

ORDINANCE NO.: 061520A

**AN ORDINANCE OF THE COMMON COUNCIL FOR THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA, AMENDING THE CITY OF FISHERS CODE OF
ORDINANCES REGARDING THE CITY OF FISHERS HEALTH DEPARTMENT**

WHEREAS, ensuring the health and safety of residents is the highest priority of the City of Fishers, Hamilton County, Indiana (“City”);

WHEREAS, on or around April 24, 2020, the Common Council for the City of Fishers, Hamilton County, Indiana (“Council”), established a full-time city health department (the “Health Department”) in accordance with Ind. Code §16-20-4-5, Resolution R042420;

WHEREAS, the Health Department operates as an agency of local government administratively responsible to the Mayor in accordance with Ind. Code §16-20-1-2;

WHEREAS, the Health Department is managed by a board of health in accordance with Ind. Code §16-20-4-6 (the “Board”);

WHEREAS, the Board has the powers and duties prescribed for all health boards in accordance with the Act, which include, but are not limited to (i) taking any action authorized by statute or rule of the state department to control communicable diseases, (ii) making sanitary and health inspections to carry out the purposes of the Act, (iii) investigating the existence of any contagious or infectious disease and adopting measures to arrest the progress of any contagious or infectious disease;

WHEREAS, on or around April 24, 2020, the Council confirmed the appointment of Dr. Indy Lane as the health officer for the Health Department (“Health Officer”), whereby among other responsibilities, the Health Officer shall (i) attend meetings of the state department for consultation concerning any public health matters, (ii) collect, record, and report to the state department the vital statistics for the City, (iii) be the registrar of births and deaths, (iv) enforce the health laws, ordinances, orders, rules, and regulations of the Board and superior boards, and (v) order schools and churches closed and forbid public gatherings when considered necessary to prevent and stop epidemics;

WHEREAS, on or around April 24, 2020, the Council established the Health Fund and authorized the Controller to expend Two Million and no/100 Dollars (\$2,000,000) of already appropriated and available funds from the General Fund to the Health Fund for the establishment of the Health Department, Resolution R042420A;

WHEREAS, the Council now desires to create a City of Fishers Health Department Code to further promote the health, safety, and welfare of the City as further defined herein.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council for the City of Fishers, Hamilton County, Indiana, meeting in special session as follows:

Section 1. The City of Fishers Code of Ordinances shall be amended to add the following:

Title XVI - Fishers Health Department

Section 2. Title XVI is hereby further amended to add Chapter 170 “Retail Food Establishment” as further specified by Exhibit A, attached hereto and incorporated herein.

Section 3. Title XVI is hereby further amended to add Chapter 171 “Public and Semi-Public Pool and Spa Operations” as further specified by Exhibit B, attached hereto and incorporated herein.

Section 4. Title XVI is hereby further amended to add Chapter 172 “Residential On-Site Sewage Systems” as further specified by Exhibit C, attached hereto and incorporated herein.

Section 5. Title XVI is hereby further amended to add Chapter 173 “Communicable Disease” as further specified by Exhibit D, attached hereto and incorporated herein.

Section 6. Title XVI is hereby further amended to add Chapter 180 “Miscellaneous Fees of the Fishers Health Department” as further specified by Exhibit E, attached hereto and incorporated herein.

Section 7. All other provisions of the City’s ordinances not in conflict with or specifically changed by this amendment shall remain in full force and effect.

Section 8. This Ordinance shall be of full force and effect from and upon its adoption and publication and in accordance with Indiana law.

SO ORDAINED, by the Common Council for the City of Fishers, Hamilton County, Indiana this _____ day of _____, 2020.

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

YAY

NAY

ABSTAIN

	Cecilia C. Coble, President		
	Selina M. Stoller, Vice President		
	David George, Member		
	C. Pete Peterson, Member		
	John Weingardt, Member		
	Todd Zimmerman, Member		
	Brad DeReamer, Member		
	Samantha DeLong Member		
	Jocelyn Vare, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the _____ day of _____ 2020, at _____ m.

ATTEST: _____

Jennifer L. Kehl, City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

DATE

MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Christopher P. Greisl, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

Exhibit A

[Chapter 170- Retail Food Establishments]

Exhibit B

[Chapter 171-Public and Semi-Public Pool and Spa Operations]

Exhibit C

[Chapter 172 – Residential On-Site Sewage Systems]

Exhibit D

[*Chapter 173-Communicable Disease*]

Exhibit E

[Chapter 180 – Miscellaneous Fees of the Fishers Health Department]