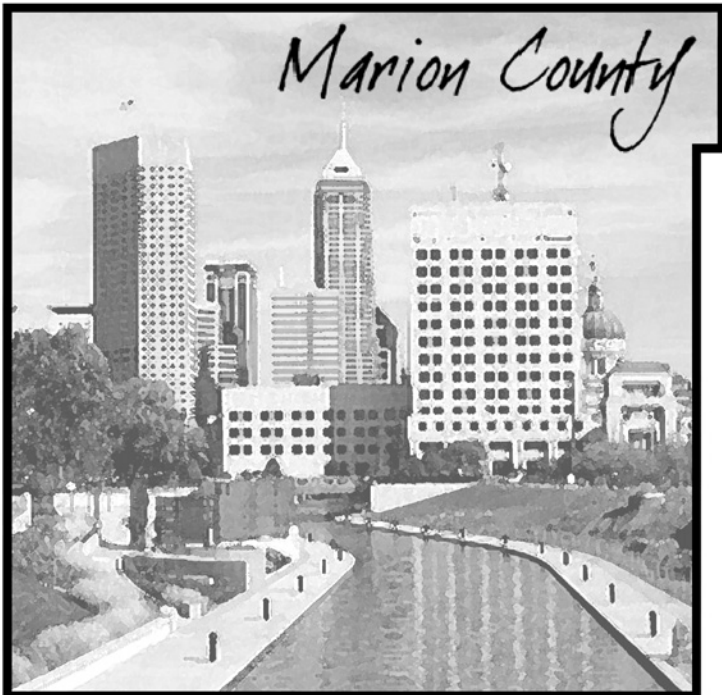


Housing and Environmental Standards

Health and Hospital Corporation of Marion County
&
Marion County Public Health Department



Indianapolis, Indiana
October 2014

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HEALTH &
HOSPITAL
CORPORATION



MARION COUNTY
PUBLIC
HEALTH
DEPARTMENT

Prevent. Promote. Protect.

INTRODUCTION

The Health and Hospital Corporation of Marion County is a municipal corporation established by Indiana Code § 16-22-8. The Corporation operates a division of public health, the Marion County Public Health Department, and a division of public hospitals. An appointed seven member board governs the Corporation. The board has the authority to make and adopt appropriate ordinances. The ordinances adopted by the board constitute The Code of The Health and Hospital Corporation of Marion County.

Environmental health specialists assigned to the Department of Housing and Neighborhood Health enforce the code. Orders, citations and administrative notices of violation issued by environmental health specialists may be enforced by the Corporation by filing civil actions in the Marion Superior Court, Environmental Division.

Code violations fall into the following categories:

- Sanitation violations
Environmental health specialists enforce sanitation standards by citing properties having weeds and grass over 12 inches, inoperable or unlicensed vehicles, junk, trash, rubbish and garbage.
- Minimum standards for residential property
Environmental health specialists enforce Chapter 10 of The Code of the Health and Hospital Corporation of Marion County by setting minimum standards for residential property and housing.
- Minimum standards for nonresidential property
Environmental health specialists enforce Chapter 19 of The Code of the Health and Hospital Corporation of Marion County by setting minimum standards for nonresidential premises.

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CHAPTER 4 DEFINITIONS

Article 1. Definitions.

Sec. 4-101.

- a) Words and phrases defined in this or any chapter of The Code shall be applicable and shall have the same meaning throughout The Code.
- b) Undefined terms shall be assigned their plain and ordinary meaning.

[Gen.Ord. 7-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 4-102.

- a) "Accessory building or accessory structure" means an uninhabited detached building or structure secondary to the main structure on a premises.
- b) "Approved" means authorized by the Director of Public Health or the director's designated representative.

[Gen.Ord. 7-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 4-103.

- a) "Business day" means any day other than a Saturday, a Sunday or a public holiday for the Division of Public Health

[Gen.Ord. 7-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 4-104.

- a) "The Code" means ordinances adopted by the board constituting The Code of the Health and Hospital Corporation of Marion County.
- b) "Commercial" means of or relating to the manufacture, storage, distribution, provision or sale of commodities or services, regardless of whether the entity intends to realize a profit.
- c) "Corporation" means the Health and Hospital Corporation of Marion County.

[Gen.Ord. 7-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 4-105.

- a) "Division" means the Division of Public Health of the Corporation.

[Gen.Ord. 7-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 4-106.

- a) "Emergency" means situations when a failure to act immediately could lead to serious harm to public health or safety.

[Gen.Ord. 3-1996(C) Passed 9/18/96 Effective Date 9/18/96]

Sec. 4-108.

- a) "Garbage" shall have the meaning contained in Indiana Code § 13-11-2-88 and means dead animals, parts of dead animals and all other putrescible materials.

[Gen.Ord. 3-2006 Passed 6/20/06 Effective Date 7/1/06]

Sec. 4-109.

- a) "Hazardous material" means any material present in large enough quantity to pose a significant physical or health hazard to public health, public safety or the environment due to its chemical composition. For the purpose of this ordinance, a hazardous material can be a pure chemical substance or a mixture, a raw material, a product or a waste material.
- b) "Health Officer" means the Director of Public Health, the director's authorized representative, a supervisor in the division or an environmental health specialist.

[Gen.Ord. 7-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 4-111.

- a) "Junk vehicle" means:

- (1) A motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle from which has been removed engine, transmission or differential parts or that is otherwise partially dismantled or mechanically inoperable;
- (2) Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, which cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate; or
- (3) An abandoned vehicle as defined by Indiana Code § 9-13-2-1.

[Gen.Ord. 1-2008 Passed 3/18/08 Effective Date 3/18/08]

Sec. 4-113.

- a) "Law" means statutes, ordinances, regulations, and administrative rules.
- b) "Litter" means any post-consumer solid waste not deposited in an

authorized storage, transfer, processing or land disposal facility.

[Gen.Ord. 3-2006 Passed 6/20/06 Effective Date 7/1/06]

Sec. 4-114.

- a) "Marion County" means Marion County, Indiana.
- b) "Multi-unit" means a dwelling with more than two individual apartments or living units.

Sec. 4-116.

- a) "Owner", unless otherwise indicated, means ownership of real property which ownership may take any one or more of the following forms:
 - (1) A person holding an interest in fee simple, life estate, joint tenancy, tenancy by the entireties and/or life estate.
 - (2) The title holder as recorded in the Office of the Marion County Recorder.
 - (3) The purchaser of real property under a contract for its conditional sale.
 - (4) The person in control of the property as executor, executrix, trustee, receiver, successor, assignee or guardian of the person specified in 1, 2 or 3.

[Gen.Ord. 7-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 4-117.

- a) "Person" means any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint-stock company, trust, estate or any other legal entity or his or its successors, assigns, agents or legal representatives.
- b) "Plumbing" means and includes all of the following facilities and equipment: natural gas pipes, equipment fueled by natural gas or oil, water pipes, garbage disposal units, waste pipes, water closets, sinks, dishwashers, lavatories, bathtubs, showers, clothes washing machines, catch basins, drains, vents, and any other similar installed fixtures together with all connections to water, sewer and gas lines.
- c) "Premises" shall mean a platted or unplatted lot, plat or parcel of land either occupied or unoccupied by any dwelling or other structure, and includes any such building, other structure, adjoining alley, easement and drainage way.

[Gen.Ord. 7-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 4-119.

- a) "Rubbish" means non-putrescible solid waste including combustible waste such as paper, cardboard, plastic containers, yard clippings and wood and noncombustible waste such as cans, glass, metal and bottles.

[Gen.Ord. 7-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 4-120.

- a) "Solid waste" shall have the meaning contained in Indiana Code § 13-11-2-205 (c).
- b) "Solid waste storage container" means a receptacle used for the temporary storage of solid waste while awaiting collection. A refuse bin is considered to be a solid waste storage container.

[Gen.Ord. 3-2006 Passed 6/20/06 Effective Date 7/1/06]

Sec. 4-123.

- a) "Vector" means any rodents, mosquitoes or other animals including insects capable of harboring and transmitting microorganisms and disease to humans and other animals.

[Gen.Ord. 7-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 4-124.

- (a) "Waste tire" shall have the meaning contained in Indiana Code § 13-11-2-250.

[Gen.Ord. 1-2007 Passed 7/24/07 Effective Date 7/17/07]

Sec. 4-125.

- (a) "Weeds" means vegetation twelve inches or more in height. The term does not include trees, shrubs, cultivated flowers or plants, or crops.

[Gen.Ord. 1-2007 Passed 7/24/07 Effective Date 7/17/07]

CHAPTER 10
MINIMUM STANDARDS FOR RESIDENTIAL PROPERTY
AND HOUSING

Article 1. Interpretation And Enforcement.

The following general provisions apply in the interpretation and enforcement of this Chapter:

Sec. 10-101.

The Board finds that the structure, equipment, sanitation, maintenance, use or occupancy of residential property, dwellings and rooming houses may cause a hazard to the public health and safety. These properties, dwellings and rooming houses may now exist or may exist in the future. Establishment and enforcement of minimum housing standards are required to correct and prevent the existence of these public health and safety hazards.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-102.

The purpose of this Chapter is to

- a) protect, preserve and promote the physical and mental health of the people,
- b) prevent and control the incidence of communicable diseases,
- c) reduce environmental hazards to health,
- d) regulate privately- and publicly-owned dwellings for the purpose of maintaining adequate sanitation and public health,
- e) protect the safety of the people,
- f) insure that the quality of housing is adequate for protection of public health, safety and general welfare,
- g) establish minimum standards for basic equipment and facilities for light, ventilation and thermal conditions,
- h) establish minimum standards for fire and accident safety,
- i) establish minimum standards for the use and location and amount of space for human occupancy,
- j) establish minimum standards for an adequate level of maintenance, and
- k) determine the responsibilities of owners and occupants of dwellings.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-103.

This chapter applies uniformly to the maintenance, use and occupancy of all residential buildings and structures. In addition, this chapter applies uniformly to the alteration, repair, equipment, use, occupancy and maintenance of all residential buildings and structures irrespective of when or under what code or codes the building or structure was originally constructed or rehabilitated.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Article 2. Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance:

Sec. 10-201. "Basement" means a portion of a building located partly underground with not more than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Sec. 10-202. "Bathroom" means a room with a toilet and a lavatory sink in or near that room, with or without a bathtub or shower.

Sec. 10-203. "Cellar" means a portion of a building located partly or entirely underground with more than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

Sec. 10-204. "Dwelling" means any building and/or each individual unit within a building or a pre-manufactured, modular or mobile building used or intended to be used for living, sleeping, cooking and eating.

Sec. 10-205. "Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating. The following types of rooms are not habitable rooms: bathroom, laundry room, furnace room, pantry, kitchenette, utility room with less than fifty square feet of floor space, foyer, connecting corridor, stairway, closet, storage space, workshop or hobby and recreation area.

Sec. 10-206. For definitions related to lead hazards, 326 IAC 23 and 410 IAC 29 apply in this chapter.

Sec. 10-207. "Occupant" means any individual over one year of age living, sleeping, cooking or eating in or having possession of a dwelling unit or a rooming unit.

Sec. 10-208. "Ordinary summer conditions" means a temperature 10°F.

below the highest recorded temperature in Marion County for the prior ten-year period.

Sec. 10-209. "Ordinary winter conditions" means a temperature 15°F. above the lowest recorded temperature in Marion County for prior ten-year period.

Sec. 10-210. "Rooming house" means any building used for living and sleeping in which a person or persons are housed with no individual kitchen facilities provided.

[Gen.Ord. 5-2007 Passed 8/21/07 Effective Date 9/1/07]

Article 3. Responsibilities Of Owners And Occupants.

Sec. 10-301. Owner Responsibilities For Sanitation Maintenance.

- a) An owner may not allow occupancy of a dwelling unless the premises are clean, safe, sanitary and fit for human occupancy.
- b) When a dwelling contains more than two dwelling units, the owner shall:
 - 1) cut and dispose of weeds in a clean and sanitary manner;
 - 2) provide solid waste storage containers for garbage and rubbish generated by occupants; and
 - 3) maintain the common areas in a clean and safe condition and dispose of rubbish, garbage, waste tires, or junk vehicles in a clean, safe and sanitary manner.
- c) When a premises have a vacant building or structure or is a vacant lot, the owner shall:
 - 1) cut and dispose of weeds;
 - 2) maintain the premises in a clean and safe condition; and
 - 3) dispose of rubbish, garbage and junk vehicles.

Sec. 10-302. Occupant Responsibilities For Sanitation Maintenance.

- a) An occupant must keep the dwelling and premises that the occupant controls in clean, safe, and sanitary condition.
- b) An occupant shall keep the premises free from accumulations of rubbish, garbage, waste tires, and junk vehicles.
- c) An occupant shall clean fixtures and facilities on the property and use fixtures and facilities with reasonable care.
- d) An occupant must cut and dispose of weeds on the part of the property controlled by the occupant.
- e) An occupant must dispose of garbage, rubbish, waste tires, and junk vehicles in a clean, safe and sanitary manner when vacating the property.

Sec 10-303.

- a) An owner or occupant may not allow the condition of any property to cause or produce any health or safety hazard.
- b) An owner or occupant shall maintain the interior of a dwelling in a safe manner allowing a person ingress and egress into the dwelling and between rooms of the dwelling.
- c) An owner or occupant may not allow the condition of any property to cause conditions in which rodents, mosquitoes and vectors have food, shelter, or a breeding place.
- d) An owner or occupant shall store usable items in a safe manner at least eighteen (18) inches above the ground.

Sec. 10-307. An owner shall remediate deteriorated lead based paint, dust-lead hazards, paint-lead hazards, and soil-lead hazards.

Sec. 10-309. An owner or occupant may not apply lead-containing paint to any surface in or on any dwelling, rooming house, fence or accessory building or structure.

Sec. 10-310. Except in a camping area designated by another government agency, a person may not occupy for more than fifteen (15) consecutive days a tent, trailer or any other structure designed to be transportable which is not:

- a) affixed to a foundation and
- b) permanently connected to a utility system.

Sec. 10-311. A person may not throw, run, drain, seep, or otherwise dispose into any surface waters or groundwaters, or cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed into such waters, any organic or inorganic matter that would cause or contribute to a polluted condition of such waters unless a permit for such disposal has been obtained.

[Gen.Ord. 5-2007 Passed 8/21/07 Effective Date 9/1/07]

Article 4. Minimum Standards For Basic Equipment, Facilities and Exits.

Sec. 10-400.

No dwelling may be inhabited unless the provisions of this Article are met. Unless otherwise indicated, the property owner is responsible for taking or causing to be taken any action necessary to maintain compliance with the provisions of this Article.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-401.

Every dwelling shall have a room or area in which food may be prepared and cooked equipped with the following:

- a) A kitchen sink in good working condition and properly connected to an approved water supply and sewer system. The sink must provide an adequate amount of water under pressure, both unheated and heated to no more than 120°F.
- b) Cabinets, shelves, counters or tables used for the storage of food, eating, drinking or cooking equipment and utensils shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any harmful effect to food.
- c) The owner shall provide a stove, oven or microwave oven for cooking food and a refrigerator for the safe storage of food at temperatures less than 45° F. unless a lease agreement requires the lessee to provide any or all of these appliances. These appliances shall be properly installed with all necessary connections for safe, sanitary and efficient operation and shall be maintained in good working condition. When the occupant is expected to provide these appliances, adequate space and connections for the safe and efficient installation and operation shall be provided by the owner.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-402. Every dwelling shall have a flush toilet. The toilet shall be:

- a) in good working condition;
- b) equipped with easily cleanable surfaces;
- c) properly connected to an approved water system that provides an adequate amount of running water under pressure to cause the toilet to be operated properly; and
- d) properly connected to an approved sewer system.

[Gen.Ord. 5-2004 Passed 8/24/04 Effective Date 9/1/04]

Sec. 10-403. Every dwelling shall have a lavatory sink.

The lavatory sink may be in the same room as the flush toilet; however, the sink may be located in another room if the sink is located close to the door leading directly from the toilet room. The sink shall be:

- a) in good working condition;
- b) properly connected to an approved water system that provides an adequate amount of water under pressure both unheated and heated to no more than 120°F so that the sink operates properly; and
- c) properly connected to an approved sewer system.
- d) The water inlets shall be located at least one inch above the overflow rim or otherwise designed to prevent cross-connections.

[Gen.Ord. 5-2004 Passed 8/24/04 Effective Date 9/1/04]

Sec. 10-404. Every dwelling shall have a bathtub or shower.

The bathtub or shower shall be:

- a) in good working condition;
- b) properly connected to an approved water system that provides an adequate amount of unheated water and water heated to no more than 120°F under pressure for proper operation of the bathtub or shower; and
- c) properly connected to an approved sewer system.
- d) The water inlets shall be located at least one inch above the overflow rim or otherwise designed to prevent cross-connections.

[Gen.Ord. 5-2004 Passed 8/24/04 Effective Date 9/1/04]

Sec. 10-405.

Plumbing shall be properly installed and maintained in good working condition, free from defects, leaks and obstructions.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-406.

No person shall cause or allow any utility service to be discontinued for any inhabited dwelling except for such temporary interruptions as may be necessary while repairs or replacement is in process or during temporary emergencies when discontinuance of service is approved.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-407.

- a) Structurally sound handrails shall be installed on any stairs containing four or more risers.
- b) Structurally sound protective guard rails or handrails shall be installed on porches, patios and balconies located more than three feet higher than the adjacent area.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-408.

In dwellings occupied by a person other than the owner, the following shall be provided by the owner:

- a) exterior doors shall be equipped with functioning locking devices; and
- b) exterior windows shall be equipped with functioning locking devices. Until September 30, 1997, when the Health Officer determines that a dwelling does not comply with this subsection (b), he shall give thirty days advance notice to an owner prior to initiating an enforcement action.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-409.

Building openings, including windows and doors, shall exclude mosquitoes, flies and other flying insects during times of the year when insect protection is needed.

- a) Screen doors opening directly to the outdoors shall be supplied with properly fitting screens and with a self-closing device.
- b) Windows used for ventilation shall be supplied with screens; however, screens are not required in rooms located high enough above ground level to be free from such insects.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-410.

Every dwelling shall have at least two means of exit leading to safe and open space at ground level. At least one means of exit must have a minimum head room of six feet-six inches.

- a) Every individual unit in a multi-unit dwelling shall have immediate access to at least two approved means of exit with a minimum headroom of six feet-six inches leading to safe and open space at ground level.
- b) Bedrooms located below the fourth floor shall be provided with an exterior door or window of such dimensions as to be used as a means of emergency exit.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-411.

Access to or exit from each individual unit shall be provided without passing through any other individual unit.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Article 5. Minimum Standards For Electrical Service, Light And Ventilation.

Sec. 10-500.

No dwelling may be inhabited unless the provisions of this Article are met. Unless otherwise indicated, the property owner is responsible for taking or causing to be taken any action necessary to maintain compliance with the provisions of this Article.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-501.

At least one outdoor-facing window or skylight shall be installed in every habitable room unless exempted under the building code applicable at the time of construction. If the window or skylight faces a porch or other room or area used seasonally, then adequate daylight must be possible through this inter-connection. The minimum total window or skylight

area for each habitable room is eight percent of the floor area of the room. At least 45 percent of the window or skylight area must be openable for ventilation purposes except when ventilation is provided by another approved means.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-502.

Bathrooms and kitchens shall comply with the light and ventilation requirement for habitable rooms except that no window or skylight shall be required in such rooms if they are equipped with an approved ventilation system in working condition.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-503.

All parts of public halls and stairways in a multi-unit dwelling shall be adequately lighted to at least six footcandles of light at the tread or floor level at all times. Instead of full-time lighting, the lighting of public halls and stairways in dwellings containing one or two dwelling units may be supplied with conveniently located light switches which may be used as needed.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-504.

Heating and cooling facilities must be maintained and operated in accordance with the design capacity of the equipment. Heating or cooling facilities must be operated continuously in the appropriate season when the operation is under the control of a person other than the occupant. During times when the equipment is inoperative because of power or mechanical failure, alternative provisions for fresh air ventilation of each dwelling must be provided. Humidity control facilities, if present, must be maintained and operated in accordance with manufacturer's instructions.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-505.

- a) Each dwelling shall be connected to a source of electrical power in a safe and lawful manner.
- b) Every dwelling shall be supplied with at least one 60-ampere circuit. An individual unit's circuits may not be shared with another unit.
- c) Electrical protection devices must be of the proper ampacity.
- d) Tamper-resistant fuses must be used in fuse panels with oversized Edison base fuses.
- e) Every habitable room shall contain at least two separate wall duplex electric outlets or one such duplex convenience outlet and one supplied wall or ceiling type electric light fixture. No duplex

- outlet shall serve more than two fixtures or appliances. Wiring devices must be compatible with the existing wiring system.
- f) Extension cords or temporary wiring shall not be used as permanent wiring.
 - g) Each non-habitable room, public hall and public stairway shall contain at least one installed electric light fixture.
 - h) All electric light fixtures and outlets in bathrooms shall be installed, maintained and controlled by switches designed to minimize electric shock.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Article 6. Minimum Thermal Standards.

Sec. 10-600.

No dwelling may be inhabited unless the provisions of this Article are met. Unless otherwise indicated, the property owner is responsible for taking or causing to be taken any action necessary to maintain compliance with the provisions of this Article.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-601.

Every dwelling shall have heating equipment and appurtenances which are properly installed, maintained in safe and good working condition and capable of safely and adequately heating all habitable rooms and bathrooms to a temperature of at least 68°F measured at a distance of thirty-six inches above floor level under ordinary winter conditions.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-602.

- a) All heating devices shall be constructed, installed and operated in such a manner to minimize accidental burns.
- b) Non-electric heating devices, including hot water heating units, must be vented to the outside of the structure in an approved manner and must be supplied with adequate combustion air.
- c) Non-electric unvented portable heaters must be supplied with adequate combustion air and may not cause hazardous levels of elevated carbon monoxide or other hazardous combustion by-products inside the dwelling.

- d) Permanently-installed unvented non-electric room heaters must be equipped with oxygen depletion sensors and otherwise comply with state law. These heaters must be supplied with adequate combustion air and may not cause hazardous levels of elevated carbon monoxide or other hazardous combustion by-products inside the dwelling.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Article 7. General Requirements Relating To Maintenance Of Dwellings and Accessory Buildings.

Sec. 10-700.

No dwelling may be inhabited unless the provisions of this Article are met. Unless otherwise indicated, the property owner is responsible for taking or causing to be taken any action necessary to maintain compliance with the provisions of this Article.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-701.

Every bathroom and kitchen floor surface shall be constructed and maintained in a clean and sanitary condition, easily cleanable and reasonably impervious to water. This provision does not prevent the use of carpeting so long as the carpeting is maintained in a clean and sanitary condition.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-702.

Every foundation, roof, floor, exterior and interior wall, ceiling, stair and porch, and their appurtenances, shall be maintained in safe and sound condition capable of supporting reasonably-expected weights. Every stair or step shall have uniform risers and uniform treads.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-703.

Every foundation, roof, exterior wall, door, skylight and window shall be reasonably weather- and water-tight, capable of preventing dampness. These building components must be kept in sound condition and good repair.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-704.

All exterior wood surfaces, other than decay resistant wood, shall be protected from the elements and decay by paint or by other protective covering or treatment. Lead-containing paint may not be applied.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-705.

Stormwater must be properly drained from the roof of a dwelling by either:

- a) gutters, leaders and down-spouts that are maintained in good working condition, or
- b) other provisions for controlled water disposal of roof drainage to an approved drainage system or to the ground surface at least five feet from foundation walls.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-706.

No property may have standing water which causes a public health hazard.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-707.

Accessory structures shall be structurally sound, maintained in good repair and be free of insects, rats, and hazardous materials. The exterior of such structures shall be made weather-resistant through the use of decay-resistant materials or the use of nonlead-containing paint or other preservative material.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-708.

All fences shall be maintained in sound condition and shall not create a harborage for rats.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-709.

Every dwelling and accessory structure and the property on which the structures are located shall be maintained in a rat-free and rat-proof condition in those areas of Marion County which historically have had rat infestations.

- a) All openings in the exterior of a dwelling or accessory structure which have an opening a half-inch or more in diameter shall be rat-proofed in an approved manner if the opening is within forty-eight inches of the exterior ground level, or if the opening may be reached by rats from the ground by burrowing or climbing unguarded pipes, wires, cornices, stairs, roofs, trees or vines.
- b) Exterior doorways and windows or other openings located at or near ground level which might provide an entry for rats shall be supplied with adequate screens or such other devices that will effectively prevent the entrance of rats into the structure.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

- c) All sewers, pipes, drains or conduits and openings around such pipes and conduits shall be constructed to prevent the entrance of rats.
- d) Interior floors of basements, cellars and other areas in contact with the soil shall be rat-proofed in an approved manner.
- e) Approved rat-proofing materials must be used.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Article 8. Density And Space, Use And Location Requirements.

Sec. 10-800.

No dwelling may be inhabited unless the provisions of this Article are met. Unless otherwise indicated, the property owner is responsible for taking or causing to be taken any action necessary to maintain compliance with the provisions of this Article.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-801.

- a) At least one hundred fifty square feet of floor space shall be provided for the first occupant. An additional one hundred square feet of floor space shall be provided for each additional occupant. Floor space is calculated in habitable rooms in which ceiling height is more than five feet.
- b) A room to be used for sleeping shall have at least seventy square feet of floor space for the first occupant. An additional fifty square feet of floor space shall be provided for sleeping area for each additional occupant. Floor space is calculated in habitable rooms in which ceiling height is more than five feet.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-802.

The ceiling height of habitable rooms must be at least seven feet; however, any habitable room under a sloping ceiling must have a ceiling height of at least seven feet in at least one half of the floor area.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-803.

- a) Sole access to any sleeping room or bathroom may not be through another sleeping room. A bathroom or toilet room shall not be used as the only passageway to any habitable room, hall, basement, cellar or exterior.
- b) However, this subsection does not apply to a room adjacent to a bedroom that is intended to be used as a nursery nor will it apply

to a dwelling which was constructed under a building code which at the time of construction allowed these configurations.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-804. No basement may be used as a habitable room unless:

- a) The room meets all requirements in this Code for habitable rooms, and
- b) The floors and walls are impervious to leakage of underground and surface run-off water and are insulated against dampness.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-805. No cellar may be used as a habitable room.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Article 9. Standards For Rooming Houses, Dormitories, Hotels And Motels.

Sec. 10-900.

No rooming house, dormitory, hotel or motel may be inhabited unless the provisions of this Article are met. Unless otherwise indicated, the property owner is responsible for taking or causing to be taken any action necessary to maintain compliance with the provisions of this Article.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-901.

At least one toilet, one lavatory basin and one bathtub or one shower shall be provided for each group of six persons or less. Members of the rooming house or dormitory operator's family shall be included in this count when they share the use of these facilities.

- a) If rooms are let only to males, flush urinals may be substituted for up to one-half the required toilets so long as at least one toilet is provided.
- b) The bathroom facilities must be located to be reasonably accessible from a common hall or passageway for all persons sharing the facilities. The facilities may not be located more than one floor above or below the rooming or dormitory unit served.
- c) If a rooming house or dormitory has only one bathroom, the bathroom may not be located below grade.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-902.

- a) Cooking in dormitory rooms and individual units of rooming houses is prohibited.

- b) Communal cooking and dining facilities in a rooming house or dormitory are prohibited, except when licensed by the Health Officer.
- c) All food service and dining facilities provided in a rooming house or dormitory shall comply with the food service provisions of this Code.
- d) Access doors to individual units of rooming houses and dormitories shall have operating locks to insure privacy.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-903.

The operator of a rooming house or dormitory shall change supplied bed linen and towels prior to letting a room and at least once a week thereafter. The operator shall maintain supplied bedding in a clean and sanitary manner.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-904.

Every individual unit of a rooming house or dormitory shall contain at least eighty square feet of floor space for its first occupant and an additional sixty square feet for each additional occupant of that unit.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-905.

Every rooming unit shall have immediate access to two appropriately marked approved means of exit, each with a minimum head room of six feet-six inches, which lead to safe and open space at ground level.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-906.

Access to or exit from each individual unit of a rooming house or dormitory shall be provided without passing through any other individual unit.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

Sec. 10-907.

- a) This Article applies to hotels and motels. However, when any provision of this Article conflicts with other applicable state or local law, the other state or local law shall apply.
- b) The provisions of this Article may be waived when public health will not be adversely affected.

[Gen.Ord. 14-1996(B) Passed 10/16/96 Effective Date 11/1/96]

**CHAPTER 12
SOLID WASTE**

Article 1. Solid Waste Storage and Disposal.

Sec. 12-101. Open dumps are prohibited in Marion County.

Sec. 12-102. A person may not deposit any garbage, rubbish, junk vehicle or hazardous materials:

- a) upon property owned by another without the approval of the owner of the property; or
- b) in or adjacent to any road, street, alley, or other public place unless it is in proper containers for collection.

Sec. 12-103. An owner or occupant may not store solid waste in a manner as to:

- a) constitute a fire, health, or safety hazard;
- b) provide food or harborage for vectors; or
- c) create a litter problem.

Sec. 12-104. An owner or occupant may not store solid waste outside a solid waste container.

[Gen.Ord. 1-2006 Passed 3/21/06 Effective Date 4/1/06]

CHAPTER 19
MINIMUM STANDARDS FOR NON-RESIDENTIAL PREMISES

Article 1. Interpretation And Enforcement.

The following general provisions shall apply in the interpretation and enforcement of this Chapter:

Sec. 19-101.

The Board finds that the structure, equipment, sanitation, maintenance, use or occupancy of non-residential premises may cause a hazard to the public health and safety. These premises may now exist or may exist in the future. Establishment and enforcement of minimum standards for non-residential premises are required to correct and prevent the existence of these public health and safety hazards.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-102. The purpose of this chapter is to

- a) protect, preserve and promote the physical and mental health of the people,
- b) prevent and control the incidence of communicable diseases,
- c) reduce environmental hazards to human health,
- d) regulate privately- and publicly-owned premises for the purpose of maintaining adequate sanitation and public health,
- e) establish minimum standards for an adequate level of maintenance; and
- f) determine the responsibilities of owners and occupants to maintain minimum standards.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-103.

This chapter applies uniformly to the maintenance, use and occupancy of all non-residential premises, buildings and structures. In addition, this chapter applies uniformly to the alteration, repair, equipment, use, occupancy and maintenance of all nonresidential buildings and structures irrespective of when or under what code or codes the building or structure was originally constructed or rehabilitated.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Article 2. Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance:

Sec. 19-201.

"Lagoon" shall mean a surface impoundment constructed after September 17, 1986 and used or intended to be used for the treatment, storage or disposal of wastewater.

"Lagoon" shall include but not in limitation thereof, wastewater lagoons and ponds and wastewater pits. "Lagoon" shall not mean

- a) a structure, device, or impoundment used solely to separate soil particles or other settleable solids which lack a potential for contaminating groundwater,
- b) a structure used only for recreational, flood control, non-contact cooling, fire protection and/or drinking water supply purposes, or
- c) secondary containment used only for the purpose of control of spills. In the determination of whether a given impoundment receives wastewater, tests of influent, standing water, effluent and sludge may be considered.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-202.

"Monitoring well" shall mean a well drilled to determine the extent to which contaminants from a lagoon threaten the groundwater of other property and/or property 600 feet or more from the waste site in question.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-203.

"Occupant", for purposes of this Chapter only, shall mean any person, having possession of all or part of a premises used for commercial or non-residential purposes.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-204.

"Test well" shall mean a well drilled to determine if a lagoon is losing contaminants to groundwater.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Article 3. General Requirements.

Sec. 19-301. Owner Responsibilities - Sanitation Maintenance.

- a) An owner may not allow occupancy of a premises unless the premises are clean, safe, sanitary and fit for human occupancy.
- b) When a premises contains more than two individual units, the owner shall:
 - (1) cut and dispose of weeds in a clean and sanitary manner; and
 - (2) maintain the common areas in a clean and safe condition and dispose of rubbish, garbage, waste tires, hazardous material, or junk vehicles in a clean, safe and sanitary manner.
- (c) When a premises has a vacant building or structure or is a vacant lot, the owner shall:
 - (1) cut and dispose of weeds;
 - (2) maintain the premises in a clean and safe condition; and
 - (3) dispose of rubbish, garbage, waste tires, hazardous material, and junk vehicles.

Sec. 19-302. Occupant Responsibilities -- Sanitation Maintenance.

- (a) An occupant must keep the premises that the occupant controls in a clean, safe, and sanitary condition. An occupant shall keep the premises free from accumulations of rubbish, garbage, and junk vehicles.
- (b) An occupant shall maintain all fixtures and facilities on the premises in a clean, safe and sanitary condition.
- (c) An occupant must cut and dispose of weeds on the part of the premises controlled by the occupant.
- (d) An occupant must dispose of garbage, rubbish, waste tires, hazardous material, and junk vehicles in a clean, safe and sanitary manner when vacating the premises.

Sec 19-304.

- (a) An owner or occupant may not allow the condition of any inhabited or unoccupied premises to cause or produce any health or safety hazard.
- (b) An owner or occupant may not allow the condition of any inhabited or unoccupied premises to cause or produce conditions in which rodents, mosquitoes, and vectors have food, shelter, or a breeding place.
- (c) An owner or occupant shall store usable items in a safe manner at least eighteen (18) inches above the ground.

Sec. 19-306.

Indoor air contaminants may not present a health and safety hazard.

Sec. 19-307.

A person may not throw, run, drain, seep, or otherwise dispose into any surface waters or groundwaters, or cause, permit, or suffer to be thrown, run, drained, allowed to seep, or otherwise disposed into such waters, any organic or inorganic matter that would cause or contribute to a polluted condition of such waters unless a permit for such disposal has been obtained.

[Gen.Ord. 3-2008 Passed 12/16/08 Effective Date 1/1/09]

Article 4. Maintenance Of Structures And Facilities.

Sec. 19-401.

Any structure and premises which are to be used for non-residential purposes must meet the requirements of this Article. The property owner is responsible for taking or causing to be taken any action necessary to maintain compliance with the provisions of this Article.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-402.

- a) Every foundation, roof, floor, exterior and interior wall, ceiling, and stair, and their appurtenances, shall be maintained in safe and sound condition capable of supporting reasonably-expected loads.
- b) All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint or by other protective covering or treatment.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-403.

Electric service equipment, outlets and fixtures shall be properly installed and maintained in good and safe working condition in accordance with applicable law.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-404.

Accessory structures shall be structurally sound, maintained in good repair and be free of insects and rats.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-405.

Heating, ventilation, air conditioning and other mechanical equipment must be installed, operated and maintained according to manufacturer

instructions and the applicable state law in effect at the time of installation.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-406.

Plumbing shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.

Water supply systems must be safe and approved by the Health Officer.

[Gen.Ord. 5-2004 Passed 8/24/04 Effective Date 9/1/04]

Article 5. Minimum Standards for the Prevention of Communicable Disease Transmission.

Sec. 19-500.

- a) No non-residential premises may be occupied or let for occupancy unless the provisions of this Article are met. The property owner is responsible for taking or causing to be taken any action necessary to maintain compliance with the provisions of this Article.
- b) This Article does not apply to a validly-operating hotel, motel, apartment, apartment complex or condominium.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-501.

No portion of a commercial premises, building or structure, including partitions and supplied facilities and fixtures, shall be so constructed, used or operated to allow the occurrence of high-risk sexual activities which can transmit dangerous communicable disease. No portion of a commercial premises, building or structure including partitions and supplied facilities and fixtures may be designed for or used to promote high-risk sexual activity.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-502.

In exercising powers conferred by this or any other section of The Code relating to communicable disease, the Health Officer shall be guided by the most recent instructions, opinions and guidelines of the Centers for Disease Control (United States Department of Health and Human Services) and any regulations which may be adopted by the Corporation which relate to controlling the spread of infectious diseases.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-503.

For the prevention of the spread of sexually transmitted diseases, no partitions between subdivisions of a room, portion or part of a premises, building or structure may have an aperture which is designed or otherwise constructed to encourage sexual activity between persons on either side of the partition.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-504.

Booths, stalls or partitioned portions of a room, or individual rooms used for the viewing of motion pictures or other forms of entertainment shall have doors, curtains or portal partitions with at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms ; however, such lighting need not be of such intensity as to prevent the viewing of the motion pictures or other offered entertainment.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Article 6. Minimum standards for groundwater protection.

Sec. 19-601.

- a) Before use of a site for salt pile or salt-sand pile storage, written application, plans and specifications shall be submitted for approval by the Health Officer.
- b) Salt and salt-sand storage piles shall either be
 - (1) contained within a permanent structure that excludes natural precipitation and which has an impermeable base or
 - (2) provided with a temporary cover and with a curbed, impermeable base that is drained to an approved sanitary or combined sewer system or to a wastewater treatment facility. The sewer system or wastewater treatment facility must be permitted by the Indiana Department of Environmental Management and approved by the Health Officer.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-602-1.

Lagoons shall be provided with double liners and a leachate collection system with monitoring wells or another installation which provides equivalent protection to public health and safety except when the Health

Officer determines that the contents of the lagoon are not potential groundwater contaminants based on their toxicity, mobility and persistence and on the hydrogeologic conditions at the site . The owner shall provide any data requested by the Health Officer to enable the Health Officer to determine the appropriate installation based on toxicity, mobility and persistence of the potential contaminants plus the hydrogeologic conditions at the site. During the active life of the lagoon, and after the lagoon is closed until three consecutive years of testing indicate that the lagoon poses no threat to groundwater, the owner shall maintain the leachate collection system and shall check regularly, as required by the Health Officer, for the presence of leachate in the system. Whenever leachate depth above the bottom liner exceeds one foot, the owner shall remove, analyze, and properly dispose of the leachate in a manner approved by the Health Officer. Lagoons shall be a minimum distance of 1320 feet from any well used or intended to be used for human drinking or bathing, livestock watering, or agricultural irrigation.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-602-2.

Groundwater test wells required by Sec. 19-602-1 shall be provided along the outer edge of each lagoon at locations and depths approved by the Health Officer after such hydrologic studies as the Health Officer may require. Such wells shall be sampled not less frequently than once every three months throughout the active life of the lagoon, and, after the lagoon is closed, until three consecutive years of testing indicate the lagoon is not leaking in such a manner as to threaten to contaminate groundwater. Tests to be conducted shall be approved by the Health Officer and the results submitted to him within 90 days of the date of sampling. A period of longer than three years for post closure test well studies may be required by the Health Officer, if soil borings and knowledge of the waste indicate a potential for significant contaminant migration. Testing pursued under this section may be discontinued when corrective action has been carried out under this Article.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-602-3.

If at any time it is evident that contamination of groundwater has occurred or is threatened by a lagoon corrective action shall be taken by the lagoon owner so as to abate this condition. Corrective action may consist of any one or more of the following:

- a) Closure of the lagoon
- b) groundwater withdrawal and treatment
- c) installation of monitoring wells and tests that indicate, according to the criteria of this Article, that no contamination of

groundwater leaving the lagoon property or a point of 600 feet from the lagoon (whichever is nearer the lagoon) is occurring or is threatening to occur, or

d) other corrective measures approved by the Health Officer.

Plans for use of any of these measures shall be submitted to the Health Officer for approval prior to implementation. Monitoring wells installed according to (c) of this section shall be sampled and tested as long as the lagoon poses a threat to contaminate the groundwater.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-602-4.

Evidence of non-contamination of groundwater shall meet the following criteria:

- a) No substance in the monitoring wells exceeds the concentration limit set in the National Drinking Water Regulations and revisions.
- b) No single organic compound detected in a monitoring well exceeds a concentration of 10ug/l, and the total of detected organic compounds does not exceed 50ug/l. If substantial scientific evidence exists that the organic compounds found in the sample do not pose a significant human health risk at the concentration found in the samples from the monitoring wells, the concentrations of these compounds are not to be included in the limitations set in this section.
- c) Where it is possible to determine background levels of substances covered in the National Drinking Water Regulations, no significant increase above these levels is detected in a monitoring well downgradient hydrologically from the lagoon.
- d) No significant increase in the concentration of any of the substances referred to in (a) or (b) above has occurred over time during the period of testing.

Notwithstanding the requirements set forth in this section, if it is made evident by the lagoon owner that excess levels noted under items (a) through (d) above, have resulted from natural or off-site conditions, appropriate adjustments shall be made in interpreting the monitoring well results. Other evidence may be substituted for the criteria above at the discretion of the Health Officer, provided it is determined that public health is protected.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-602-5.

Construction of test and monitoring wells and the procedures used in sampling and testing such wells shall be approved by the Health Officer. Where applicable, methods found in 40 CFR 136 shall be followed. All samples shall be analyzed by a laboratory whose results have been

accepted by the Indiana Department of Environmental Management and which uses approved methods for sample analysis.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Sec. 19-602-6.

No lagoon shall be constructed unless the owner first obtains a permit from the Health Officer. The owner must submit an application, plans, specifications and any other information requested by the Health Officer, plus a permit fee of Twenty Dollars.

[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]

Article 7. Minimum Standards for Tattoo and Body Piercing Facilities

Sec. 19-701.

Definitions in 410 IAC 1-5 apply in this article. A facility shall be operated in accordance with this article and 410 IAC 1-5.

Sec. 19-702.

A facility shall have a sink with an approved running water source supplying hot and cold water, soap, and single use towels at each station. The sink shall be separate from the public restroom.

Sec. 19-703.

A facility shall be well-ventilated and provided with an artificial light source equivalent to at least twenty (20) foot candles three (3) feet off the floor, except that at least one hundred (100) foot candles shall be provided at the level where a procedure is performed and equipment is assembled.

Sec. 19-704.

An operator shall keep disinfection and sterilization equipment in a secure area. A new facility shall have a sink in the room where the autoclave or sterilization equipment is kept.

Sec. 19-705.

A facility shall have a sharps container at each station. Needles shall be single-use only. Needles shall be discarded in sharps containers immediately after use.

Sec. 19-706.

A facility shall place single-use disposable barriers on equipment used during a procedure that cannot be sterilized. Barriers shall be discarded immediately after use.

Sec. 19-707.

An operator shall ensure that a tattoo artist and body piercer prepares the skin area before a procedure by cleaning with germicidal soap, rinsing with water, and disinfecting with antiseptic solution. An operator shall ensure a tattoo artist protects the tattooed area after a procedure by applying germicidal solution, antibacterial ointment, and a sterile bandage. An operator shall ensure that a tattoo artist and body piercer gives written and oral care instructions on proper cleansing, side effects, and activity restrictions after a procedure.

Sec. 19-708.

An operator shall have all disinfection and sterilization equipment tested by an approved, independent laboratory on a monthly basis. An operator shall provide test results to the Health Officer on a monthly basis. An operator shall pay a fifty dollar (\$50) fee if the Health Officer does not receive test results by the 21st day of the following month.

Sec. 19-709.

An operator shall maintain at the facility and make available for inspection by the Health Officer patron records including a copy of photo and age identification for two (2) years.

Sec. 19-710.

An operator shall require a tattoo artist and body piercer to show proof of having received the hepatitis B vaccination or proof of having declined said vaccination by signing a waiver. An operator shall maintain at the facility and make available for inspection by the Health Officer dated waste disposal records, proof of purchase for needles, and other single-use equipment.

Sec. 19-711.

License and License Fees

- a) A person may not operate a facility without a license. The operator shall post the license in a conspicuous place at the facility. The license begins September 1 and expires August 31 of the following year. The operator shall renew the license annually.
- b) The license fee shall be three hundred dollars (\$300) annually. The license fee for a facility not open in the previous licensing year, filing after March 1, shall be one hundred and fifty dollars (\$150).
- c) An additional fee of seventy five dollars (\$75) shall be imposed for license renewal fees submitted after September 1.
- d) An additional fee of seventy five dollars (\$75) shall be imposed when a facility is opened without obtaining a license.

- e) A site survey inspection fee of fifty dollars (\$50) shall be paid in advance by a facility not open in the previous licensing year. An additional fee of one hundred dollars (\$100) shall be imposed for each reinspection.
- f) Payment of fees shall be submitted within thirty (30) days of an invoice date.
- g) A temporary or mobile facility shall be prohibited from obtaining a license.
- h) No license issued under this article may be transferred to another person or another location. No refund will be granted for any unexpired period of the license.

Sec. 19-712.

Closure of Tattoo and Body Piercing Facilities.

The Health Officer may close a facility and suspend a license when any of following occur:

- a) Untimely reporting of test results.
- b) Proper hand-washing sink not provided at each station.
- c) Conditions that present an imminent threat to public health or transmission of communicable disease.
- d) Three (3) or more occurrences of the conditions described in this article within a 12-month period.

The Health Officer may post a sign notifying the public that the facility has been closed. It is a violation of this article for any person other than the Health Officer to remove this sign.

[Gen.Ord. 5-2006 Passed 6/20/06 Effective Date 7/1/06]

CHAPTER 21
ENFORCEMENT PROCEDURES AND
ADMINISTRATIVE HEARINGS

Article 1. Applicability.

Sec. 21-101.

This Chapter specifies the procedures applicable to enforcement actions arising from Chapter 7 through Chapter 20 of The Code.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Article 2. Administrative Searches and Notices.

Sec. 21-201. Administrative Searches.

- a) Upon consent of the owner or occupant, the Health Officer, bearing proper identification may enter any property at any reasonable time to inspect, investigate, evaluate, conduct tests, or take specimens or samples for testing as may be reasonably necessary to determine compliance with The Code.
- b) If the Health Officer is denied entry, the Corporation may seek an administrative search warrant from a court authorizing the investigation, evaluation, inspection, testing or taking of specimens or samples for testing.
- c) When a condition poses an imminent and serious threat to an individual's or the public's health and the Health Officer believes that delay could result in greater health risk, the Health Officer may enter the affected property without the consent of the owner or occupant and without an administrative search warrant to inspect, investigate and evaluate the conditions on the property.
- d) The Health Officer may enter any public place to inspect, investigate, evaluate, conduct tests, or take specimens or samples for testing as may be reasonably necessary to determine compliance with The Code.
- e) Consistent with the terms and conditions of a license, the Health Officer may enter a property at any reasonable time to inspect, investigate, evaluate, conduct tests, or take specimens or samples for testing as may be reasonably necessary to determine compliance with The Code and the conditions of the license.

[Gen.Ord. 4-2004 Passed 9/21/04 Effective Date 9/1/04]

Sec. 21-202. Administrative Notices.

Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of or observes a violation of The Code, the Health Officer shall issue an administrative notice of violation to the person responsible.

An administrative notice of violation shall:

- a) Be in writing;
- b) Include a statement of the reasons why it is being issued;
- c) Allow a reasonable time for the performance of any act it requires; and
- d) Be served upon the person or persons responsible or to any known agent of such person by personal delivery, by first class mail to the last known address, by posting a copy in a conspicuous place in or about the building or dwelling affected by the notice, or by any other method authorized or required under the laws of this state.
- e) Contain an outline of remedial action which if taken will effect compliance with The Code.

[Gen.Ord. 4-2004 Passed 9/21/04 Effective Date 9/1/04]

Article 3. License Suspensions and Revocations.

Sec. 21-301. License Suspensions.

- a) The Health Officer may issue an administrative notice of violation to suspend a license for a violation of The Code.
- b) A suspended licensee may, at any time, apply for reinstatement of the license. Within one week after application for reinstatement, the Health Officer shall conduct an inspection. If the Health Officer's inspection indicates compliance with The Code, the license shall be reinstated.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 21-302. License Revocations.

- a) The Corporation may initiate proceedings in a court with jurisdiction to revoke a license for serious or repeated violations of The Code.
- b) A revoked licensee may, sixty days after a revocation order by the Court, apply for a license. Within two weeks after the license application, the Health Officer shall make an inspection. If the Health Officer's inspection indicates compliance with The Code and any court orders, the license shall be issued.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

Article 4. Emergencies.

Sec. 21-401.

When an emergency exists which requires immediate action to protect the public health, the Health Officer may issue an emergency administrative notice of violation reciting the existence of the emergency and requiring that action be taken to abate the emergency.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 21-402.

Upon issuance, an emergency notice of violation immediately becomes a judicially-enforceable final order. Any person subject to an emergency notice of violation shall comply immediately.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

Article 5. Abatement; Recovery of Costs.

Sec. 21-501.

If a condition violating The Code exists on real property, employees or contractors of the Corporation may enter onto that property and take appropriate action to bring the property into compliance with The Code. However, before action to bring compliance may be taken, all persons holding a substantial interest in the property must be given a reasonable opportunity of at least ten (10) days but not more than sixty (60) days to bring the property into compliance.

Sec. 21-502.

If the Corporation takes action to bring compliance, the expenses incurred by the Corporation to bring compliance constitute a lien against the property. The Corporation may issue a bill to the owner of real property for the costs incurred by the Corporation in bringing the property into compliance with The Code, including administrative and removal costs. The Corporation may collect the costs from the owner of the real property in accordance with Indiana Code § 36-1-6-2.

[Gen.Ord. 7-2006 Passed 6/20/06 Effective Date 7/1/06]

Article 6. Penalties; Enforcement.

Sec. 21-601.

Failure to comply with the provisions of The Code constitutes an ordinance violation.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21-602.

- a) Any person found to have committed an ordinance violation may be fined by a court in an amount not to exceed Two Thousand Five Hundred Dollars (\$2500.00) for each offense. Each day a violation remains in existence is a distinct and separate offense.
- b) The Corporation may bring a civil action to enforce an ordinance violation in a court with jurisdiction in accordance with Indiana Code § 36-1-6-4.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

Article 7. Nonexclusivity.

Sec. 21- 701.

Nothing in this Chapter shall impair the ability of The Corporation to seek any other remedies available at law.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Article 8. Administrative Hearings.

Sec. 21- 801.

- a) A person to whom an administrative notice of violation or a bill issued pursuant to Indiana Code § 36-1-6-2 is entitled to an administrative hearing on that matter upon timely demand for a hearing.
- b) If an applicant is refused a license or permit by the Health Officer, the applicant is entitled to an administrative hearing on that matter upon timely demand for a hearing.

[Gen.Ord. 3-2012 Passed 7/24/12 Effective Date 8/1/12]

Sec. 21-802.

- a) The person seeking an administrative hearing must timely demand, in writing, a hearing before the administrative law judge in order to obtain an administrative hearing as a matter of right.
- b) If such persons fail to timely demand an administrative hearing, the Health Officer's notice becomes a final order and may be judicially enforced.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21-803.

A demand for an administrative hearing shall be timely if received by the Corporation within two business days after the receipt of an

administrative notice issued for violations of Chapters 11 and 16, or for administrative notices of violations and bills issued under all other Chapters of The Code, ten business days after the receipt of the administrative notice of violation or bill.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 21- 804.

The Corporation may request an administrative hearing.

[Gen.Ord. 11-2003 Passed 1/12/04 Effective Date 1/1/04]

Sec. 21- 805.

The person to whom an administrative notice is directed and the Corporation shall be parties to the hearing proceedings. The parties may participate in the proceedings in person or by an authorized representative, including legal counsel, at the party's own expense.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 806.

The parties are entitled to file documents or submit written statements or affidavits with the administrative law judge for consideration as evidence.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 807.

All testimony of parties and witnesses shall be made under oath or affirmation.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 808.

The administrative law judge retains the power to control the proceedings for the efficient and orderly disposal of the matter, including, but not limited to, imposing reasonable time limitations.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 809.

The administrative law judge shall regulate the course of the proceedings in an informal manner without recourse to the Indiana Rules of Evidence.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 21- 810.

The administrative law judge shall afford all parties the opportunity to respond, present evidence and argument, conduct cross-examination and submit rebuttal evidence. However, the administrative law judge may exclude evidence or impose conditions on a party necessary to avoid unreasonably burdensome, irrelevant, immaterial or repetitious

presentations by the party and to promote the efficient, orderly, prompt and just disposition of the proceeding.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 811.

Hearsay evidence may form the basis for the administrative law judge's order unless objected to. If such hearsay does not fall into a generally recognized hearsay exception, the hearsay evidence may not form the sole basis for the order.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 812.

The administrative law judge may give nonparties an opportunity to present written or oral statements.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 813. The administrative hearing shall be open to the public. A person may record the administrative hearing with their own equipment.

[Gen.Ord. 3-2012 Passed 7/24/12 Effective Date 8/1/12]

Article 9. Ultimate Authority; Final Order.

Sec. 21- 901.

An administrative law judge shall conduct the proceedings of administrative adjudication and shall issue a final order.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 902.

The administrative law judge shall perform in an impartial manner and shall be disqualified from hearing a matter in which the administrative law judge's ability to do so is affected by bias, prejudice, or personal interest in the outcome of a proceeding.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 21- 903.

The administrative law judge shall not engage in ex parte communications with the parties to a proceeding.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 904.

The administrative law judge may administer oaths and affirmations and rule on any offer of proof or other motion.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 905.

The administrative law judge is the ultimate authority for the Corporation, and the administrative law judge's order disposing of an adjudicative matter is a final order.

[Gen.Ord. 17-1996(A) Passed 11/20/96 Effective Date 11/1/96]

Sec. 21- 906.

The final order for an administrative notice of violation shall contain a statement of the applicable facts and law and whether the administrative notice of violation is affirmed, modified or reversed.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 21- 907.

The final order for a bill issued pursuant to Indiana Code § 36-1-6-2 shall state whether the bill is reduced or affirmed.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

Sec. 21- 908.

The administrative law judge shall issue the final order in writing within fifteen business days of the hearing and send the final order to the parties.

[Gen.Ord. 8-2004 Passed 12/21/04 Effective Date 1/1/05]

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CHAPTER 22 ORDINANCE VIOLATIONS BUREAU

Article 1. Establishment of Ordinance Violations Bureau.

Sec. 22-101.

The Corporation establishes an ordinance violations bureau under Indiana Code § 33-36-2-1.

[Gen.Ord. 3-2004 Passed 8/24/04 Effective Date 9/1/04]

Sec. 22-102.

The Treasurer is designated as the violations clerk.

[Gen.Ord. 3-2004 Passed 8/24/04 Effective Date 9/1/04]

Sec. 22-103.

The Corporation or county clerk may accept payment of civil penalties for ordinance violation citations.

[Gen.Ord. 3-2004 Passed 8/24/04 Effective Date 9/1/04]

Article 2. Right to Trial for Ordinance Violation Citations.

Sec. 22-201.

A person issued an ordinance violation citation is entitled to a trial before a court as provided by law.

[Gen.Ord. 3-2004 Passed 8/24/04 Effective Date 9/1/04]

Sec. 22-202.

If a person issued an ordinance violation citation wants to exercise the right to trial, the person shall enter a written denial with the Corporation.

[Gen.Ord. 3-2004 Passed 8/24/04 Effective Date 9/1/04]

Article 3. Payment of Civil Penalties for Citations.

Sec. 22-301.

Payment of civil penalties for ordinance violation citations may be made by cash, certified or cashier's check, or money order only, made payable to "The Health and Hospital Corporation of Marion County". Payment of civil penalties may be made in person or by mail. Payment by mail shall not be in cash.

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Article 4. Citations.

Sec. 22-401. Schedule of Violations.

- (a) The Health Officer may issue a citation for a violation of Chapters 8, 10, 12, 19, and 20 of The Code. Pursuant to Indiana Code § 33-36-2-3, the maximum civil penalty is two hundred fifty dollars (\$250).
- (b) The Health Officer may issue a citation for a violation of Indiana Code § 16-42-5 and 410 IAC 7 pursuant to Indiana Code § 16-42-5-28(g)(2) and apply the schedule of civil penalties in 410 IAC 7-23.
- (c) The Health Officer may issue a citation for a violation of Chapter 616 of the Revised Code of the City and County and apply the civil penalties in Chapters 103 and 616 of the Revised Code of the City and County.
- (d) The Health Officer may issue a citation for a violation of § 3-3-11 of the Municipal Code of the City of Lawrence and apply the civil penalties in § 3-3-11-10.

[Gen.Ord. 5-2008, Passed 12/16/08, Effective Date 1/1/09]

Sec. 22-402. The citation shall contain:

- a) Date of violation,
- b) Name of responsible person,
- c) Address of violation,
- d) Section number of violation,
- e) Nature of violation,
- f) Civil penalty amount,
- g) Instructions for paying civil penalty,
- h) Notice of right to trial, and
- i) Name and phone number of the Health Officer issuing citation.

Sec. 22-403.

The Corporation may file a civil lawsuit when the person issued a citation fails to pay the civil penalty within ten (10) days.

Sec. 22-404.

The Corporation may, in addition, file a civil action in accordance with Indiana Code § 36-1-6-4 or Indiana Code § 36-7-9.

Sec. 22-405.

In proceedings before a court for ordinance violations, the Corporation has the burden of proving the violation by a preponderance of the evidence.

Sec. 22-406.

A person adjudged to have violated an ordinance shall be liable for court costs. Costs shall not be assessed against the Corporation.

[Gen.Ord. 6-2006 Passed 6/20/06 Effective Date 7/1/06

Indiana Code

IC 16-22-8

HEALTH AND HOSPITAL CORPORATION OF MARION COUNTY

IC 16-22-8-6 Creation; powers

- (a) There is created in a county containing a consolidated city a distinct municipal corporation known as "The Health and Hospital Corporation of _____ County".
- (b) The municipal corporation, in its corporate name, may do the following:
 - (1) Sue and be sued in a court of competent jurisdiction.
 - (2) Enter into contracts.
 - (3) Acquire and dispose of real, personal, and mixed property by deed, purchase, gift, grant, devise, lease, condemnation, or otherwise.
 - (4) Make and adopt appropriate ordinances, regulations, orders, rules, and resolutions.
 - (5) Do all things reasonable or necessary to carry out the work and perform the corporation's duties under this chapter.

As added by P.L.2-1993, SEC.5.

IC 16-22-8-31 Public health division; director; powers; enforcement of orders; petition for isolation or quarantine; venue

- (a) The director of the division of public health has the powers, functions, and duties of a local health officer.
 - (b) Orders, citations, and administrative notices of violation issued by the director of the division of public health, the director's authorized representative, a supervisor in the division, or an environmental health specialist may be enforced by the corporation in a court with jurisdiction by filing a civil action in accordance with IC 16-42-5-28, IC 33-36-3-5(b), IC 34-28-5-1, IC 36-1-6-4, or IC 36-7-9-17.
 - (c) A public health authority may petition a circuit or superior court for an order of isolation or quarantine by filing a civil action in accordance with IC 16-41-9.
 - (d) Unless otherwise provided by law, a change of venue from the county may not be granted for court proceedings initiated under this section.
 - (e) A change of venue from a judge must meet the requirements in IC 34-35-3-3 for court proceedings initiated under this section.
- As added by P.L.2-1993, SEC.5. Amended by P.L.184-2005, SEC.34; P.L.88-2006, SEC.4; P.L.138-2006, SEC.5; P.L.194-2007, SEC.3

IC 32-31-7-5
TENANT OBLIGATIONS

A tenant shall do the following:

- (1) Comply with all obligations imposed primarily on a tenant by applicable provisions of health and housing codes.
- (2) Keep the areas of the rental premises occupied or used by the tenant reasonably clean.
- (3) Use the following in a reasonable manner:
 - (A) Electrical systems.
 - (B) Plumbing.
 - (C) Sanitary systems.
 - (D) Heating, ventilating, and air conditioning systems.
 - (E) Elevators, if provided.
 - (F) Facilities and appliances of the rental premises.
- (4) Refrain from defacing, damaging, destroying, impairing, or removing any part of the rental premises.
- (5) Comply with all reasonable rules and regulations in existence at the time a rental agreement is entered into. A tenant shall also comply with amended rules and regulations as provided in the rental agreement.
- (6) Ensure that each smoke detector installed in the tenant's rental unit remains functional and is not disabled. If the smoke detector is battery operated, the tenant shall replace batteries in the smoke detector as necessary. If the smoke detector is hard wired into the rental unit's electrical system, and the tenant believes that the smoke detector is not functional, the tenant shall provide notice to the landlord under IC 22-11-18-3.5(e)(2). This section may not be construed to limit a landlord's obligations under this chapter or IC 32-31-8.

As added by P.L.92-2002, SEC.1. Amended by P.L.17-2008, SEC.5.

IC 32-31-8-5
LANDLORD OBLIGATIONS

A landlord shall do the following:

- (1) Deliver the rental premises to a tenant in compliance with the rental agreement, and in a safe, clean, and habitable condition.
- (2) Comply with all health and housing codes applicable to the rental premises.
- (3) Make all reasonable efforts to keep common areas of a rental premises in a clean and proper condition.
- (4) Provide and maintain the following items in a rental premises in good and safe working condition, if provided on the premises at the time the rental agreement is entered into:
 - (A) Electrical systems.
 - (B) Plumbing systems sufficient to accommodate a reasonable supply of hot and cold running water at all times.
 - (C) Sanitary systems.
 - (D) Heating, ventilating, and air conditioning systems. A heating system must be sufficient to adequately supply heat at all times.
 - (E) Elevators, if provided.
 - (F) Appliances supplied as an inducement to the rental agreement.

As added by P.L.92-2002, SEC.2

IC 34-28-5-1
BURDEN OF PROOF

- (c) An action to enforce an ordinance shall be brought in the name of the municipal corporation. The municipal corporation need not prove that it or the ordinance is valid unless validity is controverted by affidavit.
- (d) Actions under this chapter (or IC 34-4-32 before its repeal):
 - (1) shall be conducted in accordance with the Indiana Rules of Trial Procedure; and
 - (2) must be brought within two (2) years after the alleged conduct or violation occurred.
- (e) The plaintiff in an action under this chapter must prove the commission of an infraction or ordinance violation by a preponderance of the evidence.

As added by P.L.1-1998, SEC.24. Amended by P.L.98-2000, SEC.12; P.L.98-2004, SEC.123; P.L.176-2005, SEC.24; P.L.200-2005, SEC.1; P.L.101-2009, SEC.17.

IMMUNITY

(a) Except as provided in subsection (d), a person who is not the owner of real property or who is a creditor, and who suspects that the property may be vacant or abandoned, may enter upon the premises of the real property to do the following:

- (1) Without entering any structure located on the real property, visually inspect the real property to determine whether the real property may be vacant or abandoned.
- (2) Perform any of the following actions:
 - (A) Secure the real property.
 - (B) Remove trash or debris from the grounds of the real property.
 - (C) Landscape, maintain, or mow the grounds of the real property.
 - (D) Remove or paint over graffiti on the real property.

(b) A person who:

- (1) enters upon the premises of real property to visually inspect the property, as permitted under subsection (a)(1); and
- (2) after inspecting the real property, determines that the real property may be vacant or abandoned; may notify the appropriate enforcement authority of the suspected vacant or abandoned status of the property and request that the enforcement authority inspect the property to determine whether the property is in fact vacant or abandoned.

(c) A person that enters upon the premises of real property as permitted under this section:

- (1) is immune from civil liability for an act or omission related to the entry or to any action described in subsection (a)(2), unless the act or omission constitutes gross negligence or willful, wanton, or intentional misconduct; and
- (2) shall be held harmless from and against all claims of civil or criminal trespass.

(d) In the case of real property that is subject to a mortgage, the creditor in the mortgage transaction may not enter upon the premises of the real property under subsection (a) if entry is barred by an automatic stay issued by a bankruptcy court.

As added by P.L.170-2011, SEC.15. Amended by P.L.203-2013.

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(a) This section applies when any matter of a civil, statutory, or equitable nature not triable by a jury is pending.(b) The judge before whom the cause is pending shall change the venue upon the application of either party to the cause, made upon a

IC 36-1-6
ENFORCEMENT OF ORDINANCES

IC 36-1-6-2. Clean and Bill.

- (a) If a condition violating an ordinance of a municipal corporation exists on real property, employees or contractors of a municipal corporation may enter onto that property and take appropriate action to bring the property into compliance with the ordinance. However, before action to bring compliance may be taken, all persons holding a substantial interest in the property must be given a reasonable opportunity of at least ten (10) days but not more than sixty (60) days to bring the property into compliance. Continuous enforcement orders (as defined in IC 36-7-9-2) can be enforced and liens may be assessed without the need for additional notice. If the municipal corporation takes action to bring compliance, the expenses incurred by the municipal corporation to bring compliance constitute a lien against the property. The lien attaches when notice of the lien is recorded in the office of the county recorder in which the property is located. The lien is superior to all other liens except liens for taxes, in an amount that does not exceed:
- (1) ten thousand dollars (\$10,000) for real property that:
 - A) contains one (1) or more occupied or unoccupied single or double family dwellings or the appurtenances or additions to those dwellings; or
 - (B) is unimproved; or
 - (2) twenty thousand dollars (\$20,000) for all other real property not described in subdivision (1).
- (b) The municipal corporation may issue a bill to the owner of the real property for the costs incurred by the municipal corporation in bringing the property into compliance with the ordinance, including administrative costs and removal costs.
- (c) A bill issued under subsection (b) is delinquent if the owner of the real property fails to pay the bill within thirty (30) days after the date of the issuance of the bill.
- (d) Whenever a municipal corporation determines it necessary, the officer charged with the collection of fees and penalties for the municipal corporation shall prepare:
- (1) a list of delinquent fees and penalties that are enforceable under this section, including:
 - (A) the name or names of the owner or owners of each lot or parcel of real property on which fees are delinquent;

- (B) a description of the premises, as shown on the records of the county auditor; and
 - (C) the amount of the delinquent fees and the penalty; or
- (2) an instrument for each lot or parcel of real property on which the fees are delinquent.
- (e) The officer shall record a copy of each list or each instrument with the county recorder, who shall charge a fee for recording the list or instrument under the fee schedule established in IC 36-2-7-10.
- (f) The amount of a lien shall be placed on the tax duplicate by the auditor. The total amount, including any accrued interest, shall be collected in the same manner as delinquent taxes are collected and shall be disbursed to the general fund of the municipal corporation.
- (g) A fee is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before conveyance to the subsequent owner. If the property is conveyed before the lien is recorded, the municipal corporation shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty fees for delinquencies, is due not later than fifteen (15) days after the date of the notice. If payment is not received within one hundred eighty (180) days after the date of the notice, the amount due may be considered a bad debt loss.
- (h) The municipal corporation shall release:
 - (1) liens filed with the county recorder after the recorded date of conveyance of the property; and
 - (2) delinquent fees incurred by the seller;upon receipt of a written demand from the purchaser or a representative of the title insurance company or the title insurance company's agent that issued a title insurance policy to the purchaser. The demand must state that the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner and that the purchaser has not been paid by the seller for the delinquent fees.
- (i) The county auditor shall remove the fees, penalties, and service charges that were not recorded before a recorded conveyance to a subsequent owner upon receipt of a copy of the written demand under subsection (h).

As added by Acts 1980, P.L.211, SEC.1. Amended by P.L.50-2002, SEC.1; P.L.144-2003, SEC.1; P.L.177-2003, SEC.2; P.L.131-2005, SEC.5; P.L.88-2006, SEC.7; P.L.194-2007, SEC.8; P.L.88-2009, SEC.5.

IC 36-1-6-4. Civil Actions.

- (a) A municipal corporation may bring a civil action as provided in IC 34-28-5-1 if a person:
- (1) violates an ordinance regulating or prohibiting a condition or use of property; or
 - (2) engages in conduct without a license or permit if an ordinance requires a license or permit to engage in the conduct.
- (b) A court may take any appropriate action in a proceeding under this section, including any of the following actions:
- (1) Issuing an injunction.
 - (2) Entering a judgment.
 - (3) Issuing a continuous enforcement order (as defined in IC 36-7-9-2).
 - (4) Ordering the suspension or revocation of a license.
 - (5) Ordering an inspection.
 - (6) Ordering a property vacated.
 - (7) Ordering a structure demolished.
 - (8) Imposing a penalty not to exceed an amount set forth in IC 36-1-3-8(a)(10).
 - (9) Imposing court costs and fees in accordance with IC 33-37-4-2 and IC 33-37-5.
 - (10) Ordering a defendant to take appropriate action to bring a property into compliance with an ordinance within a specified time.
 - (11) Ordering a municipal corporation to take appropriate action to bring a property into compliance with an ordinance in accordance with IC 36-1-6-2.

As added by Acts 1980, P.L.211, SEC.1. Amended by P.L.194-2007, SEC.9; P.L.88-2009, SEC.6:

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**MARION COUNTY
PUBLIC
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The Code of the Health and Hospital Corporation of Marion County was edited by Greg Ullrich. The code may also be accessed online at: www.hhcorp.org/brd_code.htm.