

LAGRANGE COUNTY
ORDINANCE NO. 2023-10-16

**AN ORDINANCE REESTABLISHING THE LAGRANGE COUNTY
HEALTH DEPARTMENT FEE SCHEDULE.**

WHEREAS, pursuant to Indiana Code (“IC”) 16-20-1-27, the board of each local health department may, with the approval of the county executive, establish and collect fees for specific services and records established by local ordinances and state law;

WHEREAS, pursuant to IC 16-19-3-21, if designated by the Indiana Department of Health, a qualifying local board may operate programs in the public interest to provide for the care of certain individuals in their place of residence and, if so designated, periodically establish a schedule of reasonable fees in accordance with IC 16-20-1-27;

WHEREAS, at its recent meeting, the LaGrange County Board of Health (“Board”) resolved to amend its LaGrange County Health Department Fees (“Fee Schedule”);

WHEREAS, pursuant to IC 36-1-2-5, the Board of Commissioners of the County of LaGrange (“Commissioners”) is the executive body of LaGrange County, Indiana (“County”);

WHEREAS, the Board has presented the Fee Schedule for approval; *and*

WHEREAS, the Commissioners have adopted various Health Department fee schedules from time to time, most recently by Ordinance 2022-04-18-B.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LAGRANGE, INDIANA:

SECTION I – NAME

The name of this ordinance shall be the “Health Department Fee Schedule Adoption Ordinance” or “Fee Ordinance” where the context is obvious.

SECTION II – RECITALS

The foregoing recitals, including all defined terms, are hereby incorporated into this ordinance and found to be true, accurate, and correct.

SECTION III – FEES

- A. Approval. The Commissioners hereby adopt, and direct the Health Department employees to charge, the Health Department Fee Schedule and the Health Department fees contained within, as found in Exhibit A of this ordinance, which is hereby incorporated by reference.
- B. Home Health Care. To the extent designated by the State Board of Health, the Health Department may operate programs in the public interest to provide for the care of certain



individuals in each individual's place of residence and may charge and collect a reasonable fee therefor.

- C. Findings. The Commissioners hereby find that the fees proposed in the Fee Schedule are fair and reasonable and do not exceed the cost of services provided.
- D. Publication. The Commissioners hereby direct the Health Officer to post the Fee Schedule, in one or more prominent, publicly accessible places within the Health Department. The Commissioners further direct the Health Officer to make the Fee Schedule available on the Health Department web site, if feasible.
- E. Processing Fee. The Health Board may set, modify, and charge a reasonable fee related to the costs of processing another fee assessed pursuant to this ordinance.
- F. Exclusivity. The fees charged by this ordinance shall be in addition to any other fee or cost required by other County departments (e.g., site review by the Building Department).
- G. Advance Payment. Health Department employees may require the fees assessed pursuant to this ordinance to be paid before any services are rendered.
- H. Annual Permits. Annual health service and inspection permits expire at year's end. No permit fee shall be reduced pro rata if less than the full year is represented.
- I. Nonrefundable. All fees and fines collected pursuant to this ordinance are nonrefundable.
- J. Fee Waiver. The Health Officer may waive fees in appropriate cases at his or her discretion for a certified 501(c)(3) nonprofit organization.
- K. Deposits. All the fees charged and collected pursuant to this section shall be accounted for by the Health Department and deposited into the Health Fund upon collection.

SECTION IV – REPEAL OF PRIOR LAW

- A. Repeal. The Commissioners hereby repeal Ordinance No. 2022-04-18-B in its entirety.
- B. Continuance.
 - 1. The express or implied repeal or amendment by this ordinance of any other ordinance or part thereof does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.
 - 2. To the extent the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, such provisions shall not be deemed to be a new enactment of the original provisions, but rather shall be deemed to be the continuation of the original provisions.

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- C. Findings. The Commissioners hereby find that the fees proposed in the Fee Schedule are fair and reasonable and do not exceed the cost of services provided.
- D. Publication. The Commissioners hereby direct the Health Officer to post the Fee Schedule, in one or more prominent, publicly accessible places within the Health Department. The Commissioners further direct the Health Officer to make the Fee Schedule available on the Health Department web site, if feasible.
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 - 2. To the extent the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, such provisions shall not be deemed to be a new enactment of the original provisions, but rather shall be deemed to be the continuation of the original provisions.

- C. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or resolution or part thereof shall not be construed to revive any former ordinance, section, clause, or provision.

SECTION V – MISCELLANEOUS

A. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, department, board, program, public servant, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, reappointed, or renumbered from time to time.
2. Reference in this ordinance to a law, document, fund, department, board, program, public servant, or public office, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of) LaGrange County (Indiana).”
3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy may do instead of the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.

B. Judicial Review. This ordinance is intended only to improve the internal management of the County. Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall be construed to create any new legal duty, right, or benefit, whether substantive or procedural, enforceable against the County; nor to waive or diminish any protection that may be applicable to the County or any of its elected or appointed officials, employees, agents, or representatives under any applicable law providing governmental immunity, or any other rights, protections, immunities, defenses, or limitations on liability that the County or such related parties are provided by law.

C. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.

D. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.

E. Incorporated Materials. Two (2) copies of all materials incorporated by reference herein shall be on file in the office of the Auditor for public inspection.

F. Promulgation. The Auditor is hereby authorized and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.

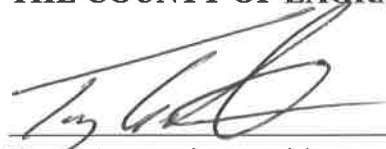
G. Effective Date. This ordinance shall take effect immediately upon adoption.

SECTION VI – ADOPTION


Ayes: 3
Nays: 0
Abstentions: 0

Adopted and ordained this 16th day of October 2023.

**THE BOARD OF COMMISSIONERS OF
THE COUNTY OF LAGRANGE, INDIANA**



Terry A. Martin, President



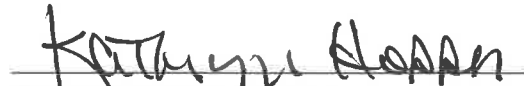
Kevin R. Myers, Vice President



Peter A. Cook



ATTEST:



Kathryn Hopper, Auditor

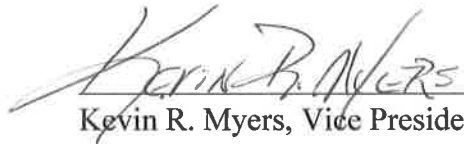
WAIVER OF SECOND READING

On motion duly made and seconded, the second reading of the foregoing ordinance was unanimously waived, and the ordinance shall be deemed effective as provided therein.

**THE BOARD OF COMMISSIONERS OF
THE COUNTY OF LAGRANGE, INDIANA**



Terry A. Martin, President



Kevin R. Myers, Vice President



Peter A. Cook

ATTEST:


Kathryn Hoppel, Auditor

3CS7064

EXHIBIT A – HEALTH DEPARTMENT FEE SCHEDULE

Annual permits expire at year's end; temporary permits expire on the date indicated on permit.

#	Category	Item	Cost
Food Service Permits			
1.	Food Service Establishments	(\$80.00 per establishment or \$3.00 per seat, whichever is greater, up to a max. of \$250.00)	\$80.00 - \$250.00
2.	Temporary Food Service Establishments	Establishment operates 1-3 days	\$50.00
		Establishment operates 4-14 days	\$75.00
3.	Mobile Units		\$80.00
4.	Retail Food Stores	Under 3,000 ft ² of floor space	\$100.00
		3,000-20,000 ft ² of floor space	\$150.00
		Over 20,000 ft ² of floor space	\$250.00
5.	Carry-Out Establishments		\$100.00
6.	Bed & Breakfast Establishments		\$75.00
7.	Locker Plants		\$50.00
8.	Limited Service		\$50.00
9.	Not-for-Profit Food Service		\$0.00
Septic Services			
10.	Septic Inspection Services, Septic Construction Permits (good for one year), Septic Operating Permits (free, unless special terms are imposed)	Residential	\$75.00
		Commercial	\$150.00
11.	Septic Installer/Contractor License – Annual		\$200.00
12.	Septic Installer/Contractor Insurance Bond (minimum)		\$10,000.00
Inspection Services			
13.	Public and Semi-Public Pools – Annual		\$100.00
14.	Tattoo & Body Piercing Permit – Annual		\$100.00
15.	Meth Lab Cleaned Certificate		\$100.00
Vital Records Services			
16.	Combination Birth Certificates (one regular and one wallet-size)		\$15.00
17.	Paternity Affidavits		\$10.00
18.	Genealogy Research (non-refundable search fee)		\$9.00
19.	Death Certificates		\$12.00
Other			
20.	Immunizations	No insurance	Donation
		With insurance	Cost plus administration
		TB test	\$20.00
21.	Filing Fee for Health Dept. Enforcement Action Appeals		\$30.00