

ORDINANCE 2011-9

BOARD OF COMMISSIONERS OF BOONE COUNTY, INDIANA

**ORDINANCE ESTABLISHING FEE
FOR EMERGENCY RESPONSE SERVICES PROVIDED BY THE
BOONE COUNTY HEALTH DEPARTMENT**

WHEREAS, Indiana Code Title 16, Article 20, Chapter 1, provides for the powers and duties of Local Health Departments, and Boone County has established the Boone County Health Department ("Health Department") pursuant to Indiana law; and

WHEREAS, I.C. 16-20-1-27 states the Health Department may, with the approval of the county executive, establish and collect fees for specific services as established by local ordinance; and

WHEREAS, I.C. 13-25-6-2, provides that a responsible party for a hazardous material must compensate the emergency response agency for the costs associated with the agency's response; and

WHEREAS, adulterated foods and perishable items unfit for consumption are defined in I.C. 16-42-2-2, and I.C. 16-42-2-6; and

WHEREAS, the Health Department is required to enforce and inspect food establishments, including vehicles of transportation, as codified in I.C. 16-42-5, for any adulterated foods or consumables that may be poisonous or deleterious to health or otherwise unsafe; and

WHEREAS, the Health Department is frequently required to respond to emergency situation, including but not limited to, motor vehicle accidents, fires, and other instances involving the transportation, preparation, or handling of food and consumables, and emergency situations involving dangerous, hazardous or potentially hazardous materials; and

WHEREAS, as a result of the required and necessary emergency response of the Health Department, the Health Department incurs extraordinary expenses and costs associated with such emergency responses, which may include embargo, impoundment, and/or destruction of adulterated or impure food or consumables, and the supervision and monitoring of any remediation required by a hazardous or dangerous material; and

WHEREAS, the Board of Commissioners of Boone County, in the interests of the public health, safety and welfare of the citizens of Boone County, desire to assess a fee for any response by the Health Department to emergencies involving food establishments or to emergency responses involving hazardous or dangerous materials, with the fee for

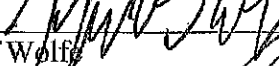
such response to be assessed against the owners, operators or responsible parties to which the Health Department responds, in an amount sufficient to compensate the Health Department for its costs incurred.

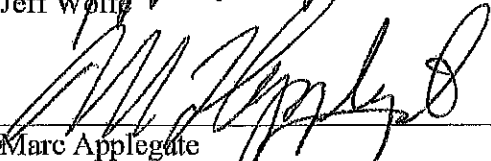
NOW THEREFOR, BE IT NOW ORDAINED AND ADOPTED by the Board of Commissioners of Boone County, Indiana, as follows:

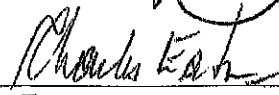
1. The Boone County Health Department ("Health Department") is hereby authorized to assess and collect a fee for response to emergency situations. The Board of Commissioners find that such fee is authorized by I.C. 16-20-1-27 and I.C. 13-25-6-2.
2. The Boone County Board of Commissioners, upon testimony and evidence offered by the Health Department, find the fee to be assessed is One Thousand Dollars (\$1,000.00) per person, per response. The Board of Commissioners specifically find that such fee does not exceed the costs of the services provided.
3. The Health Department is authorized to charge such fee to the carrier, user, owner or responsible party, and may utilize such remedies as provided by law for any non-payment, including the remedies provided in I.C. 16-20-1-25, 26.

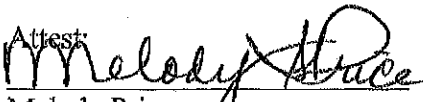
ALL OF WHICH IS ORDAINED, ENACTED AND ADOPTED by the Board of Commissioners of Boone County, this 5th day of December, 2011.

**BOARD OF COMMISSIONERS OF
BOONE COUNTY, INDIANA**

By: 
Jeff Wolfe

By: 
Marc Applegate

By: 
Charles Eaton

Attest:

Melody Price
Boone County Auditor