

ORDINANCE 2010-06

MOBILE RAILROAD CAMP ORDINANCE
LAPORTE COUNTY, INDIANA

WHEREAS, the Indiana State Department of Health has promulgated a Rule requiring local health departments to enforce sanitary requirements with respect to Railroad Camp Cars as defined and referenced in 410 IAC 6-14, IC 16-19-3 and IC 8-9-10; and

WHEREAS, the County of LaPorte desires to establish an ordinance that assists the LaPorte County Health Department in the enforcement of the sanitary requirements for mobile railroad camps established by the Indiana State Department of Health,

NOW, THEREFORE, be it ordained by the Board of Commissioners of LaPorte County that:

Section 1. A new chapter shall be added to Title IX of the LaPorte County Code, which shall read as follows:

Chapter 98

Railroad Mobile Camps Inspection Ordinance

§ 98.01. Definitions.

- A. **Board:** The LaPorte County Board of Health.
- B. **Communicable Diseases:** Those diseases which epidemiological evidence indicates can be transmitted through food preparation or service.

- C. **Department:** The duly appointed, qualified, and acting Health Officer of LaPorte County, Indiana or his or her authorized representatives.
- D. **Imminent Health Hazard:** A significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury or illness based on the number of potential injuries or illness and the nature, severity, and duration of the anticipated injury, or illness.
- E. **Mobile Camp:** A temporary location where at least two (2) railroad maintenance of way employees are housed.
- F. **Permittee:** The person who is the owner of or responsible for the operation of a railroad mobile camp, which shall include his/her/its authorized representatives, and who shall be responsible for the acceptance of all notice at the address listed on the application for any permit issued hereunder.
- G. **Person:** Includes, but is not limited to, an individual, corporation, firm, partnership, proprietorship, association, business organization, municipality or any other group acting as a unit, as well as an individual, trust or estate, or the agent or legal representative thereof.
- H. **Retail Food Service Establishment:** Any food establishment, including, but not limited to, a restaurant, coffee shop, cafeteria, short-order café, luncheonette, tavern, sandwich stand, soda fountain, commissary, drive-in restaurant, drink establishment, snack bar, food counter, dining room, food catering facility, industrial feeding establishment, private, public, or non-profit organization or institution routinely serving food, and any other eating or drinking establishment, where food or drink products are prepared, served, or provided for human consumption with or without charge. The term does not

include private homes where food is prepared or served for individual family consumption.

- I. **Temporary Food Service Establishment:** Any food establishment in any enclosure, stall, or other facility, whether fixed or mobile, operating at one site or location for a period of time not in excess of fourteen (14) consecutive days, in conjunction with a single event or celebration, where food in open form intended for human consumption off the premises is offered with or without charge.

§ 98.02. Application and Permit Fees.

- A. An application for a mobile camp permit shall be made to the Health Department on forms provided by the Health Department no later than two (2) days upon arrival of the mobile camp and its employees in LaPorte County. The permittee shall provide the following information: the legal name, address, and telephone number of the permittee, the name under which said permittee intends to operate, the address and general location of the mobile camp. Applications shall also include the signature of the permittee or his/her/its authorized representative.
- B. Upon application the permittee shall pay a fee to the LaPorte County Health Department as follows:
 - 1. 1-10 total cars in the mobile camp system \$400.00
 - 2. 11 or more total cars in the mobile camp system \$600.00.
- C. If upon application, the total number of cars submitted and paid for is not correct as determined upon actual inspection and the actual total number of cars is higher, a late fee of \$200.00 will automatically be assessed in addition to the difference between the fee paid and the fee owed based on the actual number of cars, and payment will be required within twenty-four (24)

business hours. If unpaid, the mobile camp will be immediately closed upon the expiration of that 24-hour period.

§ 98.03. Permit Requirements.

- A. **Permits:** It shall be unlawful for any person to operate a mobile camp in LaPorte County, Indiana, who does not possess a valid permit for each such operation from the Health Department, unless otherwise exempted from the provisions of this ordinance.
- B. **Posting:** All permits shall be posted in a conspicuous place while in operation in LaPorte County and must be kept at the mobile camp itself.
- C. **Separate Permit:** A separate permit shall be required for each mobile camp and for each time a mobile camp arrives in LaPorte County.
- D. **Permit Issuance:** A permit shall be issued subsequent to application and inspection and upon a determination by the Health Department that the permittee has complied with all of the applicable provisions of this ordinance and tendered the appropriate fee as hereinafter specified.
- E. **Terms:**
 - 1. The term of a permit for a mobile camp shall be the number of consecutive days the mobile camp is located in LaPorte County and shall expire become void once the mobile camp leaves LaPorte County. A new permit must be obtained upon each arrival into LaPorte County.
 - 2. As stated, permits shall be obtained no later than two (2) days upon the mobile camp and its employees' arrival in LaPorte County. If the application for such mobile camp is not submitted within the required two-day arrival period, a late fee of \$100.00 (per each day of violation) will also be added to the overall permit fee.

- F. **Permit not transferable:** No permit issued to any permittee under this ordinance shall be transferable between locations within LaPorte County, between operators, or between mobile camp visits in LaPorte County. Upon change of location or leaving the County after the initial inspection for which the permit was granted or upon change of operation or owner, all existing permits become void.

§ 98.04. Railroad Employee and Mobile Camp Sanitary Requirements.

- A. All mobile camps which are hereinafter utilized to house railroad maintenance of way employees shall conform in their construction and overall operation to the applicable requirements of IC 16-19-3 and 410 IAC 6-14, as amended, as well as with this ordinance. The Health Board hereby incorporates by reference all rules and regulations established by the Indiana State Department of Health regarding the operation of mobile camps as set forth in the Indiana Administrative Code and all such establishments shall abide by said rules and regulations as they now exist and as are amended.
- B. The Health Department may prohibit the further housing of railroad maintenance of way employees in any mobile camp in LaPorte County that fails to meet the requirements of IC 16-19-3 and 410 IAC 6-14, as amended.

§98.05. Inspections.

- A. The LaPorte County Health Department will inspect mobile camps within two (2) business days upon permit application of the mobile camp operator and as often thereafter as necessary to ensure compliance with all applicable regulations.

§ 98.06. Violations.

- A. If, during the inspection of any mobile camp the Health Department discovers the violation of any provision of this ordinance or of 410 IAC 6-14 (or as amended hereafter), the Health Department shall issue a written report listing such violations and the remedial action(s) to be taken. A copy of said report shall be delivered to the permittee by hand delivering the report to him/her/it on-site, or mailing the notice by Certified Mail to the address listed by the permittee as his/her/its mailing address on the permit application.
- B. A copy of the written order shall be filed in the records of the Health Department after appropriate review by supervisory personnel.

§ 98.07. Permit Suspension/Closure.

- A. The Health Officer may order the suspension of any permit issued for a mobile camp which order shall include the prohibition of any further residential occupancy or preparing/serving of food or beverage for the following reasons:
 - 1. Interference with the Health Officer, or his/her authorized representatives, in the performance of his/her duties. Interference shall include the process of obstructing, hampering, or blocking the Health Department in the performance of its duties.
 - 2. As a result of the willful and/or continuous violation of any provision of this ordinance or applicable Indiana Administrative Code.
- B. Whenever the Health Department determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, the Health Department shall give notice to such alleged violation to the person or persons responsible therefore, and to any known agent of such

person, as hereinafter provided. Such notice shall:

1. Be in written form.
2. Include a statement of reasons why it is being issued.
3. Allow a reasonable time for the performance of any act it requires.
4. Be served upon the owner or his/her/its agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent, or upon him/her/it personally, or if a copy thereof is sent by certified mail to his/her/its last known address or if a copy thereof is posted in a conspicuous place in or about the facility affected by notice, or if he/she/it is served with such notice by any other method authorized or required under the laws of this state.
5. Such notice must contain an outline of remedial action, which, if taken, will effect compliance with the provisions of the ordinance.

§ 98.08. Request for a Hearing.

- A. Any person affected by any such notice of closure issued by the Health Department may request and shall be granted a hearing on the matter before said Health officer or designated hearing officer, provided that such person shall file in the office of the latter within ten (10) days after service of the notice, a written petition requesting such hearing and setting forth a statement of the grounds thereof. Upon receipt of such petition, the Health Department shall arrange a time and place for such hearing and shall give the petitioner written notice thereof. Such hearing shall be heard as soon as practical after the receipt of request thereof. At such hearing, the petitioner shall be given an

opportunity to be heard and to show cause why compliance with the ordinance should not be required.

§ 98.09. Penalties.

- A. Any person, firm, or corporation who shall violate any provision of this ordinance may be served by the Health Department with a written order stating the nature of the violation and providing a time limit for satisfactory correction thereof. Any person, firm, or corporation found in violation of that order shall be subject to the penalties set forth in Section 98.09 (B).
- B. Any person, firm, or corporation who shall violate any provision of this ordinance shall be subject to penalty as hereinafter prescribed in this Section. On being found to have violated the provisions of this ordinance, the violator may be subjected to a fine of \$500.00 for the first offense; a fine of up to but not more than \$1,000.00 for the second repeat offense; a fine of up to not more than \$1,500.00 for the third and each subsequent repeat offense, as may be determined and fixed by the Health Officer.
- C. Any person violating any of the provisions of this ordinance may become liable to the LaPorte County Health Department for any expense, loss, or damage occasioned by reason of such violation, including reasonable attorney's fees.

§ 98.10. Enforcement Interpretation.


- A. The health department may initiate any procedures, as the Health Officer deems necessary for proper enforcement and to carry out the purpose and intent of this ordinance.

§ 98.11. Repealed.

- A. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- B. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance.

This Ordinance shall take effect upon its passage, posting, and publication as prescribed by law.

ALL OF WHICH IS ORDAINED, ENACTED, AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAPORTE, INDIANA THIS 6th DAY OF JULY, 2010.


BARBARA HUSTON, President


MIKE BOHACEK, Vice President


KENNETH LAYTON, Member

ATTEST: 
CRAIG HRENCHMAN, Auditor