**Education and Enforcement of Ordinance 2011-12**

This Ordinance will be enforced by the Delaware County Health Department. Other agencies expected to participate in the enforcement of this ordinance include all law enforcement and fire departments, professional and volunteer.

**Policy Statement:**

The Delaware County Health Department is tasked with enforcing Ordinance 2011-12 and desires to conduct enforcement in a fair and consistent manner throughout its jurisdiction.

**Education:**

The Delaware County Health Department will strive to focus on education of the businesses and citizens directly affected by the enforcement of Ordinance 2011-12. Educational materials, discussions, trainings, etc. will be made available to all of those requesting as staffing levels will allow. Ultimately compliance with Ordinance 2011-12 is the main goal of the health department. Full cooperation from businesses in this community is crucial to success.

**Progressive Enforcement:**

To foster a good working relationship with the newly affected businesses and the citizens in the community the Delaware County Health Department will take a progressive approach to enforcing Ordinance 2011-12. This progressive approach will follow the outline below:

**1st Offense** – Site visit with educational materials, discussion, etc. and issuance of a Warning Letter.

**2nd Offense** – Levying of a $250.00 fine payable to the Delaware County Health Department. Each day on which a violation of this Chapter occurs shall be considered a separate and distinct violation.

**3rd Offense** – Levying of $500.00 fine payable to the Delaware County Health Department. Each day on which a violation of this Chapter occurs shall be considered a separate and distinct violation.

**4th Offense** – If the citizen or a business refuses to cooperate: If the business is a food service establishment, the food service permit will be suspended for 30 days by the Delaware County Health Officer and if the establishment is one that serves alcoholic beverages, the Alcohol Board will be notified. If it is not a food establishment or an alcohol serving establishment, the case will be turned over to the attorney for pursuit in a court of law. If it is a private citizen, the case will be forwarded to the attorney for review.

**Compliance Objective:**

The Delaware County Health Department’s main goal is compliance. Therefore it is desired that, between the August 11th, 2011 implementation date and the date of September 1st, 2011, our staff, through education, discussion, and partnership will work with citizens and businesses in Delaware County to help them to be able to achieve compliance before a fine is levied. If a business or citizen is non-compliant and non-cooperative after the date of September 1st, 2011 fines will be levied and if needed full enforcement of Ordinance 2011-12 utilizing the competent court of jurisdiction.

**Complaints:**

Any citizen who desires to register a complaint under this Chapter may initiate

enforcement with the Delaware County Health Department, they may register complaints by telephone 765-747-7721 or over the internet at <https://www.co.delaware.in.us/egov/apps/action/center.egov?action=form&item=46&fDD>= .

**Appeal Process:**

Pursuant to Indiana Code 16-41-20-9, any person aggrieved by an order of the Delaware County Health Department, or County Health Officer, issued pursuant to provisions of this ordinance may, not more than ten (10) days after the making of the order or determination of a violation, file with any Delaware County Circuit Court a petition seeking review of the order. The Court shall hear the appeal. The Court’s decision is final.