

ORDINANCE 2025-02

**AN ORDINANCE ESTABLISHING SANITATION STANDARDS  
AND INSPECTIONS AND PROCEDURES RELATED THERETO  
FOR  
LODGING ESTABLISHMENTS IN HUNTINGTON COUNTY,  
INDIANA**



**Public Health**  
Prevent. Promote. Protect.

**Adopted March 10, 2025**

**WHEREAS**, the Indiana Department of Health, pursuant to Indiana Code Section 16-19 was established to create rules to protect and improve public health;

**WHEREAS**, pursuant to Indiana Code Section 16-20, local health officers are authorized to enforce the health laws, ordinances, orders, rules, and regulations of the local health department and superior boards of health;

**WHEREAS**, pursuant to Indiana Code Section 36-1-24-10, in relevant part, a unit may enact or enforce a law or plan that regulates, prohibits, or limits short term rentals for the protection of the public's health and safety related to sanitation if enforcement is performed in the same manner that applies to similar properties that are not short term rentals;

**WHEREAS**, the potential for the transmission of serious infectious diseases or the presence of injurious conditions exists if lodging facilities and short term rentals are not maintained in a minimum sanitary manner; and

**WHEREAS**, the Board of Commissioners of Huntington County, Indiana ("Commissioners") agree that it is appropriate and advisable to adopt an ordinance to provide for the inspection of lodging establishments and short term rentals to ensure that they are operated and maintained in a sanitary manner.

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

**I. DEFINITIONS.** For the purposes of this Ordinance, the following terms, phrases, words, and their derivatives shall have the meaning given in this section, unless otherwise specifically prescribed:

- a. "Board" shall mean the Board of Health for Huntington County, Indiana;
- b. "Clean" shall mean the absence of excessive dirt, grease, stains, rubbish, garbage, and other offensive, unsightly, or harmful matter;
- c. "Critical Violation" shall mean a violation which is more likely than other violations to significantly contribute to the potential spread of disease, injury, or sickness;
- d. "Department" shall mean the Huntington County Health Department;
- e. "Employee" shall mean any person whose duties include the cleaning and maintenance of Guest Rooms or any part of the Lodging Establishment, or the rendering of services to a Guest (each as defined herein);
- f. "Extermination" shall mean the control and elimination of Public Health Pests by eliminating their Harborage (each as defined herein) places by removing or making inaccessible the materials that may serve as their food through poisoning, spraying, fumigating, fogging, larvicide, trapping, or by any other recognized and legal pest control;

- g.** “Garbage” shall mean rejected wastes, discarded items that are no longer useful or wanted;
- h.** “Good Repair” shall mean free of corrosion, cracks, chips, pitting, excessive wear and tear, leaks, obstructions, and similar defects;
- i.** “Guest” shall mean an individual who rents a guest room in a Lodging Establishment (as defined herein);
- j.** “Guest Room” shall mean a sleeping room or short term housing accommodation intended to accommodate a Guest for temporary or long-term occupancy;
- k.** “Harborage” shall mean any place where Public Health Pests (as defined herein) can live, nest, or seek shelter;
- l.** “Health Officer” shall mean a health officer of the Huntington County Department of Health, and its authorized representatives;
- m.** “Imminent Health Hazard” shall mean conditions at a Lodging Establishment (as defined herein) that require immediate action to prevent endangering the health or safety of a Guest or employee, such as flood, extended interruption of water service, sewage backup, contaminated water supply, misuse of poisonous or toxic materials, severe infestation, gross unsanitary conditions, or other circumstances which may contribute to the spread of disease;
- n.** “Lodging Establishment” shall mean a hotel, motel, inn, or Short Term Rental (as defined herein) where space is rented and sleeping accommodations are offered;
  - i.** This definition specifically excludes apartments rented through a lease agreement, bed and breakfast establishments, dormitories, boarding houses, and hostels.
- o.** “Non-Critical Violation” shall mean a violation which is not likely to cause illness or harm to human health, including housekeeping and maintenance issues;
- p.** “Notice of Closure” shall mean the paperwork showing that a Lodging Establishment or individual rooms have been closed due to the presence of an Imminent Health Hazard;
- q.** “Owner” shall mean a Person (as defined herein) who, alone or jointly with others, has legal title to any Lodging Establishment, with or without the actual possession thereof;

- r. “Person” shall include an individual, corporation, firm, partnership, proprietorship, association, business organization, municipality, or any other group acting as a unit, and a trust or estate or the agent or legal representative thereof;
- s. “Pest Proofing” shall mean a form of construction or measure to prevent the ingress or egress of a Public Health Pest (as defined herein) from gaining access to food, water, or Harborage;
- t. “Public Health Pest” shall mean a rodent, arthropod, or insect capable of transmitting a disease or infection and causing significant discomfort or injury, which includes but is not limited to rats, mice, mosquitos, bed bugs, fleas, cockroaches, flies, and ticks; and
- u. “Short Term Rental” shall mean the rental of a single family home, a dwelling unit in a single family home, a dwelling unit in a two-family or multifamily dwelling, or a dwelling unit in a condominium, cooperative, or time share for terms of less than thirty (30) days at a time through a short term rental platform such as Airbnb, VRBO, or similar.
  - i. This definition specifically includes a detached accessory structure, such as a guest house or other living quarters intended for human habitation if the entire property is designated for a single family residential use.

**II. MINIMUM STANDARDS.** A Person shall not institute, permit, or maintain any condition in a Lodging Establishment that may transmit, generate, or promote disease. The following shall be the minimum standards for a Lodging Establishment:

**a. Lobby, Halls, Stairs and Stairwells, and Vending Areas.**

- i. Floors, walls, ceilings, windows, and ventilation equipment must be kept Clean and in Good Repair;
- ii. Furniture, fixtures, draperies, and accessories must be kept Clean and well-maintained;
- iii. Any openable windows must be screened and in Good Repair and have window restrictors installed in compliance with all rules, laws, and regulations; and
- iv. Areas with ice or vending machines must have proper ventilation and drainage in compliance with all rules, laws, and regulations.

**b. Lavatories and Bathrooms.**

- i. Bathtubs, bath tile, lavatories, and toilets must be kept Clean and in Good Repair, and free of dirt, debris, mold, and mildew;

- ii. Fixtures should be fully functional without significant cracks, chips or stains;
- iii. All lavatory and bathing facilities must provide hot and cold running water and a clean towel for each Guest;
- iv. Bathroom surfaces should be cleaned and sanitized and clean towels and mats should be provided for each new Guest;
- v. Toilet tissue shall be available for each Guest;
- vi. Surfaces shall be non-absorbent, cleanable, durable, and kept in Good Repair without significant damage;
- vii. Garbage receptacles shall be emptied and sanitized for each new Guest;
- viii. All sewage and liquid waste, as defined in the Indiana Code, shall be disposed of in a public sewer system or an onsite sewage system as required under Indiana Law; and
- ix. To prevent contamination, soap must be dispensed from approved containers in public restrooms, and individual paper towels or an electronic dryer device must be operable and available for public use.

**c. Guest Room.**

- i. Per state and local codes, any window that can be opened must have tightly fitting screens that are in Good Repair;
- ii. Windows and glass doors shall be Clean and in Good Repair;
- iii. Privacy coverings must be in good condition and cover all windows;
- iv. Bed linens must be Clean for each new guest and free of damage and odors;
- v. Bed linens must be changed after each Guest's departure or at least once per week for extended stays beyond that period of time;
- vi. Mattresses, box springs, headboards, and bed frames must be Clean and in Good Repair, free of excessive stains, holes, tears, or odors (normal wear and tear excluded);
- vii. Floors, walls, and ceilings should be kept Clean and in Good Repair;

- viii. Furniture, fixtures, carpets, and accessories should be kept Clean and in Good Repair;
- ix. Appliances shall be kept Clean and in Good Repair;
- x. Garbage receptacles shall be emptied and sanitized for each new Guest; and
- xi. Egress doors shall have working locks.

**d. Storage and Laundry; Housekeeping and Safety; Pets.**

- i. Storage rooms or cabinets shall be provided for all supplies, linens, and equipment, which shall be marked for Employees and kept locked;
- ii. Soiled linens shall be handled and stored to avoid contact with clean linens;
- iii. A separate, locked storage area shall be provided for building and maintenance equipment and supplies;
- iv. All chemicals must be stored safely behind locked doors or cabinets and applied according to the manufacturer's recommendations and all applicable laws, rules, and regulations. Safety data sheets shall be available upon request;
- v. Items on housekeeping carts, which must be kept Clean and stored in a designated area, should be organized to prevent cross-contamination between soiled and clean items; and
- vi. Owner shall establish and enforce rules to regulate pets, in compliance with all applicable laws, rules, and regulations. Pet waste disposal bags must be provided onsite in any designated pet area.

**e. Maintenance and Disposal of Garbage.**

- i. To avoid a nuisance, all Garbage must be collected and stored in covered dumpsters or appropriate receptacles, which shall be emptied at least once per week or as often as needed to prevent overflow;
- ii. Lodging Establishments using trash compactors should empty the units as necessary;
- iii. Dumpsters and receptacles must be kept in good repair;
- iv. Lodging Establishments shall be kept free of fly or mosquito breeding areas, rodent Harborages, and standing water; and

- v. Lodging Establishments must be kept clean and free of rubbish and litter per Huntington County Ordinance 2024-02.

**f. Public Health Pest Control.**

- i. Every Lodging Establishment must be built, maintained, and equipped to prevent entry and infestation by Public Health Pests (i.e. Pest Proofing). To eliminate a Public Health Pest, specific measures such as cleaning, renovation, or Extermination should be taken;
- ii. Vector control logs must be maintained at the Lodging Establishment and available upon request; and
- iii. Upon finding bed bugs or other Public Health Pests, a licensed professional must treat the affected Guest Room and surrounding Guest Rooms. Any dead Public Health Pest and their excrement must be removed immediately.

**g. Employee Sanitary Practices.** All Employees or Owners of a Lodging Establishment must wash their hands and any exposed arms with soap and warm water before working at the Lodging Establishment, during work as often as necessary, and specifically after smoking, eating, drinking, taking out the Garbage, or using the restroom.

- i. Employees shall keep their fingernails clean; and
- ii. Employees with open wounds on hands and exposed portions of their arms shall have those areas covered with an impermeable cover and a second layer such as a glove or long-sleeved shirt.

**III. INSPECTIONS, VIOLATIONS, AND REINSPECTION.**

**a. Regular Inspections.** Subject to the Indiana Code and with any notice or consent as required thereby, the Department shall regularly inspect each Lodging Establishment, at least once per year or more frequently if the Health Officer deems it necessary. The Department shall be given access to all areas of the Lodging Establishment.

**b. Violations.**

- i. **Procedure.** If violations are identified during an inspection, a written report with the violation required corrections, associated fines, and applicable timeframes, including the timeline to appeal, shall be provided to the Owner of the Lodging Facility. The written report shall be delivered to the Owner of the Lodging Facility in person, by certified mail, or via electronic mail.

- ii. Those violations designated by the Health Officer as Critical Violations must be corrected within fifteen (15) days of notice thereof, while those designated as Non-Critical Violations must be corrected within the timeframe specified in the written report. If any Guest Room is designated as unfit for human habitation by the Health Officer, it shall not be occupied by a Guest until the issues are resolved as approved by the Health Officer. A Notice of Closure shall be issued by the Health Officer as required.
  - iii. A reinspection shall occur as designated in the notice to ensure all violations have been corrected within the specified timeframe. Fines will be imposed as outlined herein if violations are not corrected timely.
  - iv. Subject to the procedure outlined herein, if a Health officer determines that a violation has occurred, the Health Officer shall furnish evidence of said violation to the attorney for the Board who shall seek appropriate legal remedies.
- c. **Inspection Due to Complaint.** The Department shall investigate complaints regarding a Lodging Establishment received from the public or other agencies. Upon receiving a complaint as provided in Indiana Code 16-20-1-25, the Health Officer shall follow the procedure outlined therein.

IV. **FINES.** Fines shall be cumulative, not to exceed Two Thousand Five Hundred Dollars (\$2,500.00). The following schedule shall be utilized when a violation is identified during any inspection:

Type of Notice or Order	Time Given for Correction	Fine After Follow-Up Inspection (non-compliance)
Notice of Violation	Thirty (30) days for correction, and a follow-up inspection is scheduled.	None
Abatement Order	Thirty (30) days for correction, and a follow-up inspection is scheduled.	Five Hundred Dollars (\$500.00) for violations that cannot be corrected while the Health Officer is on-site.
Order of Enforcement	Thirty (30) days for correction, and a follow-up inspection is scheduled.	Ten Dollars (\$10.00) per day beginning on the date of the Order until violation is corrected or maximum fines have accumulated.

V. **APPEALS.** The Board shall hear appeals associated with a notice of violation, abatement order, order of enforcement, or any fines.



- a. A petition for review shall include:
  - i. The name, address, and telephone number of the Owner, the location of the Lodging Establishment, and the Person on duty at the time of the violation;
  - ii. The interests of the petitioner;
  - iii. The name(s) of any Person whom the petitioner represents;
  - iv. The reasons for appeal; and
  - v. The issues to be considered.
- b. After such hearing, the Board shall sustain, modify, or withdraw the notice depending upon its findings and associated determination.

**VI. ENFORCEMENT.** The Health Officer shall enforce this Ordinance.

**VII. SEVERABILITY.** If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

**VIII. REPEAL OF ANY CONFLICTING PROVISIONS.**

All ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed or amended.

**IX. EFFECTIVE DATE.**

This Ordinance shall be in full force and effect immediately upon passage.

**ALL OF WHICH IS PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF HUNTINGTON COUNTY, INDIANA, THIS 10<sup>th</sup> DAY OF March, 2025.**

**This Resolution was adopted by the Huntington County Board of Commissioners on Monday, March 10, 2025.**

**A signed physical copy of this document is available by request in the Commissioners' Office located at 201 N. Jefferson Street Huntington, Indiana**