

ORDINANCE NO. 2026-16

**AN ORDINANCE TO ESTABLISH WELLS COUNTY
HEALTH DEPARTMENT'S FEE SCHEDULE.**

WHEREAS, Indiana Code 36-1-3, et. seq. ("the Indiana Home Rule Act"), permits any county in the State of Indiana to exercise any power or for the performance of any function necessary to the public interest in the context of its county or internal affairs which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity;

WHEREAS, the Board of Commissioners of the County of Wells ("Commissioners") is the county legislative and executive body and is authorized to adopt ordinances and resolutions concerning Wells County governmental operations; and

WHEREAS, The Commissioners enacted Wells County Ordinance 2026-05, to re-establish definitions, standards for management and personnel, food operations, and equipment and facilities, and provide for Food Establishment and/or Bed and Breakfast Establishment plan reviews, permits, inspections, and employee restrictions compliant with updated statutes and administrative laws issued by the State of Indiana and its department agencies;

WHEREAS, Wells County Ordinance 2026-05 authorized Wells County to collect fees and costs which were to be listed in the Wells County Health Department's Fee Schedule;

WHEREAS, The Commissioners have been informed that the Wells County Health Department has now developed a proposed Fee Schedule of fees for permits and violations, and therefore desire to adopt new schedule.

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

SECTION I.

- A. The fees and sanctions provided for in Wells County Ordinance 2026-05 are hereby established as set forth in Exhibit A which is expressly adopted and incorporated by reference.

SECTION II – REPEAL OF PRIOR LAW

- A. Repeal. All provisions of ordinances and resolutions previously adopted are hereby repealed only to the extent they are inconsistent with or in conflict with this ordinance but only to such extent, specifically in regard to any prior schedule for fees and violations, such

as those set forth in Section 113.03(D) of the Wells County Code enacted by Wells County Ordinance 2007-16.

- B. Ratification. All previous appointments to the Board prior to the adoption of this ordinance are hereby ratified, confirmed, and approved in their entirety to the extent the actions otherwise conform to this ordinance.
- C. Restatement. To the extent that the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, the provisions shall not be deemed a new enactment of the original provisions, but rather shall be deemed to be the continuation of the original provisions.
- D. Continuance. 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.
- E. Rulemaking. All rules and regulations adopted under any continued version of this ordinance shall remain in full force and effect except as specifically provided otherwise.
- F. 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, resolution, section, clause, or provision.

SECTION III – 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) Wells 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

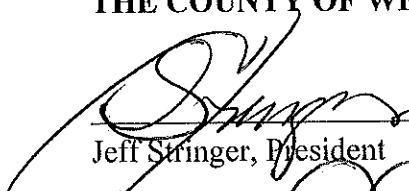
ordinance shall be construed to create any new legal duty, right, or benefit, whether substantive or procedural, enforceable against the County; nor to waive or diminish any protection that may be applicable to the County or any of its elected or appointed officials, employees, agents, or representatives 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 the same.
- D. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this ordinance as a whole, nor any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- E. Promulgation. The Auditor is hereby authorized, empowered, and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.
- F. Codification. To the extent a substantive change in meaning does not result, the codifier of ordinances may omit the Name, Recitals, Miscellaneous, Repeals, and Adoption sections of this ordinance from the official code, may renumber, reorder, or reorganize any section of this ordinance, and may alter references to and within this ordinance as appropriate.
- G. Retroactive Effective Date. This ordinance shall take effect as of January 1, 2027.

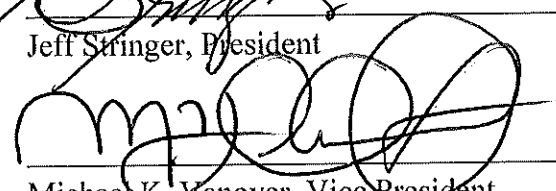
SECTION IV – ADOPTION

Adopted and ordained this 17 th day of August 2026.

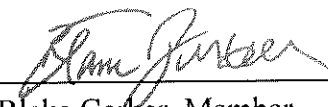
THE BOARD OF COMMISSIONERS OF THE COUNTY OF WELLS, INDIANA



Jeff Stringer, President

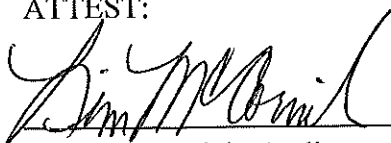


Michael K. Vanover, Vice President



Blake Gerber, Member

ATTEST:

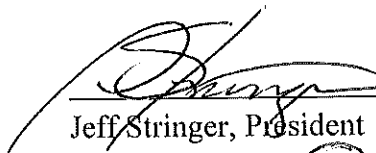


Lisa McCormick, Auditor

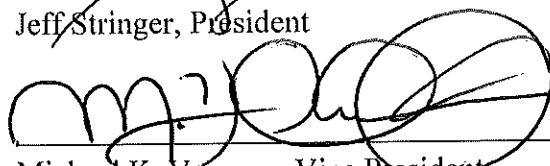
WAIVER OF SECOND READING

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.

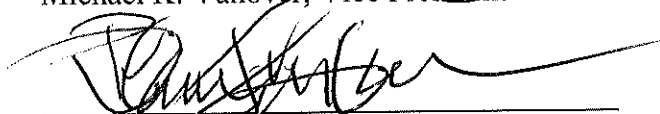
**THE BOARD OF COMMISSIONERS OF
THE COUNTY OF WELLS, INDIANA**



Jeff Stringer, President

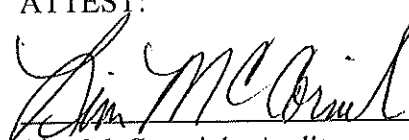


Michael K. Vanover, Vice President



Blake Gerber, Member

ATTEST:



Lisa McCormick, Auditor

This instrument was prepared by the Wells County Attorney, Theodore T. Storer, Attorney No. 17576-02, 110 W. Berry St. Ste. 1100 Fort Wayne, IN 46802.

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. *Lisa McCormick*

Permit Fees

Bed and Breakfast Establishment: \$200 per year

Retail Food Establishment:

- Up to 2000 Square feet - \$200
- 2,001 to 4,000 sq ft - \$300
- 4,001 to 6,000 sq ft - \$400
- 6,001 to 8,000 sq ft - \$500
- Over 8,001 sq ft - \$600

Seasonal Food Permit:

- Up to 2000 Square feet - \$100
- 2,001 to 4,000 sq ft - \$150
- 4,001 to 6,000 sq ft - \$200
- 6,001 to 8,000 sq ft - \$250
- Over 8,001 sq ft - \$300

Farmers Market: \$25.00

Limited Food: \$100.00

Mobile Retail Food Establishment (2026 Only)- \$75.00

Mobile Retail Food Establishment beginning January 1, 2027 – Fee will be set by IDOH

Temporary Food Establishment - \$25.00 per day.

Temporary Food Establishment Annual Permit – \$150

Vending Permit: \$25.00 per vending machine location

Late Fees

For existing permit holders of a Retail Food Establishment or Limited Food Permit:

\$10.00 per day after January 5th for retail food establishments that did not renew their permit before expiring.

\$20.00 per day after January 5th for retail food establishments that paid after January 5th for the previous year.

All other permit holders:

\$10.00 per day for each day that the establishment operates without obtaining a permit.

Miscellaneous Fees

Black and White Copies - \$.05/page

Color Copies - \$.15/page

Duplicate Permit - \$5.00

A 3% fee will be added to all payments made with credit or debit card.