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ORDINANCE 90-25

AN ORDINANCE AMENDING ORDINANCE
NUMBER 1149 ESTABLISHING THE PERMIT
PROCEDURES FOR FOOD SERVICE ESTABLISHMENTS
IN THE CITY OF LOGANSPORT, INDIANA

ARTICLE I

DEFINITIONS.

SECTION ONE. FOOD SERVICE ESTABLISHMENT. "Food service establishment" means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen-type operations that prepare sandwiches intended for individual portion service. The term does not include private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, and supply vehicles.

SECTION TWO. TEMPORARY FOOD SERVICE ESTABLISHMENT. "Temporary food service establishment" means a food service establishment that operates at a fixed location for a period of time not more than 14 consecutive days in conjunction with a single event or celebration.

SECTION THREE. PERSON. The work "person" shall mean any person, firm, corporation, or association.

ARTICLE II

PERMITS

SECTION ONE. CONTENTS, DISPLAY, RENEWAL. It shall be unlawful for any person to operate a food service establishment in the City of Logansport, Indiana, who does not possess an unrevoked permit from the Clerk-Treasurer. Such permit shall be posted in a conspicuous place in such food service establishment. Only persons who comply with the requirements of this section shall be entitled to receive and retain such a permit. Any permit issued by the Clerk-Treasurer shall contain the name of the person to whom the permit is granted, the address of the premises for which the same is issued, the address of the person to whom the same is issued if such address be different than the premises for which it is issued, and such other pertinent information as may be required by the Clerk-Treasurer. A permit shall be issued to any person who has complied with the requirements of this section and no permit or renewal thereof shall be denied on arbitrary or capricious grounds. A separate permit shall be required for each food service establishment. Such permit may be temporarily suspended by the Logansport Board of Public Works and Safety upon the recommendation of the Cass County Health Officer upon the violation by the holder of any of the terms of this section, or revoked after an opportunity for a hearing by the health officer upon serious or repeated violations.

SECTION TWO. FEES. Any person who desires to operate a food service establishment in the City of Logansport, Indiana, shall, secure a permit from the Clerk-Treasurer for said food service establishment. Such permit shall be provided by the Clerk-Treasurer, if there is presented at his office an unrevoked permit together with fifteen dollars (\$15.00).

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Every person operating a food service establishment shall

pay annually to the Clerk-Treasurer, a fee for the renewal of such permit in the amount of fifteen dollars (\$15.00) and such renewal permit shall be issued, provided, the applicant presents to the Clerk-Treasurer said fee, together with an unrevoked permit from the previous year. If such renewal fee is not paid by the thirty-first day of January of each year, succeeding the year in which the original permit was issued, then any permit which the applicant holds from the Clerk-Treasurer shall be deemed to be automatically revoked and cancelled, and no permit shall then be granted by the Clerk-Treasurer until a new permit has been obtained.

Any person desiring to conduct a temporary food service establishment shall secure a permit therefore, upon payment to the Clerk-Treasurer of fifteen dollars (\$15.00) for any one continuous operation. A separate license shall be required for each food service establishment or temporary food service establishment operated, or to be operated by any person.

SECTION THREE. FEE EXCEPTION. No permit shall be required and no permit fee shall be paid for the operation of a food service establishment or temporary food service establishment operated by a religious, educational, and charitable institutions.

ARTICLE III

ENFORCEMENT

SECTION ONE. All persons holding food service establishment permits in the City of Logansport shall operate in accordance with the Indiana State Board of Health Regulations as established by state law. The health officer shall have the authority to enforce said state regulations within the City of Logansport, and shall notify the Logansport Board of Public Works and Safety of any revocation of a food service establishment permit within the City of Logansport.

ARTICLE IV

PENALTIES

SECTION ONE. Any person who violates any of the provisions of this section or who refuses to comply with any lawful orders, rules, or regulations of the Clerk-Treasurer and/or the Cass County Health Officer, as provided in this section, shall upon conviction be fined for the first offense fifty dollars (\$50.00), for the second offense by a fine of one hundred dollars (\$100.00), and for the third offense and subsequent offenses by a fine of two hundred dollars (\$200.00).

ARTICLE V

UNCONSTITUTIONALITY

SECTION ONE. Should any subsection, paragraph, sentence, clause, or phrase of this section be declared unconstitutional or invalid for any reason, the remainder of said section shall not be affected thereby.

ARTICLE VI

REPEAL AND DATE OF EFFECT

SECTION ONE. All ordinances and parts of ordinances in conflict with this section are hereby repealed.

SECTION TWO. That this ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

Passed and adopted by the Common Council of the City of
Logansport, Indiana, this 3 day of Dec, 1990.

John R. Davis, Mayor
City of Logansport

ATTEST:

Mary Lynn Barnard
Clerk-Treasurer

Presented by me to the Mayor of the City of Logansport,
Indiana, this 3 day of Dec, 1990.

Mary Lynn Barnard,
Clerk-Treasurer

This ordinance approved and signed by me this 3 day of
Dec, 1990.

John R. Davis, Mayor
City of Logansport

ATTEST:

Mary Lynn Barnard, Clerk-Treasurer