

# CLARK COUNTY SANITARY CODE

ORDINANCE #34-2017



Ordained: December 14, 2017  
Published: December 23 & 30, 2017

4 **CLARK COUNTY SANITARY CODE**  
5 **2017**  
6  
7

8	<b>CHAPTER</b>	<b>PAGE</b>
9		
10	1 General Provisions	1
11		
12	2 Board of Health Fees for Services: 13 Collection, Accounting and Disposition	11
14		
15	3 Board of Health Rules and Regulations	13
16		
17	4 Disposal of Solid Waste and Hazardous Refuse	14
18		
19	5 Vector and Pest Abatement	18
20		
21	6 On-Site Sewage Disposal Systems	20
22		
23	7 On-Site Sewage Disposal System Installers	23
24		
25	8 Swimming Pools, Wading Pools and 26 Recreational Water Facilities	25
27		
28	9 Potable Water Transporters	27
29		
30	10 Retail Food Establishments, Bed & Breakfasts, Mobile Retail 31 Food Establishments, Temporary Retail Food 32 Establishments and Farmers' Markets	29
33		
34	11. Solid Waste Transporters	32

35  
36  
37 **Exhibit "A" – Clark County Health Department Fee Schedule**  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51

**CLARK COUNTY SANITARY CODE  
CHAPTER I  
GENERAL PROVISIONS**

**PART 1. TITLE, SHORT TITLE, CITATION AND REFERENCE**

- 1-1-1 Title and Short Title
- 1-1-2 Citation and Reference

**PART 2. PURPOSES AND RULES OF CONSTRUCTION**

- 1-2-1 Purposes
- 1-2-2 Rules of Construction

**PART 3. GENERAL DEFINITIONS**

- 1-3-1 General Definitions - Terms Used

**PART 4. INSPECTIONS, VIOLATIONS AND PENALTIES**

- 1-4-1 Inspections
- 1-4-2 Violations
- 1-4-3 Penalties

**PART 5. GENERAL PROVISIONS**

- 1-5-1 Denial of Permits

**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:

- 4 (1) to establish minimum sanitary standards for the protection, promotion, and  
5 improvement of public health, safety and welfare, and for the control of disease,  
6 which are consistent with the laws of the State of Indiana, regulations of any superior  
7 governmental administrative department or agency of the United States or the State  
8 of Indiana or any department or agency comprised of any combination thereof; and,  
9  
10 (2) to maintain a sanitary environment; and,  
11  
12 (3) to establish the procedure whereby the Clark County Board of Health can effectively  
13 and properly perform the duties required of it pursuant to the provisions of IC 16-20-1  
14 through 16-20-1-28.  
15

16 1-2-2 Rules of Construction

17 (A) Throughout the Sanitary Code, unless the context otherwise requires:  
18

- 19 (1) words in the singular number include the plural and words in the plural include the  
20 singular;  
21  
22 (2) words in the masculine gender include the feminine and the neuter and, when the  
23 sense so indicates, words of the neuter gender may refer to any gender.  
24  
25 (3) (a) unless otherwise provided herein, or by law or implication  
26 required, the same rules of construction, definition, and application  
27 shall govern the interpretation of this code as those governing  
28 interpretation of the Indiana Code.  
29 (b) where a section of this code is followed by a reference to the  
30 Indiana Code, the reference indicates the section is analogous or  
31 similar to or derives its authority from the cited sections in the  
32 Indiana Code. Footnotes, cross references, and other comments are  
33 by way of explanation only and should not be deemed a part of the  
34 text of any section.  
35 (c) the provisions of this code be construed according to the normal  
36 usage of the language. Words and phrases which have acquired a  
37 specific, technical meaning in the law shall be interpreted according  
38 to that meaning.  
39 (d) once a provision has been repealed it can be revived only by re-  
40 enactment.  
41 (e) a reference to any provision of this code refers also to  
42 amendment of the provision.  
43 (f) should provisions of this code conflict with one another, each  
44 provision shall control the subject matter with which it is most directly  
45 concerned.  
46  
47 (4) if any provision of any ordinance or the application of any ordinance  
48 to any person or circumstances is invalid, the invalidity shall not  
49 affect the other provisions or application of any ordinance which can  
50 be given effect without the invalid provision or application, and to this  
51 end, all sections of ordinances are declared to be severable.  
52  
53 (5) whenever in one section reference is made to another section  
54 hereof, the reference shall extend and apply to the section referred  
55 to as subsequently amended, revised, recodified, or renumbered  
56 unless the subject matter is changed or materially altered by the  
57 amendment or revision.  
58  
59 (6) if a manifest error is discovered consisting of the misspelling of any  
60 words; the omission of any word necessary to express the intention

4 of the provisions affected; the use of a word to which no meaning  
5 can be attached; or the use of a word when another word was clearly  
6 intended to express the intent, the spelling shall be corrected and the  
7 word supplied, omitted, or substituted that will conform with the  
8 manifest intention, and the provisions shall have the same effect as  
9 though the correct words were contained in the text as originally  
10 published. No alteration shall be made or permitted if any question  
11 exists regarding extent of the error.  
12

13 (7) this code, from and after its effective date, shall contain all of the  
14 provisions of a general nature pertaining to the subjects herein  
15 enumerated and embraced. All prior ordinances pertaining to the  
16 subjects treated by this code shall be deemed repealed from and  
17 after the effective date of this code.  
18

19 (8) all ordinances of a temporary or special nature, all other ordinances  
20 pertaining to subjects not embraced in this code, and resolutions  
21 shall remain in full force and effect unless herein repealed expressly  
22 or by necessary implication.  
23

24 (9) ordinances passed by the County Commissioners shall be printed  
25 and published pursuant to law.  
26

27 (10)The term Clark County Health Department shall be interchangeable with Clark  
28 County Board of Health.  
29

30 **PART 3: GENERAL DEFINITIONS**

31 1-3-1 General Definitions - Terms Used

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

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

40 **Adulterated and misbranded** shall have the same meaning as provided in IC 16-42-1 thru IC 16-42-4 and  
41 410 IAC 7-5, known as part of the Indiana Food, Drug and Cosmetic Act;

42 **Authorized representative** shall mean an agent in principal, of the Clark County Board of Health including  
43 the Health Officer, Administrator, and other employees as provided by the provisions of IC 16-20-1 through  
44 16-20-1-5;

45 **Bed & Breakfast** shall mean an operator occupied residence that provides sleeping accommodations to the  
46 public for a fee, has no more than fourteen (14) guest rooms, provides breakfast to its guests as part of the  
47 fee and provides sleeping accommodations for no more than thirty (30) consecutive days to a particular  
48 guest. The term does not include hotels, motels, boarding houses or food service establishments, as provided  
49 by 410 IAC 7-15.5-2;

50 **Board of Health** shall mean and apply to the Clark County Board of Health pursuant to the provisions of IC  
51 16-20-1 through 16-20-1-28;

52 **Citation** shall mean an official summons to appear before a court;

53 **Commercial On-Site Sewage Disposal System** shall mean all equipment and devices necessary for proper  
54 conduction, collection, storage, treatment, and on-site disposal of sewage from other than one-family or two-  
55 family dwellings, except where such dwellings are connected to a cluster system. However, an on-site  
56 sewage disposal system serving two (2) single family dwellings on the same property, with a combined DDF

4 (design daily flow) of less than or equal to seven hundred fifty (750) gallons per day, is a residential on-site  
5 sewage disposal system, not a commercial on-site sewage disposal system. Included within, but not limited  
6 to, the scope of this definition are building sewers, grease traps, septic tanks, dosing tanks, absorption fields,  
7 perimeter drains, vault privies, and temporary holding tanks serving such facilities as the following: apartment  
8 buildings, campgrounds, churches, commercial establishments, condominiums, medical facilities, mobile  
9 home parks, motels, office buildings, restaurants, or schools;

10 **Commissary** shall mean a registered establishment, restaurant, or any other place in which food, containers,  
11 or supplies are kept, handled, prepared, packaged, or stored, and approved by the Board of Health;

12 **Construction/Operation Permit** shall mean written approval by the local health department for the  
13 installation of and/or the continued use and maintenance of an on-site sewage system;

14 **Dwelling or Residence** shall mean any house or place used, or intended to be used as a place of seasonal  
15 or permanent human habitation or for sleeping for one (1) or two (2) families, and any associated outbuildings  
16 that are for private use of the owner and are plumbed with running water;

17 **Exempt** shall mean a group, an organization or a nonprofit corporation that is organized and operated for  
18 fraternal or social purposes, or a business league or association, and not for the private benefit or gain of any  
19 member, trustee, shareholder, employee or associate;

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

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

24 **Failure** shall mean the on-site sewage disposal system refuses to accept sewage at the rate of design  
25 application, thereby interfering with the normal use of plumbing fixtures, or, effluent discharge exceeds the  
26 absorptive capacity of the soil, resulting in ponding, seepage, or other discharge of effluent to the ground  
27 surface or to surface waters, or, effluent is discharged from the on-site sewage disposal system causing  
28 contamination of a potable water supply, ground water, or surface waters, or a direct discharge of sewage  
29 from any building or dwelling;

30 **Farmers' Market** shall mean a common facility where two (2) or more farmers or growers gather on a regular,  
31 recurring basis to sell a variety of fruits, vegetables and other farm products directly to the consumer.¶

32 **Farmers' Market Temporary** shall mean a vendor selling only farm produced products, only at a Farmers'  
33 Market, and only under one (1) Market Master, and with the approval of the Market Master. This shall not  
34 include Roadside Stands or any other event, festival or gathering and shall comply with IC 16-42-5-29, 410  
35 IAC 7-25, IC 16-18-2-287.8, SEA 179, SEA 249, HEA 1309, HEA 1312, and 410 IAC 7-24, or any subsequent  
36 amendments and/or changes to such rules, codes, and/or regulations which may be promulgated hereafter;

37 **Food** shall mean (1) articles used for food, drink, confectionery, or condiment whether simple, mixed, or  
38 compound and (2) substances or ingredients used in the preparation of the items described in (1), as  
39 provided in 410 IAC 7-24-34;

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

42 **Hazardous refuse** shall mean any solid or liquid wastes with inherent dangers including, but not limited to,  
43 toxic chemicals, explosives, pathological wastes, radioactive materials, materials likely to cause fires, liquids,  
44 semi-liquids, sludge containing less than thirty percent (30%) solids, pesticides, pesticide containers, raw  
45 animal manure, septic tank contents, and raw or digested sewage sludge;

46 **Health Officer** shall mean the Clark County Health Officer as provided by IC 16-20-1 et seq.;

47 **Home-Based Vendor** shall mean an individual who has made a non-potentially hazardous food in their  
48 primary residence, is selling the food product they made, only at a roadside stand or at a farmers' market, and  
49 complies with IC 16-42-5-29;

50 **IAC** shall mean the Indiana Administrative Code comprising all amendments, additions and repeals to the  
51 Indiana Administrative Code filed with the Indiana Secretary of State and published under the direction of  
52 Indiana Legislative Council, including any amendments, additions and repeals subsequent to the adoption  
53 and effective date of, and subsequent amendments, additions and changes to, the Sanitary Code, and when

4 cited in the Sanitary Code, the Title number of the Indiana Administrative Code is followed by the initials "IAC"  
5 followed by the appropriate Article, Rule and/or Section number being cited [i.e. 410 IAC 7-24.1] denotes Title  
6 410 of the Indiana Administrative Code, Article 7, Rule 24.1 and cites all sections, subsections and provisions  
7 thereunder, and 410 IAC 7 denotes all Rules, sections, subsections and provisions under Article 7, Title 410  
8 of the Indiana Administrative Code;

9 **IC** shall mean the Official Indiana Code comprising all amendments, additions and repeals to the Official  
10 Indiana Code enacted by the Indiana General Assembly and published under the direction of the Indiana  
11 Legislative Council, including any amendments, additions and repeals subsequent to the adoption and  
12 effective date of, and subsequent amendments, additions and changes to, the Sanitary Code, and when cited  
13 in the Sanitary Code, the abbreviation "IC" is followed by the appropriate Title, Article, Chapter and/or Section  
14 number being cited [i.e. IC 16-20-1] denotes Title 16 of the official Indiana Code, Article 20, Chapter 1 and  
15 cites all sections, and subsections thereunder, and IC 16-20-1-22 cites all provisions under Section 22 of  
16 Chapter 1, Article 20, Title 16 of the Official Indiana Code;

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

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

20 **Landfill** shall mean a sanitary landfill;

21 **Local Unit of Government** shall mean Clark County, or any municipality or township within the jurisdiction of  
22 Clark County, State of Indiana, as provided by IC 36-1-2-23;

23 **Market Master** shall mean an individual or group of individuals that are responsible for coordinating and  
24 organizing the farmers' market;

25 **Menu Type** shall mean a list of food items offered and processing involved, which includes but is not limited  
26 to, purchasing, receiving, storage, display, preparation, cooking, hot/cold holding, cooling, or re-heating,  
27 serving and the population served;

28 **Micro Market** shall mean an unstaffed, self check out retail food establishment with displays that do not  
29 exceed 75 linear feet in total length across the front of all displays, which contains an automated payment  
30 kiosk, is located within a business and can be accessed only by customers who are known by the business,  
31 such as escorted guests and employees of the business, and is not accessible to the general public. This may  
32 include an open rack, refrigerator, freezer, vending machines or beverage dispensers;

33 **Mobile Retail Food Establishment** shall mean any retail food establishment capable of being readily moved,  
34 on water or land, from location to location without having a fixed location; such term shall not include any  
35 retail food establishment or temporary retail food establishment;

36 **Municipality** shall mean any city or town within the jurisdictional boundaries of the County of Clark, State of  
37 Indiana, as provided by IC 36-1-2-11;

38 **New Construction** shall mean the installation of an on-site sewage disposal system for the construction of a  
39 residence or commercial facility, placement of a manufactured modular or mobile home, construction or  
40 placement of an outbuilding.

41 **New Establishment** shall mean a facility, existing or proposed to be built, that has not housed a Retail Food  
42 Establishment within the past year;

43 **On-Site Sewage Disposal System (OSDS)** shall mean all equipment and devices necessary for proper  
44 conduction, collection, storage, treatment, and on-site disposal of sewage, including, but not limited to,  
45 building sewers, septic tanks, absorption fields, and sanitary vault privies, whether residential or commercial;

46 **Open burning** shall mean the burning of any materials wherein air contaminants resulting from combustion  
47 are emitted directly into the air, without passing through a stack or chimney from an enclosed chamber, as  
48 provided by 326 IAC 4-1-0.5(6);

49 **Open dump** shall mean the consolidation of refuse or hazardous refuse from one or more sources, or the  
50 deposit of solid waste materials at a single disposal site that does not fulfill the requirements of a sanitary  
51 landfill or refuse processing facility as prescribed by Indiana law or Indiana regulations.

52 **Open dumping** shall mean the act of depositing refuse or hazardous refuse or solid wastes at an open dump.

4 It shall not include the act of depositing or transporting solid waste to a sanitary landfill or solid waste  
5 processing facility, nor shall it include the act of transporting inert fill to an inert fill disposal area;

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

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

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

15 **Pest** shall mean any animal, plant, or other organism whose biology, behavior, or location places it in direct  
16 conflict with humans;

17 **Pool Class** shall mean the type of pool which includes, but is not limited to, competition pool, public pool,  
18 semi-public pool, aquatic recreational facility, therapy pool, wading pool or kiddie pool, splash pool, or  
19 interactive water attractions, as provided by 675 IAC 20-1.1-18(x)(1);

20 **Potentially Hazardous Food** shall mean a food that is natural or synthetic and requires temperature control  
21 because it is in a form capable of supporting any of the following: the rapid and progressive growth of  
22 infectious or toxigenic microorganisms, the growth and toxin production of Clostridium botulinum and the  
23 growth of Salmonella enteritidis in raw shell eggs. This term includes foods of animal origin that are raw or  
24 treated, foods of plant origin that are heat treated or consist of raw seed sprouts, cut melons and garlic-in-oil  
25 mixtures that are not modified in a way that results in mixtures that do not support growth described above, as  
26 provided by 410 IAC 7-24-66;

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

30 **Public Pool** shall mean any pool, other than those pools defined as a semi-public pool, which is intended to  
31 be used for swimming or bathing and is operated by a concessionaire, owner, lessee, operator, or licensee,  
32 regardless of whether a fee is charged for use. This does not include any pool, constructed at a one (1) or two  
33 (2) family dwelling, and maintained by an individual for the sole use of the household and house guests;

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

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

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

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

43 **Repair/Replacement** shall mean the addition to, alteration of, replacement of, or repair of any component of  
44 an existing on-site sewage disposal system, or the replacement or re-construction of any dwelling, residence,  
45 or outbuilding that includes plumbing, expansion of or remodeling of a residence or commercial facility that  
46 may increase the number of bedrooms or the DDF (daily design flow), or the installation of an on-site sewage  
47 disposal system for an existing residence or commercial facility that did not previously have a residential or  
48 commercial on-site sewage disposal system as defined in Part 3: 1-3-1 (A) of this code. Any component shall  
49 include, but is not limited to, all equipment and devices necessary for proper conduction, collection, storage,  
50 treatment, and on-site disposal of sewage;

51 **Residential On-Site Sewage Disposal System** shall mean all equipment and devices necessary for proper  
52 conduction, collection, storage, treatment, and on-site disposal of sewage from: a one (1) or two (2) family  
53 dwelling, a residential outbuilding, or two (2) single-family dwellings on the same property with a combined



4 DDF (daily design flow) of less than or equal to seven hundred fifty (750) gallons per day. The term includes,  
5 but is not limited to, residential sewers, septic tanks, soil absorption systems, temporary sewage holding  
6 tanks, and sanitary vault privies;

7 **Retail Food Establishment** shall mean a Retail Food Establishment as defined in 410 IAC 7-24-79.

8 **Risk** shall be determined by the type of food served, food preparation processes conducted, volume of food  
9 prepared, population served, and history of compliance;

10 **Roadside Stand** shall mean a place, building or structure along, or near, a road, street, lane, avenue,  
11 boulevard, or highway where a home-based vendor (HBV) sells their food product(s) to the public;

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

17 **Sanitary landfill** shall mean an engineering method meeting the requirements of 329 IAC 10 for the disposal  
18 of refuse on land in a manner that protects the public health and environment by spreading the waste in thin  
19 layers, compacting it in the smallest practical volume and covering it with compacted soil at the end of each  
20 working day;

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

23 **Semi-Public Pool** shall mean any pool restricted for use by residents, members, or registered guests that is  
24 intended to be used for swimming or bathing and is operated solely for and in conjunction with: hotels, motels,  
25 apartments, condominiums, bed & breakfasts, tourist homes, or similar facilities associated with lodgings, or  
26 camps, or mobile home parks, or membership clubs, churches or associations. This does not include any  
27 pool, constructed at a one (1) or two (2) family dwelling, and maintained by an individual for the sole use of  
28 the household and house guests, as provided by 675 IAC 20-1.1-18(s) through (z);

29 **Septic tank** shall mean a watertight structure into which sewage is discharged for settling and solids  
30 digestion;

31 **Sewage** shall mean all water-carried waste or effluent derived from ordinary living processes;

32 **Solid waste** shall mean garbage, refuse, street cleanings, offal and solid commercial, industrial and  
33 institutional wastes, but specifically excluding, sewage and hazardous refuse, as set forth in IC 13-11-2-  
34 205(a) and 329 IAC 10-2;

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

36 **Spa** shall mean a pool designed for recreational or therapeutic, or both, use, commonly known as a hot tub or  
37 therapy pool, that is not drained, cleaned, and refilled after each use. The term may include, but is not limited  
38 to, hydro jet circulation, hot water, cold water, mineral baths, air induction systems, or any combination  
39 thereof, as provided by 675 IAC 20-1.1-18(f) through (i);

40 **Superior Governmental Administrative Department or Agency** shall mean those regulatory bodies of the  
41 federal, state, or local units of government, or any department or agency comprised of any combination  
42 thereof, that mandate rules and regulations within areas outside the discretion and jurisdiction of the Board of  
43 Health and which the Board of Health may or may not be required by law to enforce, as provided by IC 36-1-  
44 3-8;

45 **Temporary Retail Food Establishment** shall mean a retail food establishment that operates for a period of  
46 no more than fourteen (14) consecutive days in conjunction with a single event or celebration with the  
47 approval of the organizers of the event or celebration and/or a retail food establishment that operates for not  
48 more than thirty (30) days in a calendar year, as provided by 410 IAC 7-24-98;

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

51 **Vector** shall mean an infected arthropod that is capable of transmitting a disease-causing agent to a  
52 susceptible vertebrate host;

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

5 **Vending Machine** shall mean a self-service device that, upon activation, such as with the insertion of a coin,  
6 paper currency, token, card or key, dispenses unit servings of food, either in bulk or in packages, without the  
7 necessity of replenishing the device between each vending operation, as provided by 410 IAC 7-24-102;

8 **Written notice or order** shall mean any form of recorded message capable comprehension by ordinary  
9 visual means.

10

11 **PART 4: INSPECTIONS, VIOLATIONS AND PENALTIES**

12 1-4-1 Inspections

13 (A) As provided by IC 16-20-1-21 thru IC 16-20-1-23, any person or owner or person in  
14 possession shall permit the Board of Health, or its authorized representative, at all  
15 reasonable times and as often as may be necessary, access to all property, public or  
16 private, real or personal, for the purposes of inspection, observation, measurement,  
17 sampling, and testing of such property, and copying of all records pertinent to the  
18 enforcement of, and to determine compliance with, the Sanitary Code.

19  
20 (B) The Board of Health, or its authorized representative, shall make at least one subsequent  
21 inspection which shall be used to determine compliance with the Board of Health's written  
22 notice or order to abate or complete necessary improvements to abate any and all  
23 violations of the Sanitary Code found upon a prior inspection.

24

25 1-4-2 Violations

26 (A) Unless the Board of Health, or its authorized representative, is reasonably satisfied that a  
27 notice or order to abate any violation of the Sanitary Code or that an office hearing would  
28 be futile:

29

30 (1) any person or owner who may be violating, or person in possession of property which  
31 may be found to be in violation of, the Sanitary Code shall be served by the Board of  
32 Health, or its authorized representative, with a written notice or order to abate or  
33 complete necessary improvements to abate any such violations within a reasonable  
34 time;

35

(2) a copy of a written notice or order shall be filed in the records of the Board of Health;

36

(3) within a reasonable time after a written notice or order has been served, but before the  
37 expiration of the time specified in the notice or order to abate any such violation, the  
38 person or owner or person in possession who was served with such notice or  
39 order may make a written request to the Board of Health, or its authorized  
40 representative, for an office hearing to consider the matter;

41

(4) upon receipt of the written request for an office hearing, the Board of Health, or its  
42 authorized representative, shall conduct such a hearing at the time and place  
43 designated by the Health Officer; and,

44

45 (5) a transcript of the office hearing shall be made only if the person or owner or person in  
46 possession who is requesting the hearing assumes the cost of such a transcript and  
47 only if a written request for a transcript shall be made at the time the written request for  
48 an office hearing is made pursuant to CCSC 1-4-2(A)(3), above.

49

50 (B) Upon failure to comply with any notice or order to abate within the time specified in such  
51 written notice or order, or upon the determination of the Health Officer that such a notice  
52 or order to abate or that an office hearing would be futile, the matter shall be brought to  
53 the attorney for the Board of Commissioners, or any attorney appointed by it, to institute  
54 legal action against any person or owner, or person in possession, to enforce the Sanitary  
55 Code and to prosecute to final determination.

56

4 (C) The Board of Health, or its authorized representative, may issue to any person or owner  
5 who may be violating, or person in possession of property which may be found to be in  
6 violation of, the Sanitary Code, a Citation specifying the Chapter, Parts, Sections and  
7 Subsections of this Sanitary Code violated and indicating the specific nature of the  
8 violation. The person(s) or entity receiving a Citation shall be required to appear, at a time  
9 designated, in any circuit or superior court in Clark County, Indiana for a hearing upon  
10 such Citation.

11  
12 (1) The Court shall conduct a hearing upon the alleged violation of this Sanitary  
13 Code. The attorney for the Board of Commissioners, or any attorney appointed by  
14 it, is authorized to civilly prosecute said Citation in the name of the Clark County  
15 Health Department in such hearing. If the Court finds, at the conclusion of all the  
16 evidence, by a preponderance of evidence, that this Ordinance, has been  
17 violated, the Court shall impose the sanctions and penalties described in section  
18 1-4-3 below.

19  
20 (D) The Board of Health, or its authorized representative, shall make a reasonable attempt to  
21 ascertain the identity and address of any person or owner who may be violating, or person  
22 in possession of property which may be found to be in violation, of the Sanitary Code and  
23 a written notice or order to abate or complete necessary improvements to abate any  
24 violation may be made upon any such person or owner or person in possession:

- 25  
26 (1) by delivering a copy of the notice or order to such person or owner or person in  
27 possession, either personally or by leaving a copy of a notice or order with someone  
28 of suitable age and discretion who is either occupying the property in question or who  
29 is found at the last known dwelling place or abode of such person or owner or person  
30 in possession, and thereafter sending a copy of the notice or order by first class mail,  
31 postage prepaid, to the last known address or place of business or employment of  
32 such person or owner or person in possession; or,  
33  
34 (2) by sending a copy of the notice or order by registered or certified mail (or other public  
35 means by which a written acknowledgment of receipt may be requested and obtained)  
36 to the last known address or place of business or employment of such person or  
37 owner or person in possession, with a return receipt requested.

38  
39 (E) In the event of a violation of any one of the following:

- 40  
41 (1) Food not in sound condition with spoilage and not from approved sources, as provided  
42 by 410 IAC 7-24-139, or;  
43 (2) Potentially hazardous food does not meet temperature requirements during storage,  
44 preparation, display, service and transportation, as provided by 410 IAC 7-24-187, or;  
45 (3) Cross-contamination of food, as provided by 410 IAC 7-24-141 and 171 through 173,  
46 or;  
47 (4) Personnel with communicable or infectious disease not effectively restricted, as  
48 provided by 410 IAC 7-24-120 through 123 and 137, or;  
49 (5) Failure to have clean hands or practice good hygiene, as provided by 410 IAC 7-24-  
50 128, 129 and 136, or;  
51 (6) Failure to restrict tobacco use and food consumption to designated areas, as provided  
52 by 410 IAC 7-24-136, or;  
53 (7) Sanitizing rinse water is not clean, maintained at proper temperature, without proper  
54 chemical concentration or adequate exposure time, as provided by 410 IAC 7-24-269  
55 through 294, or;  
56 (8) Food-contact surfaces of equipment and utensils not clean or free of detergents and  
57 abrasives, as provided by 410 IAC 7-24-295 through 304, or;  
58 (9) Private or public water supply system must be from an approved source, safe, and  
59 sufficient supply of hot and cold water under proper pressure, as provided by 410 IAC  
60 7-24-320 through 333, or;  
61 (10) Must have an adequate and sanitary sewage and waste water disposal system,

- 4 public or private, as provided by 410 IAC 7-24-375 through 377, or;  
 5 (11) Plumbing must have effective back-siphonage and backflow prevention devices  
 6 installed and no cross-connection, as provided by 410 IAC 7-24-334 through 341, or;  
 7 (12) Handwashing facilities must be adequate in number and properly designed and  
 8 installed, convenient and accessible, as provided by 410 IAC 7-24-342 through 345,  
 9 or;  
 10 (13) Evidence of any insect or rodent presence or unauthorized animals and outer  
 11 openings not adequately protected, as provided by 410 IAC 7-24-412 through 416, or;  
 12 (14) Only necessary toxic items properly stored, labeled and used, as provided by 410 IAC  
 13 7-24-437 through 451, or;  
 14 (15) Failure to maintain a current, unrevoked Retail Food Establishment permit, as  
 15 provided by 410 IAC 7-24-107 and Chapter 10 of the Sanitary Code, or;  
 16

17 should it become necessary for the Board of Health, or an authorized representative, to issue  
 18 an order to close a Retail Food Establishment and the order is not followed, at a time when the  
 19 Courts are closed, then in the interests of public health and safety the Sheriff of Clark County  
 20 shall take whatever necessary and reasonable steps are needed to enforce the order of closing  
 21 issued by the Clark County Health Department. Further, the person, persons or Retail Food  
 22 Establishment that has been closed is not entitled to recover any lost income or profits.  
 23

24 1-4-3 Penalties

- 25 (A) Any person or owner or person in possession convicted of a violation of CCSC 3-1-1,  
 26 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  
 27 10-1-1, CCSC 11-1-1, CCSC 12-1-1, or CCSC 13-1-1 shall be punished by a fine of not  
 28 less than Twenty-five and No/100 Dollars (\$25.00) and not more than Two Thousand  
 29 Five Hundred and No/100 Dollars (\$2,500.00) for each such violation. See IC 36-1-3-  
 30 8(10). Each day, or part of a day, that each violation occurs shall constitute a distinct and  
 31 separate offense punishable by said fine. Each fine hereunder shall be in addition to, and  
 32 not in substitution of, any other penalties which may be set forth under any chapter,  
 33 section, or provision of the Sanitary Code and nothing contained herein shall be  
 34 construed as preventing the enforcement of the Sanitary Code by injunction or any other  
 35 equitable or legal relief as provided by IC 36-1-4, IC 36-1-6, IC 16-20-1-27, or any other  
 36 applicable law.  
 37  
 38 (B) In addition to, and not in substitution of, all other penalties as provided by CCSC 1-4-  
 39 3(A), any person or owner or person in possession failing to comply with CCSC 1-4-3(A)  
 40 and/or any provisions of Chapters 2 through 11, inclusive, shall be subject to having any  
 41 permit, permit-stamp, license or registration issued pursuant to the Sanitary Code  
 42 temporarily suspended and/or permanently revoked pursuant to the provisions of CCSC  
 43 1-4-2.  
 44  
 45 (C) For any violation listed under the schedule, the regulatory authority may seek and assess  
 46 civil penalties as part of an enforcement action, as provided by 410 IAC 7-23.  
 47  
 48

49 **PART 5: GENERAL PROVISIONS**

50 1-5-1 Denial of Permits

51 No permit, permit-stamp, license or registration which may be required under the Sanitary  
 52 Code shall be denied on arbitrary or capricious grounds.  
 53

4 CLARK COUNTY SANITARY CODE

5 CHAPTER 2

6 BOARD OF HEALTH FEES FOR SERVICES COLLECTION, ACCOUNTING AND DISPOSITION  
7  
8

9 PART 1. BOARD OF HEALTH FEES FOR SERVICES

10 2-1-1 Board of Health Fees for Services

11 PART 2. ACCOUNTING AND DISPOSITION OF FEES AND EXEMPTIONS

12 2-2-1 Accounting for Fees

13 2-2-2 Disposition of Fees

14 2-2-3 Exemptions  
15

16 PART 1: BOARD OF HEALTH FEES FOR SERVICES

17 2-1-1 Board of Health Fees for Services  
18  
19

20 (A) The Board of Health, through its authorized representatives, shall charge and collect fees  
21 as provided by the fee schedule, which fees shall not be in excess of the costs of such  
22 services rendered as required by IC 16-20-1-27:  
23

24 (1) Fees for health services provided by the clinics of the Board of Health as authorized  
25 by IC 16-20-1-27; and,

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

31 (3) Fees shall be charged by the Board of Health, as provided by IC 16-20-1-17, and the  
32 fee schedule, and such fees may be increased up to one hundred dollars (\$100), and  
33 such fee schedule may be promulgated by the Board of Health, as provided by Clark  
34 County Ordinance 3-2013.  
35

36 (B) Any and all other fees which may be charged and collected by the Board of Health for  
37 health services provided individuals in other health jurisdictions and involving payment  
38 from tax revenues shall be collected in accordance with an agreement adopted pursuant  
39 to IC 16-20-1-27.

40 (C) Fees are non refundable after services have been rendered.  
41

42 PART 2: ACCOUNTING AND DISPOSITION OF FEES

43  
44 2-2-1 Accounting for Fees  
45

46 The Board of Health, through its authorized representatives, shall separately account in detail  
47 for all fees collected with respect to each particular service as, provided by CCSC 2-1-1, and  
48 all accounts shall be maintained in accordance with generally accepted accounting practices  
49 or as may otherwise be prescribed by the State Board of Accounts.  
50

51 2-2-2 Disposition of Fees

52 (A) Any and all fees and fines collected pursuant to CCSC 2-1-1(A)(1) and CCSC 2-1-1(A)(2)  
53 shall be transferred to the Clark County Health Fund and such monies shall be used only  
54 for the maintenance or future expansion of the specific program or service area from

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16

which they are derived; and,

(B) Any and all fees and fines collected pursuant to CCSC 2-1-1(A)(3), CCSC 2-1-1(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 IC 16-20-1-27; 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 Clark County Health Department or other units thereof.

**2-2-3 Exemptions**

(A) Any unit of Clark County Government shall be exempt from fees.

4 **CLARK COUNTY SANITARY CODE**

5 **CHAPTER 3**

6 **BOARD OF HEALTH RULES AND REGULATIONS**

7 **PART 1. SCOPE**

8 3-1-1 Scope

9 **PART 1: SCOPE**

10 3-1-1 Scope

11 No person or owner or person in possession shall violate any valid rule or regulation adopted  
12 or promulgated by the Board of Health, including, but not limited to, Clark County Sanitary  
13 Code, including any subsequent amendments and/or changes to such Rules and/or  
14 Regulations which may be promulgated and adopted by the Board of Health as may be  
15 necessary or desirable to protect, promote, or improve public health or to control disease  
16 consistent with the laws of the State of Indiana, regulations of the State Board of Health, or  
17 local regulations as authorized pursuant to the Indiana Home Rule provisions as set forth in  
18 IC 36-1-3.

4 **CLARK COUNTY SANITARY CODE**

5  
6 **CHAPTER 4**

7 **DISPOSAL OF SOLID WASTE AND HAZARDOUS REFUSE**

8  
9 **PART 1. SCOPE**

10  
11 4-1-1 Scope

12  
13 **PART 2. PERMITS AND FEES, EXEMPTIONS, ACCOUNTING AND CONTENTS OF PERMITS**

14  
15 4-2-1 Permits and Fees for Sanitary Landfills or Solid Waste Processing Facilities

16  
17 4-2-2 Permit and Fee Exemptions

18 4-2-3 Accounting for Fees

19 4-2-4 Contents of Permits

20  
21 **PART 3. LANDFILL AND SOLID WASTE PROCESSING FACILITIES:**  
22 **SITE SELECTION, ENGINEERING PLANS AND EQUIPMENT**

23  
24 4-3-1 Site Selection

25 4-3-2 Engineering Plans and Equipment

26  
27 **PART 4. LANDFILL AND SOLID WASTE PROCESSING FACILITIES:**  
28 **SANITARY REQUIREMENTS AND MAINTENANCE, AND OPERATION**

29  
30 4-4-1 Sanitary Requirements and Maintenance

31 4-4-2 Operations

32  
33 **PART 1: SCOPE**

34 4-1-1 Scope

35  
36 (A) No person or owner or person in possession shall:

37 (1) Engage in open dumping; or,

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

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

42 (a) sanitary landfill; or,

43 (b) solid waste processing facility; or,

44  
45 (4) Operate a sanitary landfill, solid waste processing facility or open dump in such a  
46 manner as to:

47 (a) cause open burning; or,

48 (b) accept hazardous refuse unless authorized in writing by the Indiana Environmental  
49 Management Board and the Board of Commissioners of Clark County; or,

50 (c) cause the harboring, feeding, or breeding of vectors; or,

51 (d) make garbage available for animal consumption; or,

52 (e) create a nuisance or a health hazard; or,

53 (f) deposit solid waste in any area with standing water or any area subject to flooding.

54  
55 **PART 2: PERMITS AND FEES, EXEMPTIONS, ACCOUNTING AND CONTENTS OF PERMITS**

56  
57 4-2-1 Permits and Fees for Sanitary Landfills or Solid Waste Processing Facilities



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

10 (1) Obtains and possesses a valid construction plan permit and a valid operating permit  
11 from the Indiana Environmental Management Board; and,

12 (2) Has complied with all applicable laws of the State of Indiana and applicable provisions  
13 of all rules, regulations and guidelines of any agency of the State of Indiana pertaining  
14 to and/or regulating the disposal of solid waste and hazardous refuse, and specifically  
15 including, but not limited to, 320 IAC 5 and Chapters 1, 3 and 4 of the Sanitary Code;  
16 and,

17 (3) Has paid to the Treasurer of Clark County a permit fee in the amount of Five Hundred  
18 Dollars (\$500.00), except as provided by CCSC 4-2-2(A);and,

19 (4) Has complied with all applicable provisions of Chapter 4 of the Sanitary Code; and,

20 (5) Each landfill site or solid waste processing facility shall require a separate permit.

21 4-2-2 Permit and Fee Exemptions

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

25 (B) Any person or owner or person in possession of any vehicle engaged in the transportation  
26 of solid waste from its' point of generation shall not be subject to CCSC 4-1-1(A)(3).

27 4-2-3 Accounting for Fees

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

30 4-2-4 Contents of Permits

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

32 (1) The name, signature and address of the person to whom issued; and,

33 (2) The name, signature and address of the person who shall be responsible for the  
34 quality of operation, affirming that such person shall adhere to methods of operation  
35 consistent with the requirements of Chapter 4 of the Sanitary Code; and,

36 (3) The identifying numbers and/or letters of the construction plan permit and the  
37 operating permit obtained from the Indiana Department of Environmental  
38 Management; and,

39 (4) The address of the premises for which the permit is issued; and,

40 (5) The expiration date; and,

41 (6) Any other information as may be required by the Board of Commissioners of Clark  
42 County.

43  
44  
45 **PART 3: LANDFILL AND SOLID WASTE PROCESSING FACILITIES:**  
46 **SITE SELECTION ENGINEERING PLANS AND EQUIPMENT**  
47

48 4-3-1 Site Selection

49 (A) The proposed site of any landfill or solid waste processing facility shall be inspected,  
50 approved, and upon approval properly zoned for by the Clark County Planning and

4 Zoning Commission prior to the issuance of any operational permit by the Board of  
5 Commissioners of Clark County.

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

9 4-3-2 Engineering Plans and Equipment

10 All information, including, but not limited to, engineering plans, specifications, and description  
11 of the proposed project, as required by 320 IAC 1, shall be submitted to the Board of  
12 Commissioners of Clark County and the Board of Health.

13  
14 **PART 4: LANDFILL AND SOLID WASTE PROCESSING FACILITIES:**  
15 **SANITARY REQUIREMENTS AND MAINTENANCE, AND OPERATION**

16 4-4-1 Sanitary Requirements and Maintenance

17  
18 (A) At each landfill site there shall be:

- 19  
20 (1) A setback line established at least one hundred (100) feet from all:  
21 (a) open water courses; and,  
22 (b) known tile drains; and,  
23 (c) known wells; and,  
24  
25 (2) Fencing installed, such as a movable fence, to prevent indiscriminate dumping on and  
26 off the site; and,  
27  
28 (3) An appropriate cover to completely enclose the trench area in immediate use to  
prevent solid waste from spreading; and,  
29  
30 (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.

31 (B) Each landfill or solid waste processing facility shall at all times:

- 32 (1) Conform to the requirements of 330 IAC 4-1 through 330 IAC 4-9; and,  
33 (2) Insure that the site is clean, orderly and accessible by:  
34 (a) routine maintenance; and,  
35 (b) regularly cutting weeds and grass; and,  
36 (c) removing scattered debris daily; and,  
37  
38 (3) Maintain all access roads with dust control; and,  
39  
40 (4) Maintain all buildings to appear clean and attractive; and,  
41  
42 (5) Provide access by the Health Officer or an authorized representative, to all parts of the  
43 site and enable inspection of the site and obtain copies of all records pertaining to  
44 weight, type, origin, and location of all solid waste deposited therein.  
45

46 4-4-2 Operation

47  
48 (A) Each landfill or solid waste processing facility shall:

- 49  
50 (1) Maintain records of incoming materials, including weight, type, origin, and location on  
51 the site; and,  
52 (2) Install proper directional signs indicating the location of the site at main arteries; and,  
53 (3) Install a sign indicating all regulations, including but not limited to:

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58

- (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,

**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) No person or owner or person in possession of any property located within Clark County, Indiana shall cause or create conditions contributing to the harboring or breeding of vectors or pests and shall:

(1) Take all necessary and proper actions to control or abate vectors or pests of public health significance, or to control or abate possible breeding places of vectors or pests of public health significance; 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 by the Board of Health, or its authorized representative, 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

(A) Pursuant to IC 16-41-33-3, 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 Board of Health, or its 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, as provided by IC 16-20-1-23; 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,

4 (E) Make contracts; and,

5 (F) Conduct vector and pest control in a manner consistent with Indiana Codes.; and,  
6

7 (G) Enter into cooperative agreements with appropriate organizations for the purpose of  
8 assuring technical assistance in developing and carrying out specific duties; and,  
9

10 (H) Identify problems determined to be of importance to the Public Welfare and develop  
11 control programs appropriate to each situation.  
12

13 **PART 3: FINANCIAL APPROPRIATIONS**

14 5-3-1 Financial Appropriations

15 The Clark County Council may make an annual appropriation for the specific purposes of this  
16 vector and pest abatement program in accordance with IC 16-41-33-4 and which annual  
17 appropriation shall be used by the Board of Health solely for that purpose.  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43

4

5

**CLARK COUNTY SANITARY CODE**

6

**CHAPTER 6**

7

**ON-SITE SEWAGE DISPOSAL SYSTEMS**

8

**PART 1. SCOPE**

9

6-1-1 Scope

10

**PART 2. PERMITS AND CONTENTS OF PERMITS**

11

12

13

6-2-1 Permits

14

6-2-2 Contents of Permits

15

6-2-3 Exemptions

16

17

**PART 3. APPLICATION, PERMIT AND INSPECTION FEES**

18

19

6-3-1 Application, Permit and Inspection Fees

20

21

**PART 4. INSPECTIONS**

22

23

6-4-1 Inspections

24

25

**PART 1: SCOPE**

26

6-1-1 Scope

27

(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 commercial purposes shall:

28

29

30

(1) Construct or alter or repair or allow to be constructed or altered or repaired, an on-site sewage disposal system without first obtaining approval from the Board of Health, or its authorized representative; or,

31

32

33

(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,

34

35

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

36

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

37

38

(5) Fail to correct any defect which may occur in any on-site sewage disposal system which does or may cause an unsanitary condition; or,

39

40

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

41

42

(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 an on-site sewage disposal system or privy, shall cause a direct connection to be made to any public or private sanitary sewerage system when an on-site sewage disposal system is in failure and a public or private sewer system is available within one hundred and fifty feet (150) of any property line. Direct connection to the public sewer or private sewer shall be made unless prohibited by the entity maintaining the "Certificate of Authority" or the public or private sewer system is only accessible by connection to a force main or other prohibitive connection. After which, all such on-site sewage disposal systems, septic tanks, seepage pits, outhouses, privy pits or any private sewage disposal or treatment facilities shall be abandoned and filled in a safe and sanitary manner.

43

44

45

46

47

48

49

50

51

52

53

- 4 (C) Any person or owner or person in possession of an existing on-site sewage disposal  
5 system may request an inspection of the system to determine the apparent condition of  
6 the system. The person or owner or person in possession making the request must  
7 submit a properly prepared inspection application (which application shall be provided by  
8 the Board of Health), together with the inspection fee. Following the inspection(s), written  
9 notice shall be sent to the applicant, or to the specified agent of the applicant, describing  
10 the apparent condition of the system to be functional, nonfunctional, or undetermined. If  
11 undetermined, an additional evaluation of the apparent condition of the system will be  
12 made approximately 90 days after occupancy pending notification to the Board of Health.
- 13 (D) Any on-site sewage disposal system inspected by the Board of Health shall then be  
14 equipped with watertight risers for all tanks and distribution boxes.

15  
16 **PART 2: PERMITS AND CONTENTS OF PERMITS**

17 6-2-1 Permits

- 18 (A) A permit for the construction/operation or repair/operation of an on-site sewage disposal  
19 system shall be issued by the Board of Health to any owner who:
- 20 (1) Submits a properly prepared permit application (which application shall be provided  
21 by the Board of Health), together with the non-refundable application fee and the  
22 construction /operation or repair/operation permit fee as required by CCSC 6-3-1, to  
23 the Board of Health; and,
- 24 (2) Complies with all other applicable requirements of the Sanitary Code; and,
- 25 (3) Submits properly prepared plans and specifications when requested to, and received  
26 the approval of, the Board of Health for any such on-site sewage disposal system to  
27 be constructed or altered or repaired; and,
- 28 (4) Complies with all other applicable laws of the State of Indiana and applicable  
29 provisions of all rules, regulations and guidelines of any agency of the State of Indiana  
30 pertaining to and/or regulating on-site sewage disposal systems, and specifically  
31 including, but not limited to, 410 IAC 6-8.3 or any subsequent amendments and/or  
32 changes to such rules, codes, and/or regulations which may be promulgated  
33 hereafter.
- 34 (B) Each on-site sewage disposal system shall require a separate construction/operation or  
35 repair/operation permit.
- 36 (C) All permits and permit applications required by Chapter 6 of the Sanitary Code which are  
37 issued on or after the effective date of the Sanitary Code, shall expire and become null  
38 and void two (2) years from the date such permit is purchased, unless  
39 construction/operation or repair/operation allowed by such permit shall be started before  
40 such expiration date and completed within one hundred eighty (180) days subsequent to  
41 such expiration date.
- 42 (D) In the event any permit or permit application expires and becomes null and void pursuant  
43 to CCSC 6-2-1(C) or CCSC 6-2-1(D) above, a subsequent permit may be issued as  
44 provided by Chapter 6 of the Sanitary Code only after full compliance with all  
45 requirements of CCSC 6-2-1.
- 46 (E) The permit may be modified or revoked if any conditions or information utilized to issue  
47 the permit changes.

48 6-2-2 Contents of Permits

- 49 (A) Each permit application issued as provided by Chapter 6 of the Sanitary Code shall  
50 contain:
- 51 (1) The name(s) and signature(s) of the owner(s) or his/her representative to whom  
52 issued along with a copy of the deed showing the applicant's ownership, the legal

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

11

12 **PART 3: APPLICATION, PERMIT AND INSPECTION FEES**

13 6-3-1 Application, Permit and Inspection Fees

14 The Board of Health, through its authorized representatives, shall charge and collect  
15 application, permit, inspection, re-inspection, late, engineer design review, and subdivision  
16 fees for its services required by Chapter 2 of the Sanitary Code.

17

18 **PART 4: INSPECTIONS**

19 6-4-1 Inspections

20 (A) In the event an on-site sewage disposal approval is issued pursuant to Chapter 6 of the  
21 Sanitary Code, the on-site-sewage disposal system shall be constructed and inspected in  
22 conformance with all applicable laws of the State of Indiana and applicable provisions of  
23 all rules, regulations and guidelines of any agency of the State of Indiana pertaining to  
24 and/or regulating on-site sewage disposal systems, and specifically including, but not  
25 limited to, 410 IAC 6-8.3 or any subsequent amendments and/or changes to such rules,  
26 codes, and/or regulations which may be promulgated hereafter.

27

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

34 (C) All commercial on-site sewage disposal systems will require a contractor conference  
35 or site visit with the Professional Engineer (PE) representing the owner of the  
36 proposed facility, the installer, and a representative of the Clark County Health  
37 Department before approvals and/or permits are issued from the Clark County Board  
38 of Health or the Board's representative.

39

40

41

42

43

44

45

46

47



4

5

6

7

**CLARK COUNTY SANITARY CODE**

8

**CHAPTER 7**

9

**ON-SITE SEWAGE DISPOSAL SYSTEM INSTALLERS**

10

11

**PART 1. SCOPE**

12

13

7-1-1 Scope

14

15

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

16

17

7-2-1 Permits

18

7-2-2 Exemptions

19

7-2-3 Contents of Permits

20

21

**PART 3. APPLICATION AND PERMIT FEES**

22

23

7-3-1 Application and Permit Fees

24

25

**PART 1: SCOPE**

26

7-1-1 Scope

27

(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:

28

29

(1) Without first obtaining and possessing a current and valid installer's license from the Board of Health, except as provided by CCSC 7-2-2; or,

30

31

(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.

32

33

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

34

7-2-1 Permits

35

(A) An installer's license, as required by CCSC 7-1-1(A)(1), shall be issued by the Board of Health, or through its authorized representatives, to any person who has:

36

37

(1) Submitted a properly prepared license application (which application shall be provided by the Board of Health), together with the applicable permit and application fees as required by Chapter 2 of the Sanitary Code, to the Board of Health; and,

38

39

(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.

41

42

43

44

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

45

46

47

(C) Each license required by Chapter 7 of the Sanitary Code, shall be issued by the Board of Health for a term of one (1) year beginning on the date of issuance and expiring on December 31st and may be renewed on January 1<sup>st</sup> upon receipt of application and all applicable fees as required by Chapter 2 the Sanitary Code.

48

49

50

51

4 (D) Demonstrated competency in knowledge of county and state on-site sewage disposal  
5 system codes regulations and guidelines through a written test that is administered by the  
6 Clark County Health Department or Indiana On-Site Wastewater Professional  
7 Association.

8 7-2-2 Permit and Fee Exemptions

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

14 7-2-3 Contents of Licenses

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

- 16 (1) The name, signature and address of the person to whom issued; and,  
17 (2) The name, signature and address of the person who shall be responsible for the  
18 quality of installation, construction, alteration or repair, affirming that such person shall  
19 adhere to the methods of such installation, construction, alteration or repair consistent  
20 with the requirements of Chapter 7 of the Sanitary Code; and,  
21 (3) The issued date and the expiration date; and,  
22 (4) Any other information as may be required by the Board of Health, or its authorized  
23 representative.  
24  
25

26 **PART 3: APPLICATION AND PERMIT FEES**

27 7-3-1 Application and Permit Fees

28 The Board of Health, through its authorized representatives, shall charge and collect the  
29 following application and permit fees for its services required by Chapter 7 of the Sanitary  
30 Code and shall account for and dispose of such fees collected as required by Chapter 2 the  
31 Sanitary Code:  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

4

5

6

7

8

9

**CLARK COUNTY SANITARY CODE**

**CHAPTER 8**

**PUBLIC AND SEMI-PUBLIC SWIMMING POOLS AND SPAS**

10

11

12

**PART 1. SCOPE**

13

14

8-1-1 Scope

15

16

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

17

8-2-1 Permits

18

8-2-2 Permit and Fee Exemptions

19

8-2-3 Contents of Permits

20

21

**PART 3. PERMIT FEES**

22

23

8-3-1 Permit Fees

24

25

**PART 1: SCOPE**

26

8-1-1 Scope

27

(A) No person or owner or person in possession shall maintain and operate any swimming pool, wading pool, or spa, except as provided by CCSC 8-2-2, with or without charge, without first obtaining, possessing and displaying a current and valid permit from the Board of Health.

28

29

30

31

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

32

8-2-1 Permit

33

(A) A permit, except as provided by CCSC 8-2-2, to operate and maintain public or semi-public swimming pool or spa, shall be issued by the Health Officer to any person or owner or person in possession who has:

34

35

36

(1) Submitted a properly prepared application with the applicable permit fee as required by Chapter 2 of the Sanitary Code, to the Board of Health; and,

37

38

(2) Complied with all applicable requirements of Chapters 1, 3, and 8 of the Sanitary Code; and,

39

40

(3) Submitted properly prepared plans and specifications to, and received the approval of, the Board of Health, or its authorized representative, for any such facility which is proposed to be constructed or altered, or for any such facility which is proposed to be used and/or operated; and,

41

42

43

44

(4) 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 public or semipublic swimming pools or spas, and specifically including, but not limited to, 410 IAC 6-2.1 or any subsequent amendments and or changes to such rules, codes and or regulations which may be promulgated hereafter.

45

46

47

48

49

50

51

(B) Each public or semi-public swimming pool or spa], except as provided by CCSC 8-2-2, shall require a separate permit which shall be posted in a conspicuous place at the

52

4 location for which such permit is issued.

5  
6 (C) Each permit required by Chapter 8 of the Sanitary Code, shall be issued by the Board of  
7 Health for a term of one (1) year beginning on the date of issuance and expiring on  
8 December 31<sup>st</sup> and may be renewed on January 1<sup>st</sup>, upon receipt of application and all  
9 applicable fees as required by Chapter 2.

10  
11 8-2-2 Exemptions

12  
13 (A) No permit fee shall be required by Chapter 8 of the Sanitary Code for any swimming pool  
14 or spa located at a dwelling and owned and maintained by any person or owner or  
15 person in possession for the sole use of such person or owner or person in possession  
16 and/or such individual's household and guests. No fee shall be required for any  
17 swimming pool or spa owned by a municipality or public school corporation

18 8-2-3 Contents of Permits

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

20 (1) The name of the establishment and,

21 (2) The name of the owners or corporate officers who shall be responsible for the quality  
22 of operation and maintenance, affirming that such person shall adhere to the methods  
23 of operation and maintenance consistent with the requirements of Chapter 8 of the  
24 Sanitary Code; and,

25 (3) The address of the premises for which the permit is issued; and,

26 (4) The issued date and the expiration date; and,

27  
28 (5) Any other information as may be required by the Board of Health, or its authorized  
29 representative.

30 **PART 3: PERMIT FEES**

31 8-3-1 Permit Fees

32 The Board of Health, through its authorized representatives, shall collect the applications and  
33 the associated permit fees for its services required by Chapter 8 of the Sanitary Code and  
34 shall account for and dispose of such fees collected as required by Chapter 2 of the Sanitary  
35 Code. Permit fees shall be collected for each type of facility as provided by the fee schedule.

4  
5  
6  
7  
8  
9

**CLARK COUNTY SANITARY CODE**  
**CHAPTER 9**  
**POTABLE WATER TRANSPORTERS**

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

**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, and valid permit-stamp from the Board of Health upon each vehicle used for such purposes; or,
  - (2) In such a manner that does not comply with 327 IAC 8-2.

**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 Board of Health to any person or owner or person in possession who has:
  - (1) Submitted a properly prepared permit-stamp application (which applications shall be provided by the Board of Health), together with the applicable permit-stamp application fee as required by Chapter 2 of the Sanitary Code, 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 Board of Health 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-

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

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 the permit is 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 and maintenance consistent with the requirements of Chapter 9 of the Sanitary Code; and,
- (3) The vehicle identification number (VIN) for which the permit is issued; and,
- (4) The issued date and the expiration date; and,
- (5) Any other information as may be required by the Board of Health, or its authorized representative.

**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 2 of the Sanitary Code:

4 **CLARK COUNTY SANITARY CODE**

5 **CHAPTER 10**

6 **RETAIL FOOD ESTABLISHMENTS, BED & BREAKFASTS,**  
7 **AND MOBILE RETAIL FOOD ESTABLISHMENTS, TEMPORARY RETAIL FOOD ESTABLISHMENTS**  
8 **AND FARMERS' MARKETS**  
9

10 **PART 1. SCOPE**

11 10-1-1 Scope

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

13  
14 10-2-1 Permits

15 10-2-2 Exemptions

16 10-2-3 Contents of Permits  
17

18 **PART 3. APPLICATION AND PERMIT FEES**

19 10-3-1 Application, Permit and Inspection Fees  
20

21 **PART 1: SCOPE**

22  
23 10-1-1 Scope  
24

25 (A) No person or owner or person in possession shall operate any retail food establishment,  
26 bed & breakfast, mobile retail food establishment, temporary retail food establishment or  
27 farmers' market, or any other retail food establishment, as defined by 410 IAC 7-24-79,  
28 unless the establishment is regulated by a superior governing body, as provided by IC  
29 36-1-3-8:

30 (1) Without obtaining, possessing and displaying a current, and valid permit from the  
31 Board of Health, except as provided by CCSC 10-2-2(A); or,

32 (2) In such a manner as to make available, food for human consumption which is  
33 unwholesome, adulterated, or misbranded, as provided by IC 16-42-1 thru IC 16-42-4;  
34 or,

35 (3) Which is in violation of 410 IAC 7-24 or 410 IAC 7-15.5 or any subsequent  
36 amendments and/or changes to such rules, codes, and/or regulations which may be  
37 promulgated hereafter.  
38

39 **PART 2: PERMITS, EXEMPTIONS, AND CONTENTS OF PERMITS**

40  
41 10-2-1 Permits  
42

43 (A) A permit as required by CCSC 10-1-1, to operate a retail food establishment, bed &  
44 breakfast, mobile retail food establishment, temporary retail food establishment or  
45 farmers' market, or any other retail food establishment, as defined by 410 IAC 7-24-79,  
46 unless the establishment is regulated by a superior governing body, as provided by IC  
47 36-1-3-8, in Clark County, shall be issued by the Board of Health to any person or owner  
48 or person in possession who:

49 (1) Submits a properly prepared permit application (which applications shall be provided  
50 by the Board of Health), together with the applicable permit and application fees and  
51 commissary letter and permit (for mobile retail food establishments), as required by  
52 CCSC 10-3-1 to the Board of Health; and,

53 (2) Complies with all other applicable requirements of the Sanitary Code; and,

4 (3) Submits properly prepared plans and specifications to, and receives the approval of,  
5 the Board of Health, or its authorized representative, for any such establishment which  
6 is proposed to be constructed or altered, or for any such mobile unit which is proposed  
7 to be used and/or operated; and,

8 (4) Complies with all other applicable laws of the State of Indiana and applicable  
9 provisions of all rules, regulations and guidelines of any agency of the State of Indiana  
10 pertaining to and/or regulating retail food establishments, bed & breakfasts, mobile  
11 retail food establishments, temporary retail food establishments and farmers' markets],  
12 and specifically including, but not limited to, 410 IAC 7-24, 410 IAC 7-15.5, 410 IAC 7-  
13 22 and IC 16-42 or any subsequent amendments and/or changes to such rules, codes,  
14 and/or regulations which may be promulgated hereafter.

15 (B) Except as provided by CCSC 10-2-2(A), each retail food establishment, bed & breakfast,  
16 mobile retail food establishment, temporary retail food establishment and farmers' market  
17 for which such permit is issued, shall be posted in a conspicuous place and upon any  
18 transfer of ownership or relocation within Clark County, State of Indiana a separate permit  
19 may be required.

20 (C) Each permit, as required by Chapter 10 of the Sanitary Code for a temporary retail food  
21 establishment shall expire on the date specified on such permit.  
22

#### 23 10-2-2 Exemptions

24 (A) No fee shall be required by Chapter 2 of the Sanitary Code for any retail food  
25 establishment, bed & breakfast, mobile retail food establishment, temporary retail food  
26 establishment or farmers' market:

27 (1) Which is regulated pursuant to IC 36-1-3-8; or,

28 (2) Where only foods being offered for human consumption that are not potentially  
29 hazardous, as defined by 410 IAC 7-24-66, and do not meet the definition of a retail  
30 food establishment, as defined by 410 IAC 7-24-79 and IC 16-18-2-137; or,

31 (3) For any dwelling where food is prepared or served for individual family consumption;  
32 or,  
33

34 (4) For any retail food establishment owned and operated by a unit of Clark County  
35 Government.

36 (B) An organization, as described in IC 16-18-2-137(b)(2),(5) and (6), or Senate Enrolled Act  
37 (SEA) 190 that is exempt from the Indiana gross income tax under Section 501 of the  
38 Internal Revenue Code (IRC) and that offers food for sale, or for free, to the final  
39 consumer at an event, as described in IC 16-18-2-137(b)(2),(5) and (6), held for the  
40 benefit of the organization is exempt from complying with the requirements of this chapter  
41 that may be imposed on the sale of food at that event.

42 (C) Operations permitted as Mobile Retail Food Establishment, Farmers' Market, Temporary  
43 Retail Food Establishment or Vending Machine shall be exempt from New Establishment  
44 and Plan Review fees.

#### 45 10-2-3 Contents of Permits

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

47 (1) The name of the retail food establishment, bed & breakfast, mobile retail food  
48 establishment or farmer/grower; and,

49 (2) The name(s) of the owner(s) or corporate officer(s) who shall, be responsible for the  
50 quality of operation and maintenance, affirming that such person shall adhere to  
51 methods of operation consistent with the requirements of Chapter 10 of the Sanitary  
52 Code; and,

53 (3) The address of the premises of the retail food establishment, bed & breakfast,



4 temporary retail food establishment, farmers' market, or the vehicle identification  
5 number (VIN) of the mobile retail food establishment, whichever the case may be, for  
6 which each respective permit is issued; and,

7 (4) The issued date and the expiration date; and,

8 (5) Any other information as may be required by the Board of Health, or its authorized  
9 representative.

10

11 **PART 3: APPLICATION AND PERMIT FEES**

12 10-3-1 Application and Permit Fees

13 The Board of Health, through its authorized representatives, shall charge and collect the  
14 application and permit fees, except as provided by CCSC 10-2-2, for its services, as required  
15 by Chapters 2 and 10 of the Sanitary Code and shall account for and dispose of such fees  
16 collected.

**CLARK COUNTY SANITARY CODE**  
**CHAPTER 11**  
**SOLID WASTE TRANSPORTERS**

**PART 1. SCOPE**

11-1-1 Scope

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

11-2-1 Permits

11-2-2 Permit and Fee Exemptions

11-2-3 Contents of Permits

**PART 3. PERMIT FEES AND ACCOUNTING FOR FEES**

11-3-1 Permit Fees

11-3-2 Accounting for Fees

**PART 4. MISCELLANEOUS REQUIREMENTS**

11-4-1 Miscellaneous Requirements

**PART 1: SCOPE**

11-1-1 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, and valid non-exclusive permit from the Board of Commissioners of Clark County, Indiana, except as provided by CCSC 11-2-2; 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 11-4-1.

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

11-2-1 Permits

(A) A permit, or renewal thereof, as required by CCSC 11-1-1 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 11-3-1, to the Board of Commissioners of Clark County, Indiana; and,

(2) Complied with Chapters 1 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, 320 IAC 1-8.

(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.

4 (C) Each permit required by Chapter 11 of the Sanitary Code shall be issued for a term of  
5 one (1) year beginning on the date of issuance and may be renewable upon application  
6 and payment of all applicable fees as required by CCSC 11-3-1.

7 11-2-2 Permit and Fee Exemptions

8 (A) No fee shall be charged and no permit shall be required by Chapter 11 of the Sanitary  
9 Code for the removal and transportation of solid waste by the State of Indiana or by unit of  
10 government of the State of Indiana as defined by IC 36-1-2-23.

11 (B) No fee shall be charged and no permit shall be required by Chapter 11 of the Sanitary  
12 Code for any owner or person in possession who removes and transports solid waste  
13 which is generated and originates upon such owner's or person in possession's property,  
14 unless such owner or person in possession is regularly engaged in such removal and  
15 transportation of solid waste, provided that, nothing herein shall be construed as  
16 exempting any person from the requirements of CCSC 11-1-1(A)(2) and CCSC 11-1-  
17 1(A)(3).

18 11-2-3 Contents of Permits

19 (A) Each permit required by Chapter 11 of the Sanitary Code shall contain:

20 (1) The name, signature and address of the person to whom issued; and,

21 (2) The name, signature and address of the person who shall be responsible for the  
22 quality of operation and maintenance, affirming that such person shall adhere to the  
23 methods of operation consistent with the requirements of Chapter 11 of the Sanitary  
24 Code; and,

25 (3) The address of the premises of the person's office, if different from the above; and,

26 (4) The issued date and the expiration date; and,

27 (5) Any other information as may be required by the Board of Commissioners of Clark  
28 County, Indiana.

29 **PART 3: PERMIT FEES AND ACCOUNTING FOR FEES**

30 11-3-1 Permit Fees

31 The Board of Commissioners of Clark County, Indiana, shall charge and collect the following  
32 permit fee for each permit required by Chapter 11 of the Sanitary Code:

33 Annual Permit Fee . . . . \$500.00

34 11-3-2 Accounting for Fees

35 The Treasurer of Clark County, Indiana, shall transfer all permit fees collected, pursuant to  
36 CCSC 11-3-1, to the General Fund of Clark County, Indiana.

37 **PART 4: MISCELLANEOUS REQUIREMENTS**

38 11-4-1 Miscellaneous Requirements

39 (A) The Board of Commissioners of Clark County, Indiana, shall  
40 establish the standards and requirements, concerning:

41 (1) Monthly residential rates; and,

42 (2) Monthly commercial rates; and,

43 (3) The amount of the person's performance bond; and,

44 (4) The amount of solid waste the person must accept from residential and commercial  
45 customers each week.