clark, State of Indiana;

Pest shall mean any arthropod, vertebrate, or micro-organism of health significance to man;

Potentially hazardous food shall mean any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, and which is in a form capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms. The term does not include: clean, whole, uncracked, odor-free shell eggs; foods that have a pH level of 4.6 or below, or a water activity (aw) value of 0.85 or less under standard conditions; or food products in hermetically sealed containers processed to prevent spoilage;

On site sewage disposal system(OSDS) shall mean all equipment and devices necessary for proper conduction, collection, storage, treatment, and on-site disposal of sewage, including, but not limited to, building sewers, septic tanks, absorption fields, and sanitary vault privies;

Processing shall mean the method, system, or other treatment of solid waste so as to change its chemical or physical form, or so as to affect it for disposal or recovery of materials, but excluding vehicles for the transportation of solid waste from its point of generation;

Produce market shall mean any establishment which acts as a secondary or retail source of only fresh fruits and fresh vegetables offered to the

consumer. The term does not include roadside markets that offer only fresh fruits and fresh vegetables which have been produced by the owner;

Reasonable time shall, in all events, depend upon the nature, purpose, and circumstances involved and shall be determined at the sole and absolute discretion of the Health Officer, or an authorized representative, except when a specific time period is otherwise mandated by law;

Recreational water facilities shall mean any structure, basin, chamber, or tank, used to hold water for use by the general public for recreational purposes, including, but not limited to, water slides, parachute drops, spas, whirlpools, hot tubs, swimming pools and diving wells;

Refuse shall mean inert fill, rubbish and building or demolition waste resulting from the operations of a contractor, but specifically excluding garbage, sewage and hazardous refuse;

Refuse disposal shall mean the permanent or semi-permanent placement of refuse in any location;

Retail food store shall mean any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premises consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include establishments which handle only prepackaged, non-potentially hazardous foods; roadside markets that offer only fresh fruits and fresh vegetables for sale; food-service establishments; or food and beverage vending machines;

Rubbish shall mean all non-putrescible solid wastes such as cardboard, paper, plastic, metal, glass, rags, waste metal, yard clippings, small pieces of wood, excelsior, rubber, leather, crockery, and other waste materials that ordinarily accumulate around a home, business, or industry, but specifically excluding dead animals, sewage, hazardous refuse, garbage, ashes, bulk refuse, industrial waste, or building or demolition waste resulting from the operations of a contractor;

Sanitary landfill shall mean an engineering method meeting the requirements of 320 IAC 5-1 through 320 IAC 5-9 for the disposal of refuse on land in a manner that protects the public health and environment by spreading the waste in thin layers, compacting it in the smallest practical volume and covering it with compacted soil at the end of each working day;

Sanitary sewerage system shall mean a system of sewers which conveys sewage from the property on which it originates to another site for treatment;

Septic tank shall mean a water tight structure into which sewage is discharged for settling and solids digestion;

Sewage shall mean human excretion and water-carried waste or effluent derived from ordinary living processes;

Solid waste shall mean garbage, refuse, street cleanings, offal and solid commercial, industrial and institutional wastes, but specifically excluding, sewage and hazardous refuse;

Solid waste disposal shall mean the placement of solid waste in any location;

Superior governmental administrative department or agency shall mean those regulatory bodies of the federal, state, or local units of government, or any department or agency comprised of any combination thereof, that

mandate rules and regulations within areas outside the discretion and jurisdiction of the Board of Health and which the Board of Health may or may not be required by law to enforce;

Swimming or wading pools shall mean any structure, basin, chamber, or tank containing a body of water used by the general public for the purposes of swimming, diving, or recreational bathing;

Tavern, bar, cocktail lounge, and night club shall mean a food service establishment which sells alcoholic beverages, and provides food service only to persons over twenty-one (21) years-of-age in order to comply with Rule 905 IAC 1-20-1;

Temporary food establishment shall mean any food establishment operating in connection with any transitory gathering not to exceed 14 consecutive days, or for no more than 30 days in any calendar year;

Unwholesome shall mean not in sound condition, clean or free from adulteration, or otherwise not suitable for use as human food;

Vector shall mean any arthropod or feral animal responsible for the transmission of pathogens from a host to another animal or human;

Vehicle shall mean every device in, upon, or by which any person or property is, or may be transported;

Vending Machine shall mean any self-service device which dispenses unit servings of food, either in bulk or in packages, without the necessity of replenishing the device between each vending operation;

Written notice or order shall mean any form of recorded message capable of comprehension by ordinary visual means and written in the English language.

PART 4: INSPECTIONS, VIOLATIONS AND PENALTIES

1-4-1 Inspections

- (A)As provided by I.C. 16-1-4-9 and I.C. 36-1-6-2, any person or owner or person in possession shall permit the Health Officer, or an authorized representative, at all reasonable times and as often as may be necessary, access to all property, public or private, real or personal, for the purposes of inspection, observation, measurement, sampling, and testing of such property, and copying of all records pertinent to the enforcement of, and to determine compliance with, the Sanitary Code.
- (B)The Health Officer, or an authorized representative, shall make at least one subsequent inspection which shall be used to determine compliance with the Health Officer's written notice or order to abate or complete necessary improvements to abate any and all violations of the Sanitary Code found upon a prior inspection.

1-4-2 Violations

- (A)Unless the Health Officer is reasonably satisfied that a notice or order to abate any violation of the Sanitary Code or that an office hearing would be futile:
- any person or owner who may be violating, or person in possession of property which may be found to be in violation of, the Sanitary Code shall be served by the Health Officer, or an authorized representative, with a written notice or order to abate or complete necessary improvements to abate any such violations within a reasonable time;
- (2)a copy of a written notice or order shall be filed in the records of the Board of Health;
- (3)within a reasonable time after a written notice or order has been served, but before the expiration of the time specified in the notice or order to abate any such violation, the person or owner or person in possession who was served with such notice or order may make a written request to the Health officer, or an authorized representative, for an office hearing to consider the matter;
- (4)upon receipt of the written request for an office hearing, the Board of Health or the Health Officer shall conduct such a hearing at the time and place designated by the Health Officer; and,
- (5)a transcript of the office hearing shall be made only if the person or owner or person in possession who is requesting the hearing assumes the cost of such a transcript and only if a written request for a transcript shall be made at the time the written request for an office hearing is made pursuant to CCSC 1-4-2(A)(3), above.

- (B) Upon failure to comply with any notice or order to abate within the time specified in such written notice or order, or upon the determination of the Health Officer that such a notice or order to abate or an office hearing would be futile, the matter shall be brought to the attorney for the Board of Commissioners, or any attorney appointed by it, to institute legal action against any person or owner, or person in possession, to enforce the Sanitary Code and to prosecute to final determination.
- (C) The Health Officer, or an authorized representation, may issue to any person or owner who may be violating, or person in possession of property which may be found to be in violation of, the Sanitary Code, a Citation specifying the Chapter, Parts, Sections and Subsections of this Ordinance violated and indicating the specific nature of the violation. The person(s) or entity receiving a Citation shall be required to appear, at a time designated, in any circuit or superior court in Clark County, Indiana for a hearing upon such Citation.

The Court shall conduct a hearing upon the alleged violation of this Ordinance. The attorney for the Board of Commissioners, or any attorney appointed by it, is authorized to civilly prosecute said Citation in the name of the Clark County Health Department in such hearing. If the Court finds, at the conclusion of all the evidence, by a preponderance of evidence, that this Ordinance, has been violated, the Court shall impose the sanctions and penalties described in section 1-4-3 below.

(D) The Health Officer, or an authorized representative, shall make a reasonable attempt to ascertain the identity and address of any person or owner who may be violating, or person in possession of property which may be found to be in violation, of the Sanitary Code and a written notice or order to abate or complete necessary improvements to abate any violation may be made upon any such person or owner or person in possession:

- (1) by delivering a copy of the notice or order to such person or owner or person in possession, either personally or by leaving a copy of a notice or order with someone of suitable age and discretion who is either occupying the property in question or who is found at the last known dwelling place or abode of such person or owner or person in possession, and thereafter sending a copy of the notice or order by first class mail, postage prepaid, to the last known address or place of business or employment of such person or owner or person in possession; or,
- (2) by sending a copy of the notice or order by registered or certified mail (or other public means by which a written acknowledgment of receipt may be requested and obtained) to the last known address or place of business or employment of such person or owner or person in possession, with a return receipt requested.

(E) In the event of a violation of any one of the following:

- (1) Food not in sound condition with spoilage and not from approved sources.
- (2) Potentially hazardous food does not meet temperature requirements during storage, preparation, display, service and transportation.
- (3) Facilities not provided and adequate to maintain product temperature.
- (4) Cross-contamination of food not prevented.
- (5) Personnel with communicable or infectious disease not effectively restricted.
- (6) Failure to have clean hands or practice good hygiene and failure to restrict tobacco use and food consumption to designated areas.
- (7) Not having food-contact surfaces properly designed, constructed, located, installed and maintained.
- (8) Sanitizing rinse water is not clean, maintained at proper temperature, without proper chemical concentration or adequate exposure time.
- (9) Food-contact surfaces of equipment and utensils not clean or free of detergents and abrasives.
- (10) Private or public water supply system must be from an approved source, safe, and sufficient supply of hot and cold under proper pressure.
- (11) Must have an adequate and sanitary sewage and waste water disposal system, public or private.
- (12) Plumbing must have effective backsiphonage and backflow prevention devices installed and no cross-connections.
- (13) Toilet and handwashing facilities must be adequate in number and properly designed and installed, convenient and accessible.
- (14) Evidence of any insect or rodent presence or unauthorized animals and outer openings not adequately protected.
- (15) Only necessary toxic items properly stored, labeled and used.

, should it become necessary for the Clark County Health Officer, or one his agents to an issue order to close the food establishment and the order is not followed, at a time when the Courts are closed, then in the interests of public health and safety the Sheriff of Clark County shall take whatever necessary and reasonable steps are needed to enforce the order of closing

issued by the Clark County Health Department. Further, the person, persons or food establishment that has been closed is not entitled to recover any lost income or profits.

1-4-3 Penalties

(A) Any person or owner or person in possession convicted of a violation of CCSC 3-1-1', CCSC 4-1-1, CCSC 5-1-1, CCSC 6-1-1, CCSC 7-1-1, CCSC 8-1-1, CCSC 9-1-1, CCS6 10-1-1, CCSC 11-1-1, CCSC 12-1-1, or CCSC 13-1-1 shall be punished by a fine of not less than Twenty-five and No/100 Dollars (\$25.00) and not more than Two Thousand Five Hundred and No/100 Dollars (\$2,500.00) for each such violation [See I.C. 36-1-3-8(10)]. Each day, or part of a day, that each violation occurs shall constitute a distinct and separate offense punishable by said fine. Each fine hereunder shall be in addition to, and not in substitution of, any other penalties which may be set forth under any chapter, section, or provision of the Sanitary Code and nothing contained herein shall be construed as preventing the enforcement of the Sanitary Code by injunction or any other equitable or legal relief as provided by I.C. 36-1-6, et I.C. 16-1-4-13 or any other applicable law.

(B) In addition to, and not in substitution of, all other penalties

as provided by CCSC 1-4-3(A), any person or owner or person in possession failing to comply with CCSC 1-4-1(A) and/or any provisions of Chapters 3 through 13, inclusive, shall be subject to having any permit, permit-stamp, license or registration issued pursuant to the Sanitary Code temporarily suspended and/or permanently revoked pursuant to the provisions of CCSC 1-4-2.

PART 5: GENERAL PROVISIONS

1-5-1 Denial of Permits

No permit, permit-stamp, license or registration which may be required under the Sanitary Code shall be denied on arbitrary or capricious grounds.

CLARK COUNTY SANITARY CODE

CHAPTER 2

BOARD OF HEALTH FEES FOR SERVICES
COLLECTION, ACCOUNTING AND DISPOSITION

PART 1. BOARD OF HEALTH FEES FOR SERVICES

2-1-1 Board of Health Fees for Services

PART 2. ACCOUNTING AND DISPOSITION OF FEES

2-2-1 Accounting for Fees

2-2-2 Disposition of Fees

PART 1: BOARD OF HEALTH FEES FOR SERVICES

2-1-1 Board of Health Fees for Services

(A) The Board of Health, through its authorized representatives, shall charge and collect the following fees, which fees shall not be in excess of the costs of such services rendered as required by I.C. 16-1-4-24:

(1) Fees for health services provided by the clinics of the Board of Health as authorized by I.C. 16-1-4-24; and,

(2) All fees for services, records and permits established by the Sanitary Code and required to be collected by the Board of Health, including any subsequent fees which may be so established and required by any additions and/or amendments to the Sanitary Code which may hereafter be enacted and adopted by the Clark County Board of Commissioners; and,

(3) A fee of Five and No/100 Dollars (\$5.00) shall be charged by the Clark County Health Department for, each copy of a certificate of each birth, death or stillbirth registration in accordance with I.C. 16-1-19-2, as amended by P.L. 126-1988 and as same may subsequently be amended.

(B) Any and all other fees which may be charged and collected by the Board of Health for health services provided individuals in other health jurisdictions and involving payment from tax revenues shall be collected in accordance with an agreement adopted pursuant to I.C. 16-1-4-22.

(C) Fees are non refundable after services have been rendered.

PART 2: ACCOUNTING AND DISPOSITION OF FEES

2-2-1 Accounting for Fees

The Board of Health, through its authorized representatives, shall separately account in detail for all fees collected with respect to each particular service as provided by CCSC 2-1-1, and all accounts shall be maintained in accordance with generally accepted accounting practices or as may otherwise be prescribed by the State Board of Accounts.

2-2-2 Disposition of Fees

(A) Any and all fees collected pursuant to CCSC 2-1-1(A)(1) and CCSC 2-1-1(A)(2) shall be transferred to the Clark County Health Fund and such monies shall be used only for the maintenance or future expansion of the specific program or service area from which they are derived; and,

(B) Any and all fees collected pursuant to CCSC 2-1-1(A)(3), CCSC 2I-I(A)(4) and CCSC 2-1-1(B) shall be transferred to the Clark County Health Fund and may be used for any purpose permitted by I.C. 16-17-12; and,

(C) Any and all fees collected pursuant to CCSC 2-1-1 may be used for the financing, rental, maintenance and/or upkeep of any structure(s) for the housing of the Clark County Health Department or any section thereof; PROVIDED THAT, each unit of the Clark County Health Department shall pay its proportionate share of such expenses as determined by the proportion of space occupied by such unit as compared to the total space occupied in such structure(s) by the Health Department or other units thereof.

CLARK COUNTY SANITARY CODE
CHAPTER 3
BOARD OF HEALTH RULES AND REGULATIONS

PART 1. SCOPE

3-1-1 Scope

PART 1: SCOPE

3-1-1 Scope

No person or owner or person in possession shall violate any valid rule or regulation adopted or promulgated by the Board of Health, including, but not limited to, Rule and Regulation #1-1983, including any subsequent amendments and/or changes to such Rules and/or Regulations which may be promulgated and adopted by the Board of Health as may be necessary or desirable to protect, promote, or improve public health or to control disease consistent with the laws of the State of Indiana, the Public Health Code of 1949 (I.C. 16-1-1-1 through 16-1-35, et. al.) regulations of the State Board of Health, or regulations of any superior governmental administrative department or agency as provided by I.C. 16-1-7-33.

CLARK COUNTY SANITARY CODE

CHAPTER 4

DISPOSAL OF SOLID WASTE
AND HAZARDOUS REFUSE

PART 1. SCOPE

4-1-1 Scope

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4-2-3 Accounting for Fees

4-2-4 Contents of Permits

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PART 1: SCOPE

4-1-1 Scope

(A) No person or owner or person in possession shall:

(1) Engage in open dumping; or,

(2) Create or allow an open dump; or,

(3) Engage in solid waste disposal, except as provided by
CCSC 4-2-2(B), without first obtaining, possessing, and displaying a
current, unrevoked permit from the Board of Commissioners Of Clark
County for a:

(a) sanitary landfill; or,

(b) solid waste processing facility; or,

(4) Operate a sanitary landfill, solid waste processing facility or
open dump in such a manner as to:

(a) cause open burning; or,

(b) accept hazardous refuse unless authorized in
writing by the Indiana Environmental Management

Board and the Board of Commissioners of Clark County; or,
cause the harboring, feeding, or breeding of vectors; or,
(d)make garbage available for animal consumption; or,
(e)create a nuisance or a health hazard; or,
(f)deposit solid waste in any area with standing water or any area
subject to flooding.

PART 2: PERMITS AND FEES, EXEMPTIONS, ACCOUNTING AND
CONTENTS OF PERMITS

4-2-1 Permits and Fees for Sanitary Landfills or Solid Waste Processing
Facilities

(A) A permit, or renewal thereof, to engage in solid waste disposal or
processing by operating a landfill, or to engage in solid waste disposal
or processing by operating a solid waste processing facility other than
a landfill, shall be issued by the Board of Commissioners of Clark
County for a term of one (1) year beginning on the date of issuance or
renewal, to any person or owner or person in possession; Provided, that
such person or owner or person in possession:

- (1)Obtains and possesses a valid construction plan permit and a valid
operating permit from the Indiana Environmental Management Board;
and,
- (2)Has complied with all applicable laws of the State of Indiana and
applicable provisions of all rules, regulations and guidelines of
any agency of the State of Indiana pertaining to and/or regulating
the disposal of solid waste and hazardous refuse, and specifically
including, but not limited to, 330 IAC 4-1 through 330 IAC 4-9 and
Chapters 1, 3 and 4 of the Sanitary Code; and,
- (3)as paid to the Treasurer of Clark County a permit fee in the
amount of Five Hundred Dollars (\$500.00), except as provided by
CCSC 4-2-2(A);and,
- (4)Has complied with all applicable provisions of Chapter 4 of the
Sanitary Code; and,
- (5)Each landfill site or solid waste processing facility shall
require a separate permit.

4-2-2 Permit and Fee Exemptions

(A) No fee shall be charged for a permit required by Chapter 4 of the
Sanitary Code for a landfill or solid waste processing facility which is
owned and operated by the State of Indiana or by any unit of government
of the State of Indiana as defined by I.C. 36-1-2-23.

(B) Any person or owner or person in possession of any vehicle engaged
in the transportation of solid waste from its' point of generation shall
not be subject to CCSC 4-1-1(A)(3); except, however, such vehicle may be
subject to the provisions of Chapter 12 and/or Chapter 13 of the
Sanitary Code.

4-2-3 Accounting for Fees

The Treasurer of Clark County shall transfer all permit fees collected
pursuant to CCSC 4-2-1 to the General Fund of Clark County, Indiana.

4-2-4 Contents of Permits

(A) Each permit required by CCSC 4-2-1 shall contain:

- (1) The name, signature and address of the person to whom issued; and,
- (2) The name, signature and address of the person who shall be responsible for the quality of operation, affirming that such person shall adhere to methods of operation consistent with the requirements of Chapter 4 of the Sanitary Code; and,
- (3) The identifying numbers and/or letters of the construction plan permit and the operating permit obtained from the Indiana Environmental Management Board; and,
- (4) The address of the premises for which the permit is issued; and,
- (5) The expiration date; and,
- (6) Any other information as may be required by the Board of Commissioners of Clark County.

PART 3: LANDFILL AND SOLID WASTE PROCESSING FACILITIES: SITE

SELECTION ENGINEERING PLANS AND EQUIPMENT

4-3-1 Site Selection

(A) The proposed site of any landfill or solid waste processing facility shall be inspected, approved, and upon approval properly zoned for by the Clark County Planning and Zoning Commission prior to the issuance of any operational permit by the Board of Commissioners of Clark County.

(B) Any person seeking a permit for a landfill shall submit a written report to the Board of Commissioners of Clark County and the Board of Health of the results of all tests conducted thereon as required by law.

4-3-2 Engineering Plans and Equipment

All information, including, but not limited to, engineering plans, specifications, and description of the proposed project, as required by 330 IAC 4-1 through 330 IAC 4-9, shall be submitted to the Board of Commissioners of Clark County and the Board of Health.

PART 4: LANDFILL AND SOLID WASTE PROCESSING FACILITIES: SANITARY

REQUIREMENTS AND MAINTENANCE, AND OPERATION

4-4-1 Sanitary Requirements and Maintenance

(A) At each landfill site there shall be:

- (1) A setback line established at least one hundred (100) feet from all:
 - (a) open water courses; and,
 - (b) known tile drains; and,
 - (c) known wells; and,
- (2) Fencing installed, such as a movable fence, to prevent indiscriminate dumping on and off the site; and,
- (3) An appropriate cover to completely enclose the trench area in immediate use to prevent solid waste from spreading; and,

- (4) No depression, cracks, or erosions as portions of the site are brought to a finish, and shall be sewn with a cover crop and sufficient nutrients to support growth.
- (B) Each landfill or solid waste processing facility shall at all times:
 - (1) Conform to the requirements of 330 IAC 4-1 through 330 IAC 4-9; and,
 - (2) Insure that the site is clean, orderly and accessible by:
 - (a) routine maintenance; and,
 - (b) regularly cutting weeds and grass; and,
 - (c) removing scattered debris daily; and,
 - (3) Maintain all access roads with dust control; and,
 - (4) Maintain all buildings to appear clean and attractive; and,
 - (5) Provide access by the Health Officer or an authorized representative, to all parts of the site and enable inspection of the site and obtain copies of all records pertaining to weight, type, origin, and location of all solid waste deposited therein.

4-4-2 Operation

- (A) Each landfill or solid waste processing facility shall:
 - (1) Maintain records of incoming materials, including weight, type, origin, and location on the site; and,
 - (2) Install proper directional signs indicating the location of the site at main arteries; and,
 - (3) Install a sign indicating all regulations, including but not limited to:
 - (a) hours of operation; and,
 - (b) that vehicles transporting materials which could possibly blow off during transportation shall be properly covered or such vehicles shall not be permitted within the facility; and,
 - (c) any other proper rules or regulations.
- (B) Each landfill operator shall:
 - (1) Present a written operation specification to the Health officer and the Board of Commissioners of Clark County which shall include the following:
 - (a) weighing the waste; and,
 - (b) cross-sectioning time schedule (minimum of six (6) months each); and,
 - (c) wet and freezing weather procedures; and,
 - (d) compaction procedures; and,
 - (2) Maintain the following minimum hours for public access to the site:
 - (a) November 1 through April 30,

Monday through Friday:	7:00 A.M. to 4:00P.M.
Saturday:	8:00A.M.to 12:00P.M.
(b)May 1 through October 31,	
Monday through Friday:	7:00 A.M. to 4:00 P.M.
Saturday:	8:00 A.M. to 12:00 P.M.

Saturday and Sunday during the last full weekend of April and September of each year:

7:00 A.M. to 4:00 P.M.

(3) Provide for an approved and adequately lighted enclosure for Sunday and after hours disposal.

CLARK COUNTY SANITARY CODE

CHAPTER 5

VECTOR AND PEST ABATEMENT

PART 1. SCOPE

5-1-1 Scope

PART 2. ESTABLISHMENT, AND POWERS OF DUTIES OF THE
HEALTH OFFICER

5-2-1 Establishment

5-2-2 Powers of Duties

PART 3. FINANCIAL APPROPRIATIONS

5-3-1 Financial Appropriations

PART 1: SCOPE

5-1-1 Scope

(A) Each person or owner or person in possession shall comply with any written notice or order issued by the Health Officer, or an authorized representative, within the reasonable time stated in such written notice or order, requiring such person or owner or person in possession to:

(1) Take all necessary and proper actions to control or abate vectors or pests, or to control or abate possible breeding places of vectors or pests; or,

(2) Complete any and all necessary improvements in order to control or abate the harboring or breeding of vectors or pests.

(B) Any written notice or order issued pursuant to CCSC 5-1-1(A), may specify what actions shall be taken for such control or abatement of vectors or pests or what improvements shall be completed for the control of abatement of the harboring or breeding of vectors or pests.

PART 2: ESTABLISHMENT, AND POWERS AND DUTIES OF THE HEALTH
OFFICER

5-2-1 Establishment

Pursuant to I.C. 16-1-7.3, there is hereby established a vector and pest abatement program within the Board of Health which shall be under the direction of the Health Officer.

5-2-2 Powers and Duties

The Health Officer, or an authorized representative shall have the following duties and powers with respect to the vector and pest abatement program established pursuant to CCSC 5-2-1 and may:

(A) Take all necessary and proper steps to control vectors and pests which have adverse health significance to humans or domestic animals and livestock; and,

(B) Enter upon any land, public or private, at a reasonable time to inspect for or to abate all pest and vector breeding grounds which have adverse health significance to humans, or domestic animals and

livestock; and,

(C) Purchase supplies, material and equipment; and,

(D) Recommend to the County Commissioners or other appropriate authority the building, constructing, maintaining, or repairing of necessary levees, cuts, canals, channels, or other structures upon any land within the jurisdiction of the Health Department after obtaining the necessary local and Department of Natural Resources approvals; and,

(E) Make contracts; and,

(F) Conduct vector and pest control in a manner consistent with Indiana Codes.; and,

(G) Enter into cooperative agreements with appropriate organizations for the purpose of assuring technical assistance in developing and carrying out specific duties; and,

(H) Identify problems determined to be of importance to the Public Welfare and develop control programs appropriate to each situation.

PART 3: FINANCIAL APPROPRIATIONS

5-3-1 Financial Appropriations

The Clark County Council may make an annual appropriation for the specific purposes of this vector and pest abatement program in accordance with IC 16-1-7.3-7 and which annual appropriation shall be used by the Board of Health solely for that purpose.

CLARK COUNTY SANITARY CODE
CHAPTER 6
ON-SITE SEWAGE DISPOSAL SYSTEMS

PART 1. SCOPE

6-1-1 Scope

PART 2. PERMITS AND CONTENTS OF PERMITS

6-2-1 Permits

6-2-2 Contents of Permits

PART 3. APPLICATION, PERMIT AND INSPECTION FEES

6-3-1 Application, Permit and Inspection Fees

PART 4. INSPECTIONS

6-4-1 Inspections

PART 1: SCOPE

6-1-1 Scope

(A) No person or owner or person in possession of any property located within Clark County, Indiana, and which property is used, may be used, or is intended to be used for residential or business purposes shall:

(1) Construct or alter or repair or allow to be constructed or altered or repaired, an on-site sewage disposal system without obtaining and possessing a current, unrevoked permit from the Board of Health; or,

(2) Operate an on-site sewage disposal system prior to having obtained a final approval of such installation from the Board of Health or its authorized representative; or,

(3) Permit sewage to be deposited in an insanitary manner; or,

(4) Fail to properly locate any on-site sewage disposal system in such a manner as to protect water supplies from contamination; and,

(5) Fail to correct any defect which may occur in any private sewage disposal system which does or may cause an insanitary condition; or,

(6) Connect more than one (1) dwelling onto one (1) on-site sewage disposal system, unless the system is originally designed and approved for more than one (1) dwelling.

(B) Any person or owner or person in possession of any property located within Clark County, Indiana, and which property is, or is proposed to be, served by a on site sewage disposal system or privy, shall cause a direct connection to be made to any public sanitary sewerage system when such a public system is available within 150 feet of the property line, after which, all such on-site sewage disposal systems, septic tanks, seepage pits, outhouses, privy pits or similar private sewage disposal or treatment facilities shall be abandoned and filled in a safe and sanitary manner.

(C) Any person or owner or person in possession of an existing on site

sewage disposal system may request an inspection of the system to determine the apparent condition of the system. The person or owner or person in possession making the request must submit a properly prepared inspection application (which application shall be provided by the Board of Health), together with the inspection fee. Following the inspection(s), written notice shall be sent to the applicant, or to the specified agent of the applicant, describing the apparent condition of the system to be EITHER functional OR nonfunctional, or that a determination of the apparent condition of the system will be made approximately 90 days after occupancy pending notification to this office.

PART 2: PERMITS AND CONTENTS OF PERMITS

6-2-1 Permits

(A) A permit for the construction or alteration or repair of an on-site sewage disposal system shall be issued by the Board of Health to any owner who has:

- (1) Submitted a properly prepared permit application (which application shall be provided by the Board of Health), together with the nonrefundable application fee and the permit fee as required by CCSC 6-3-1, to the Board of Health; and,
- (2) Complied with all other applicable requirements of Chapter 1, 3 and 6 of the Sanitary Code; and,
- (3) Submitted properly prepared plans and specifications when requested to, and received the approval of, the Board of Health for any such private sewage disposal system to be constructed or altered or repaired; and,
- (4) Complied with all other applicable laws of the State of Indiana and applicable provisions of all rules, regulations and guidelines of any agency of the State of Indiana pertaining to and/or regulating on-site sewage disposal systems, and specifically including, but not limited to, 410 IAC 6-8.

(B) Each private sewage disposal system shall require a separate construction or alteration or repair permit.

(C) All permits required by Chapter 6 of the Sanitary Code which are issued on or after the effective date of the Sanitary Code, shall expire and become null and void two (2) years from the date such permit is issued, unless construction or alteration or repair allowed by such permit shall be started before such expiration date and completed within One Hundred Eighty (180) days subsequent to such expiration date.

(D) In the event any permit expires and becomes null and void pursuant to CCSC 6-2-1(C) or CCSC 6-2-1(D) above, a subsequent permit may be issued as provided by Chapter 6 of the Sanitary Code only after full compliance with all requirements of CCSC 6-2-1(A) above.

(E) The permit may be modified or revoked if any conditions or information utilized to issue the permit changes.

6-2-2 Contents of Permits

(A) Each permit application issued as provided by Chapter 6 of the Sanitary Code shall contain:

- (1) The name(s) and signature(s) of the owner(s) to whom issued along with a copy of the deed showing the applicant's ownership, the legal

- description and a map or plat of the real estate involved; and,
- (2) The address of the property for which the permit is issued; and,
 - (3) The address of the owner(s) to whom the permit is issued if such owner's address is different from that of CCSC 6-2-2(3) above; and,
 - (4) Any and all other information as may be required by the Board of Health and/or Health Officer.

PART 3: APPLICATION, PERMIT AND INSPECTION FEES

6-3-1 Application, Permit and Inspection Fees

The Board of Health, through its authorized representatives, shall charge and collect the following application, permit and inspection fees for its services required by Chapter 6 of the Sanitary Code and shall account for and dispose of such fees collected as provided by Chapter 3 of the Sanitary Code:

Application Fee (non-refundable)	\$20.00
Delinquent Fee (construction started before application)	\$50.00
Soil Evaluation	\$30.00
New construction permit	\$75.00
Repair permit.	\$25.00
Existing on site sewage disposal inspection	\$50.00

PART 4: INSPECTIONS

6-4-1 Inspections

(A) In the event a permit is issued pursuant to Chapter 6 of the Sanitary Code, the on-site-sewage disposal system shall be constructed and inspected in conformance with all applicable laws of the State of Indiana and applicable provisions of all rules, regulations and guidelines of any agency of the State of Indiana pertaining to and/or regulating on-site sewage disposal systems, and specifically including, but not limited to, 410 IAC 6-8.1.

(B) The installation of any on-site sewage disposal system must be approved by the Board of Health or its authorized representative before any newly constructed building for which the permit was issued is occupied and used. It shall be the responsibility of the permit holder, or his agent, to notify said office no later than 9:30 A.M. the day the inspection is desired. No inspections shall be made on Saturdays, Sundays or Holidays.

CLARK COUNTY SANITARY CODE

CHAPTER 7

ON-SITE SEWAGE DISPOSAL SYSTEM INSTALLERS

PART 1. SCOPE

7-1-1 Scope

PART 2. PERMITS, PERMIT AND FEE EXEMPTIONS, AND
CONTENTS OF PERMITS

7-2-1 Permits

7-2-2 Permit and Fee Exemptions

7-2-3 Contents of Permits

PART 3. APPLICATION AND PERMIT FEES

7-3-1 Application and Permit Fees

PART 1: SCOPE

7-1-1 Scope

(A) No person shall install, construct, alter or repair an on-site sewage disposal system upon any property in Clark County, Indiana, with or without charge:

(1) Without first obtaining and possessing a current, unrevoked permit from the Health Officer, except as provided by CCSC 7-2-2; or,

(2) Upon any property for which an on-site sewage disposal system permit has not been issued by the Board of Health as required by Chapter 6 of the Sanitary Code.

PART 2: PERMITS, PERMIT AND FEE EXEMPTIONS AND

CONTENTS OF PERMITS

7-2-1 Permits

(A) A permit, or renewal thereof, as required by CCSC 7-1-1(A)(1), shall be issued by the Board of Health, through its authorized representatives, to any person who has:

(1) Submitted a properly prepared permit application (which application shall be provided by the Board of Health), together with the applicable permit and application fees as required by CCSC 7-3-1, to the Board of Health; and,

(2) Complied with Chapters 1,3,6 and 7 of the Sanitary Code, applicable laws of the State of Indiana, and applicable provisions of all rules, regulations and guidelines of any agency of the State of Indiana pertaining to and/or regulating on-site sewage disposal system installers.

(B) Only one (1) permit shall be required for each person or other separate legal entity engaged in the installation, altering or repairing, with or without charge, of on-site sewage disposal systems.

(C) Each permit required by Chapter 7 of the Sanitary Code, shall be issued by the Health Officer for a term of one (1) year beginning on the date of

issuance and may be renewable upon application and payment of all applicable fees required by CCSC 7-3-1.

(D) Demonstrated competency in knowledge of county and state on site systems codes through a test that is administered by the Clark County Health Department.

7-2-2 Permit and Fee Exemptions

Any owner may install or construct not more than one (1) on site sewage disposal system upon such owner's property (such property shall be their principal place of residence), for which a permit has been issued by the Board of Health as required by Chapter 6 of the Sanitary Code, during any twelve (12) month period without obtaining a permit as required by CCSC 7-1-1 above.

7-2-3 Contents of Permits

(A) Each permit required by Chapter 7 of the Sanitary Code shall contain:

- (1) The name, signature and address of the person to whom issued; and,
- (2) The name, signature and address of the person who shall be responsible for the quality of installation, construction, alteration or repair, affirming that such person shall adhere to the methods of such installation, construction, alteration or repair consistent with the requirements of Chapter 7 of the Sanitary Code; and,
- (3) The expiration date; and,
- (4) Any other information as may be required by the Health Officer.

PART 3: APPLICATION AND PERMIT FEES

7-3-1 Application and Permit Fees

The Board of Health, through its authorized representatives, shall charge and collect the following application and permit fees for its services required by Chapter 7 of the Sanitary Code and shall account for and dispose of such fees collected as required by Chapter 3 of the Sanitary Code:

Annual Application and Permit Fees . . .	\$25.00
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CLARK COUNTY SANITARY CODE
CHAPTER 8
SWIMMING, WADING POOLS
AND
RECREATIONAL WATER FACILITIES

PART 1. SCOPE

8-1-1 Scope

PART 2. PERMITS, PERMIT AND FEE EXEMPTIONS
AND CONTENTS OF PERMITS

- B-2-1 Permits
- B-2-2 Permit and Fee Exemptions
- B-2-3 Contents of Permits

PART 3. PERMIT FEES

B-3-1 Permit Fees

PART 1: SCOPE

B-1-1 Scope

No person or owner or person in possession shall maintain and operate any swimming or wading pool or recreational water facility, except as provided by CCSC B-2-2, with or without charge, without first obtaining, possessing and displaying a current unrevoked permit from the Health Officer.

PART 2: PERMITS, PERMIT AND FEE EXEMPTIONS AND CONTENTS OF PERMITS

8-2-1 Permit

- (A) A permit, or renewal thereof, except as provided by CCSC B-2-2, to operate and maintain a swimming or wading pool or recreational water facility shall be issued by the Health officer to any person or owner or person in possession who has:
- (1) Submitted a properly prepared application together with the applicable permit fee as required by CCSC 8-3-1, to the Board of Health; and,
 - (2) Complied with all applicable requirements of Chapters 1, 3, and 8 of the Sanitary Code; and,
 - (3) Complied with all other applicable provisions of the recommended standards of the U.S. Dept. of Health and Human Services, laws of the State of Indiana and applicable provisions of all rules, regulations and guidelines of any agency of the State of Indiana pertaining to and/or regulating swimming or wading pools or recreational water facilities, and specifically including, but not limited to, 410 IAC 6-2.
- (B) Each swimming or wading pool or recreational water facility, except as provided by CCSC 8-2-2, shall require a separate permit which shall be posted in a conspicuous place at the location for which such permit is issued.

(C) Each permit required by Chapter 8 of the Sanitary Code shall be issued for a term of one (1) year beginning on the date of issuance and may be renewable upon application and payment of the applicable fees as required by CCSC 8-3-1.

8-2-2 Permit and Fee Exemptions

No permit or fee shall be required by Chapter 8 of the Sanitary Code for any swimming or wading pool or recreational water facility located at a dwelling and owned and maintained by any person or owner or person in possession for the sole use of such person or owner or person in possession and/or such individual's household and guests. No fee shall be required for any swimming or wading pool or recreational water facility owned by a municipality or public school corporation.

B-2-3 Contents of Permits

(A) Each permit required by Chapter 8 of the Sanitary Code shall contain:

- (1) The name of the establishment and,
- (2) The name of the owners or corporate officers who shall be responsible for the quality of operation and maintenance, affirming that such person shall adhere to the methods of operation and maintenance consistent with their requirements of Chapter 8 of the Sanitary Code; and,
- (3) The address of the premises for which the permit is issued; and,
- (4) The expiration date; and,
- (5) Any other information as may be required by the Health Officer.

PART 3: PERMIT FEES

B-3-1 Permit Fees

The Board of Health, through its authorized representatives, shall charge and collect the following application and permit fees for its services required by Chapter 8 of the Sanitary Code and shall account for and dispose of such fees collected as required by Chapter 3 of the Sanitary Code:

ANNUAL FEE

New Facility/Plan Review	\$100.00
Swimming pool	\$100.00
Wading Pool	\$50.00
Recreational water facility	\$100.00

CLARK COUNTY SANITARY CODE
CHAPTER 9
POTABLE WATER TRANSPORTERS

PART 1. SCOPE

9-1-1 Scope

PART 2. PERMIT-STAMPS AND CONTENTS OF PERMIT-STAMPS

9-2-1 Permit-Stamps

9-2-2 Contents of Permit-Stamps

PART 3. APPLICATION AND PERMIT-STAMP FEES

9-3-1 Application and Permit-Stamp Fees

PART 1: SCOPE

9-1-1 Scope

(A) No person or owner or person in possession shall transport potable water, with or without charge, which is intended for human consumption by the public:

(1) Without obtaining, possessing and displaying a current, unrevoked permit-stamp from the Board of Health upon each vehicle used for such purposes; or,

(2) In such a manner as to make available potable water for human consumption which contains less than 1.0 parts per million free chlorine for a minimum of 30 minutes.

PART 2: PERMIT-STAMPS AND-CONTENTS OF PERMIT-STAMPS

9-2-1 Permit-Stamps

(A) A permit-stamp, or renewal thereof, for each vehicle used to transport potable water shall be issued by the Health Officer to any person or owner or person in possession who has:

(1) Submitted a properly prepared permit-stamp or renewal application (which applications shall be provided by the Board of Health), together with the applicable permit-stamp and application fee as required by CCSC 9-3-1, to the Board of Health; and,

(2) Complied with all applicable requirements of Chapters 1, 3, and 9 of the Sanitary Code, laws of the State of Indiana and applicable provisions of all rules, regulations and guidelines of any agency of the State of Indiana pertaining to and/or regulating potable water transporters.

(B) Each vehicle engaged in the transportation of potable water shall require a separate permit-stamp which shall be posted in a conspicuous place on the vehicle for which such permit is issued.

(C) Each permit-stamp required by Chapter 9 of the Sanitary Code shall be issued by the Health Officer for a term of one (1) year beginning on the date of issuance and may be renewable upon application and payment of all

applicable fees as required by CCSC 9-3-1.

9-2-2 Contents of Permit-Stamps

(A) Each permit required by Chapter 9 of the Sanitary Code shall contain:

- (1) The name, signature and address of the person to whom issued; and,
- (2) The name, signature and address of the person who shall be responsible for the quality of operation and maintenance, affirming that such person shall adhere to the methods to operation and maintenance consistent with the requirements of Chapter 9 of the Sanitary Code; and,
- (3) The vehicle identification number for which the permit is issued; and,
- (4) The expiration date; and,
- (5) Any other information as may be required by the Health Officer.

PART 3: APPLICATION AND PERMIT-STAMP FEES

9-3-1 Application and Permit-Stamp Fees

The Board of Health, through its authorized representatives, shall charge and collect the following application and permit-stamp fees for its services required by Chapter 9 of the Sanitary Code and shall account for and dispose of such fees collected as required by Chapter 3 of the Sanitary Code:

ANNUAL FEE

Each Vehicle	\$30.00
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CLARK COUNTY SANITARY CODE
CHAPTER 10
FOOD-SERVICE ESTABLISHMENTS
AND MOBILE FOOD-DISPENSING UNITS

PART 1. SCOPE

10-1-1 Scope

PART 2. PERMITS, PERMIT AND FEE EXEMPTIONS AND
CONTENTS OF PERMITS

- 10-2-1 Permits
- 10-2-2 Permit and Fee Exemptions
- 10-2-3 Contents of Permits

PART 3. APPLICATION AND PERMIT FEES

- 10-3-1 Application, Permit and Inspection Fees

PART 1: SCOPE

10-1-1 Scope

(A) No person or owner or person in possession shall operate any food-service, mobile food-service, or temporary food-service establishment, or mobile food-dispensing unit:

- (1) Without obtaining, possessing and displaying a current, unrevoked permit from the Board of Health, except as provided by CCSC 10-2-2(A); or,
- (2) In such a manner as to make available food for human consumption which is unwholesome, adulterated, or misbranded; or,
- (3) That is in violation of 410 IAC 7-15.1 or 410 IAC 7-16.1

PART 2: PERMITS, PERMIT AND FEE EXEMPTIONS, AND CONTENTS
OF PERMITS

10-2-1 Permits

(A) A permit as required by CCSC 10-1-1, to operate a food-service, mobile food-service or temporary food-service established or mobile food-dispensing unit in Clark County shall be issued by the Health officer to any person or owner or person in possession who has:

- (1) Submitted a properly prepared permit application (which applications shall be provided by the Board of Health), together with the applicable permit and application fee as required by CCSC 10-3-1, to the Board of Health; and,
- (2) Complied with all other applicable requirements of Chapters 1, 3, and 10 of the Sanitary Code; and,
- (3) Submitted properly prepared plans and specifications to, and received the approval of, the Health Officer or authorized representative for any such establishment which is proposed to be

constructed or altered or any such dispensing unit which is proposed to be used; and,

(4) Complied with all other applicable laws of the State of Indiana and applicable provisions of all rules, regulations and guidelines of any agency of the State of Indiana pertaining to and/or regulating food-service establishments and food-dispensing units, and specifically including, but not limited to, 410 IAC 7-15.1 and 410 IAC 7-16.

(B) Except as provided by CCSC 10-2-2(A), each food-service, mobile food-service and temporary food-service establishment and mobile food-dispensing unit shall require a separate permit which shall be posted in a conspicuous place within such food-service, mobile food-service and temporary food-service establishment and mobile food-dispensing unit for which such permit is issued, and upon any transfer from one location to another location within Clark County a new permit shall be required.

(C) Each permit required by Chapter 10 of the Sanitary Code for a seasonal produce market and temporary food-service establishment shall expire on the date specified on such permit.

10-2-2 Permit and Fee Exemptions

(A) No fee shall be required by Chapter 10 of the Sanitary Code for any food-service, mobile food-service or temporary food-service establishment or mobile food-dispensing unit:

(1) Which is regulated by the Indiana State Department of Health; or,

(2) Where the ONLY food or drink, except raw milk, eggs or cream, is sold or offered for sale at retail which has been grown or produced by the owner of the roadside market; or,

(3) For any dwelling where food is prepared or served for individual family consumption; or,

(4) Which is a vending machine pursuant to the provisions of Chapter 11 of the Sanitary Code or the supply vehicles for such vending machines.

(B) An organization that is exempt from the Indiana gross income tax under I.C. 6-2.1-3-20 through I.C. 6-2.1-2-22 and that offers food for sale to the final consumer at an event held for the benefit of the organization is exempt from complying with the requirements of this chapter that may be imposed on the sale of food at that event if:

(1) Members of the organization prepare the food that will be sold; and,

(2) Events conducted by the organization under this section take place for no more than thirty (30) days in any calendar year; and,

(3) The name of each member who has prepared a food item is attached to the container in which the food items has been placed.

10-2-3 Contents of Permits

(A) Each permit required by Chapter 10 of the Sanitary Code shall contain:

(1) The name of the establishment; and,

- (2) The name of the owners or corporate officers who shall, be responsible for the quality of operation and maintenance, affirming that such person shall adhere to methods of operation consistent with the requirements of Chapter 10 of the Sanitary Code; and,
- (3) The address of the premises of the establishment or the vehicle identification number of the mobile food service or dispensing unit whichever the case may be, for which each respective permit is issued; and,
- (4) The expiration date; and,
- (5) Any other information as may be required by the Health Officer.

PART 3: APPLICATION AND PERMIT FEES

10-3-1 Application and Permit Fees

The Board of Health, through its authorized representative, charge and collect the following application and permit fees, except as provided by CCSC 10-2-2, for its services required by Chapter 10 of the Sanitary Code and shall account for and dispose of such fees collected as required by Chapter 3 of the Sanitary Code:

(A) ALL FOOD-SERVICE ESTABLISHMENTS, MOBILE FOOD-DISPENSING UNITS, AND MOBILE FOOD-SERVICE ESTABLISHMENTS NOT SPECIFICALLY LISTED HEREUNDER:

Number of employees:	Annual Fee
1 - 5 employees	\$100.00
6 - 9 employees	\$150.00
10 + employees	\$200 .00
New Establishment Inspection	\$100.00
Plan Review	\$50.00

(B) RETAIL FOOD STORES:

Number of employees:	Annual Fee
1 - 5 employees	\$100.00
6 - 9 employees	\$150.00
10 + employees	\$200.00
New Establishments	\$100.00

Late fees 30 days	\$25.00
60 days	\$50.00

(C) TAVERNS, BARS, COCKTAIL LOUNGES, AND NIGHT CLUBS

\$65.00 Annually

(D) ICE CREAM SHOPS & SWEET SHOPS

\$65.00 Annually

(E) BAKERIES

\$65.00 Annually

(F) PRODUCE MARKETS:

	ANNUAL FEE FOR OPERATION OVER 6 MONTHS	SEASONAL OPERATION 4-6 MONTHS	SEASONAL OPERATION 4 MO. OR LESS
Under 2,000 sq. ft.	\$50.00	\$25.00	\$12.50
2,000 to 7,999 sq. ft.	\$60.00	\$30.00	\$15.00

8,000 + sq. ft.	\$70.00	\$35.00	\$17.50
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(G) TEMPORARY FOOD ESTABLISHMENTS
CATEGORY

1 to 3 days	\$10.00
4 to 7 days	\$20.00
8 to 14 days	\$30.00

Permits pro-rated for less than 1 year:

6 months	FULL FEE
3 TO 6 MONTHS	50%
LESS THAN 3 MONTHS	25%

(H) MOBILE FOOD-DISPENSING UNIT

ANNUAL FEE

Under 1,000 lbs.	\$25.00
Over 1,000 lbs.	\$50.00

CLARK COUNTY SANITARY CODE
CHAPTER 11
VENDING MACHINES

PART 1. SCOPE

11-1-1 Scope

PART 2. PERMIT-STAMPS, FEE EXEMPTIONS AND CONTENTS
OF PERMIT-STAMPS

11-2-1 Permit-Stamps
11-2-2 Fee Exemptions
11-2-3 Contents of Permit-Stamps

PART 3. APPLICATION AND PERMIT-STAMP FEES

11-3-1 Application and Permit-Stamp Fees

PART 1: SCOPE

11-1-1 Scope

(A) No person or owner or person in possession, shall maintain and operate a vending machine which contains perishable food intended for human consumption:

- (1) Without obtaining, possession and displaying, on each vending machine, a current, unrevoked permit-stamp from the Health Officer; or,
- (2) In such a manner as to make available food for human consumption which is unwholesome, adulterated, or misbranded.

PART 2: PERMIT-STAMPS, FEE EXEMPTIONS AND CONTENTS OF
PERMIT-STAMPS

11-2-1. Permit-Stamps

(A) A permit-stamp, or renewal thereof, except as provided by, CCSC 11-2-2, to operate and maintain a vending machine shall be issued by the Health Officer to any person or owner or person in possession who has:

- (1) Submitted a properly prepared permit-stamp or renewal application (which applications shall be provided by the Board of Health), together with the applicable permit-stamp and application fee as required by CCSC 11-3-1, to the Board of Health; and,
- (2) Complied with all other applicable provisions of Chapters 1, 3, and 11 of the Sanitary Code; and,
- (3) Submitted properly prepared plans and specifications to, and, received the approval of, the Health officer for any vending machine which is proposed to be used; and,
- (4) Complied with all other applicable laws of the State of Indiana and applicable provisions of all rules, regulations and guidelines of any agency of the State of Indiana pertaining to and/or regulating vending machines, and specifically including, but not limited to, 410 IAC 7-17.

(B) Except as provided by CCSC 11-2-2, each vending machine shall require a separate permit-stamp which shall not be transferable to any other vending machine, but which may be transferred to any other person.

(C) Each permit-stamp required by Chapter 11 of the Sanitary Code shall be posted in a conspicuous place on the vending machine for which it is issued, and each such permit-stamp shall expire on December 31 of each calendar year.

11-2-2 Fee Exemptions

A permit-stamp shall be required, but no fee shall be charged for any vending machine operated by any nonprofit religious, educational or charitable organization.

11-2-3 Contents of Permit-Stamps

Each permit-stamp required by Chapter 11 of the Sanitary Code shall contain the date issued, number of issuance, date of expiration, location of vending machine, and any other information as may be required by the Health Officer.

PART 3: APPLICATION AND PERMIT-STAMP FEES

11-3-1 Application and Permit-Stamp Fees

The Board of Health, through its authorized representatives, shall charge and collect the following application and permit/stamp fees, except as provided by CCSC 11-2-2, for its services required by Chapter 11 of the Sanitary Code and shall account for and dispose of such fees collected as required by Chapter 3 of the Sanitary Code:

Number of Vending machines	Annual fee	First year fee for Application submitted July 1 through Dec 31
1 - 5	\$ 20.00	\$ 10.00
6 - 10	\$ 40.00	\$ 20.00
11 - 25	\$ 90.00	\$ 45.00
26 - 50	\$180.00	\$ 90.00
51- 100	\$280.00	\$140.00
101 - 200	\$400.00	\$200.00
201 or more	\$500.00	\$250.00

CLARK COUNTY SANITARY CODE

CHAPTER 12

WASTE DISPOSAL BY LAND APPLICATION

PART 1. SCOPE

12-1-1 Scope

PART 2. EXEMPTIONS

12-2-1 Exemptions

PART 1: SCOPE

12-1-1 Scope

(A) Except as provided by CCSC 12-2-1,- No person or owner or person in possession shall transport any industrial waste, or domestic sewage or surface run-off or sludges, with or without charge, within Clark County, Indiana, which is intended for deposit upon any land located within Clark County, Indiana, unless such person or owner or person in possession transporting and/or depositing such material has a copy of the following documents in the vehicle at the time of such transportation and has filed duplicate copies of such documents with both the Board of Health and the land owner or other person in possession or control of such land:

(1) Written permission from the owner or person in possession or control of the land on which such material is intended to be deposited and showing such owner's or other person in possession's authority; and,

(2) A written chemical analysis of such material; and,

(3) A current letter from the appropriate agency of the State of Indiana or Government of the United States which regulates the particular material to be transported and/or deposited; and,

(4) A detailed, written, statement showing the date, approximate arrival time and route to be used and a copy of which shall be deposited with the Board of Health and the office of the Clark County, Indiana, Board of Commissioners at least 72 hours prior to such transportation and/or deposit of such material.

(B) only industrial waste, or domestic sewage or surface run-off or sludges generated in Clark County, Indiana, shall be applied on land located in Clark County, Indiana, pursuant to this Chapter 12 of the Sanitary Code, and any such industrial. waste, domestic sewage or surface run-off or sludges which are generated outside of Clark County, Indiana, shall be transported into Clark County, Indiana, only in accordance with I.C. 13-1-11-1.

PART 2: EXEMPTIONS

12-2-1 Exemptions

This Chapter 12 of the Sanitary Code shall not apply to any lawn care company or other person which/who is a state or federally licensed applicator applying materials according to labeled instructions, nor to any transportation and deposit of the materials described in CCSC 12-1-1(A) for normal farm operations.

CLARK COUNTY SANITARY CODE

CHAPTER 13

SOLID WASTE TRANSPORTERS

PART 1. SCOPE

13-1-1 Scope

PART 2. PERMITS, PERMIT AND FEE EXEMPTIONS AND CONTENTS OF PERMITS

13-2-1 Permits

13-2-2 Permit and Fee Exemptions

13-2-3 Contents of Permits

PART 3., PERMIT FEES AND ACCOUNTING FOR FEES

13-3-1 Permit Fees

13-3-2 Accounting for Fees

PART 4. MISCELLANEOUS REQUIREMENTS

13-4-1 Miscellaneous Requirements

PART 1: SCOPE

13-1-1 Scope

(A) No person shall remove and transport solid waste which solid was is generated and originates within Clark County, Indiana, with or without charge:

(1) Without first obtaining, possessing and displaying a current, unrevoked non-exclusive permit from the Board of Commissioners of Clark County, Indiana, except as provided by CCSC 13-2-2; or,

(2) In such a manner as to cause or allow liquid of any type or solid waste to be deposited upon any highway, thoroughfare or property other than a sanitary landfill or solid waste processing facility as provided by Chapter 4 of the Sanitary Code; or,

(3) In any vehicle not properly covered to retain the solid waste materials until arrival at the deposit site; or,

(4) In such a manner as to fail to comply with the standards and requirements of CCSC 13-4-1.

PART 2: PERMITS, PERMIT AND FEE EXEMPTIONS,
AND CONTENTS OF PERMITS

13-2-1 Permits

(A) A permit, or renewal thereof, as required by CCSC 13-1-1 above, shall be issued by the Board of Commissioners of Clark County, Indiana, to any person who has: (1) Submitted a properly prepared permit application together with the applicable permit and application fee as required by CCSC 13-3-1, to the Board of Commissioners of Clark County, Indiana; and,

(2) Complied with Chapters I and 3 of the Sanitary Code, applicable laws, rules, regulations and guidelines of the State of Indiana and United States or any agency of said governments pertaining to and/or regulating solid waste transporters, specifically including, but not limited to, 330 IAC 4-

10.

(B) Each person or other separate legal entity engaged in the removal and transportation of solid waste, with or without charge, shall require only one permit for each such person or legal entity.

(C) Each permit required by Chapter 13 of the Sanitary Code shall be issued for a term of one (1) year beginning on the date of issuance and may be renewable upon application and payment of all applicable fees as required by CCSC 13-3-1.

13-2-2 Permit and Fee Exemptions

(A) No fee shall be charged and no permit shall be required by Chapter 13 of the Sanitary Code for the removal and transportation of solid waste by the State of Indiana or by unit of government of the State of Indiana as defined by IC 36-1-2-23.

(B) No fee shall be charged and no permit shall be required by Chapter 13 of the Sanitary Code for any owner or person in possession who removes and transports solid waste which is generated and originates upon such owner's or person in possession's property, UNLESS such owner or person in possession is regularly engaged in such removal and transportation of solid waste, PROVIDED THAT, nothing herein shall be construed as exempting any person from the requirements of CCSC 13-1-1(A)(2) and CCSC 13-1-1(A)(3).

13-2-3 Contents of Permits

(A) Each permit required by Chapter 13 of the Sanitary Code shall contain:

- (1) The name, signature and address of the person to whom issued; and,
- (2) The name, signature and address of the person who shall be responsible for the quality of operation and maintenance, affirming that such person shall adhere to the methods of operation consistent with the requirements of Chapter 13 of the Sanitary Code; and,
- (3) The address of the premises of the permittee's office, if different from the above; and,
- (4) The expiration date; and,
- (5) Any other information as may be required by the Board of Commissioners of Clark County, Indiana.

PART 3: PERMIT FEES AND ACCOUNTING FOR FEES

13-3-1 Permit Fees

The Board of Commissioners of Clark County, Indiana, shall charge and collect the following permit fee for each permit required by Chapter 13 of the Sanitary Code:

Annual Fee \$500.00

13-3-2 Accounting for Fees

The Treasurer of Clark County shall transfer all permit fees collected pursuant to CCSC 13-3-1 to the General Fund of Clark County, Indiana.

PART 4: MISCELLANEOUS REQUIREMENTS

13-4-1 Miscellaneous Requirements

(A) The Board of Commissioners of Clark County, Indiana, shall

establish the standards and requirements, concerning:

- (1) Monthly residential rates; and,
- (2) Monthly commercial rates; and,
- (3) The amount of the permittee's performance bond; and,
- (4) The amount of solid waste the permittee must accept from residential and commercial customers each week.