

GENERAL ORDINANCE NUMBER 85-8, 2007
AN ORDINANCE REGULATING LODGING
IN WABASH COUNTY, INDIANA

SECTION I - SCOPE AND DEFINITIONS.

A. SCOPE.

This ordinance shall be applicable to all lodging establishments, such as hotels, motels, lodging houses and resorts.

B. DEFINITIONS.

For the purpose of this ordinance the following words shall have the following meaning:

"County" shall mean Wabash County.

"Health Authority" shall mean the Wabash County Health Department, its Environmental Health Specialist or other designated agent.

"Hotel" or "Motel" shall mean any building or structure or enclosures, or any part thereof, kept, used as, maintained as, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public and furnishing accommodations for periods of less than one week.

"Lodging House" shall mean every building or structure or any part thereof, kept, used, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished to the public as regular roomers, for periods of one week or more, and having five or more beds to let to the public.

"Boarding House" shall mean every building or structure or enclosure, or any part thereof, used as, maintained as, or advertised as, or held out to be an enclosure where meals or lunches are furnished to five or more regular boarders, whether with or without sleeping accommodations, for periods of one week or more.

"Resort" shall mean any building, structure, or enclosure, or any part thereof, located on, or on property neighboring any lake, stream, or skiing or hunting area for purposes of providing convenient access thereto, kept, used, maintained, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public, and primarily to those seeking recreation, for periods of one day, one week, or longer, and having for rent five or more cottages, rooms, or enclosures.

"Lodging Establishment" shall mean a hotel, lodging house, boarding house, resort or similar facility where sleeping facilities are offered to the public.

"Approved" shall mean acceptable to the Health Authority following its determination as to conformity with established public health practices.

"Clean" shall mean the absence of dirt, grease, rubbish, garbage and other offensive, unsightly or extraneous matter.

"Good Repair" shall mean free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions and similar defects so as to constitute a good and sound condition.

"Usable Floor Space" means all floor space in a sleeping room not occupied by closets, toilet rooms, shower or bathrooms.

SECTION II - SANITATION REQUIREMENTS.

The construction, operation, maintenance and equipment of lodging establishments shall be regulated as follows:

A. **BUILDING.** Every building, structure or enclosure used to provide lodging accommodations for the public shall be kept in good repair, and so maintained as to promote the health, comfort, safety and well being of persons accommodated.

B. **FLOORS.** The floors of all guest rooms, hallways, bathrooms, store rooms, and all other spaces used or traversed by guests shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair. Cleaning of floors shall be done as to minimize the raising of dust and the exposure of guests thereto. The requirements of this section shall not prevent the use of rugs, carpets or natural stone which can be kept clean. Abrasive strips for safety purposes may be used wherever deemed necessary to prevent accidents.

C. **WALLS AND CEILINGS.** The walls and ceilings of all rooms, halls and stairways shall be kept clean and in good repair. Studs, joists or rafters shall not be left exposed except when suitably finished and kept clean.

D. **SCREENING.** When flies, mosquitoes, and other insects are prevalent, all outside doors, windows and other outer openings shall be screened: Provided that such screening shall not be required for rooms deemed by the Health Authority to be located high enough in the upper stories of the building as to be free of such insects, or in such areas where other effective means are provided to prevent their entrance.

E. **LIGHTING AND VENTILATION.** All rooms and areas used by patrons and guests and all other room or spaces in which lighting and ventilation, either natural or artificial, are essential to the efficiency of the business operation shall be well lighted and ventilated.

An area shall be considered well ventilated when excessive heat, odors, fumes, vapors, smoke or condensation is reduced to a negligible level and barely perceptible to the normal senses. During seasons when weather conditions require tempering of make-up air, adequate equipment shall be provided to temper the make-up air. Every gas-fired or oil-fired room heater and water heater shall be vented to the outside.

F. **SPACE.** Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of usable floor space, and every room occupied for sleeping purposes by more than one person shall contain not less than 80 square feet of usable floor space for each occupant thereof. Under no circumstances shall there be provided less than 400 cubic feet of air space per occupant. Beds shall be spaced at least three feet apart when placed side by side. No sleeping quarters shall be provided in any basement having more than half its clear floor to ceiling height below the

average grade of the adjoining ground. When strict compliance here with is impracticable, the Health Authority may waive any of the provisions of this paragraph subject to such conditions as may be deemed desirable in the individual case.

G. **BEDDING AND LINEN.** All beds, bunks, cots, and other sleeping places provided for guests in hotels, motels, resorts and lodging houses shall be supplied with suitable pillow slips and under and top sheets. All bedding including mattresses, quilts, blankets, pillows, sheets, spreads, and all bath linen shall be kept clean. No bedding including mattresses, quilts, blankets, pillows, bed and bath linen, shall be used which are worn out or unfit for further use. Pillow slips, sheets and bath linen after being used by one guest shall be washed before they are used by another guest, a clean set being furnished each succeeding guest. For any guest occupying a guest room for an extended period of time, a fresh set of sheets and pillow slips shall be furnished at least once each week, and at least two clean towels shall be furnished each day, except that the proprietor will not be responsible for the sheets, towels, pillow slips, and bath linen furnished by a guest.

H. **ROOM FURNISHING.** All equipment, fixtures, furniture and furnishings, including windows, draperies, curtains and carpets, shall be kept clean and free of dust, dirt, vermin and other contaminants, and shall be maintained in good order and repair.

I. **TOILETS.** Every hotel, motel and lodging house shall be equipped with adequate and conveniently located water closets for the accommodation of its employees and guests. Supply closets, lavatories and both tubs or showers, shall be available on each floor when not provided in each individual room. Toilet, lavatory and bath facilities shall be provided in the ratio of one toilet and one lavatory for every ten occupants, or fraction thereof, and one bath tub or shower for every twenty occupants, or fraction thereof. Toilet rooms shall be well ventilated by natural or mechanical methods. The doors of all toilet rooms serving the public and employees shall be self-closing. Toilets and bathrooms shall be kept clean and in good repair and shall be well lighted and ventilated. Hand washing signs shall be posted in each toilet room used by employees. Every resort shall be equipped with adequate and convenient toilet facilities for its employees and guests. If privies are provided they shall be separate buildings and shall be constructed, equipped, and maintained in conformity with the standards of the Health Authority and shall be kept clean.

J. **WATER SUPPLY.** A safe adequate supply of water shall be provided. The water supply system shall be located constructed and operated in accordance with the rules of the State of Indiana.

K. **HAND WASHING.** All lavatories for public use or furnished in guest rooms at hotels, motels, lodging houses and resorts shall be supplied with hot and cold running water and with soap. Scullery sinks should not be used as hand-washing sinks.

In the case of separate housekeeping cabins at resorts not supplied with running hot water, equipment shall be provided for heating water in the cabin.

Individual or other approved sanitary towels or warm-air dryers shall be provided at all lavatories for use by employees or the public.

L. **EATING UTENSILS AND DRINKING VESSELS PROVIDED IN GUEST ROOMS.**

1. After each usage, all multi-use eating utensils and drinking vessels shall be thoroughly washed in hot water containing a suitable soap or synthetic detergent, rinsed in clean water, and effectively subjected to a bactericidal process approved by the Health Authority. Approved facili-

ties for manual dishwashing shall consist of a three compartment sink with stacking and drain boards at each end. All mechanical dishwashing machines shall conform to the current standards established by the National Sanitation Foundation.

All dishes, glasses, utensils and equipment after washing and bactericidal treatment shall be permitted to drain and air dry.

2. Single service utensils or vessels as defined In the Wabash County Food Protection Ordinance must be handled in a sanitary manner. Such utensils may not be re-used.

M. Food Service. If food is served at a lodging establishment the food service is subject to all requirements of the Wabash County Food Protection Ordinance.

N. WASTE DISPOSAL. All liquid wastes shall be disposed of in an approved public sewerage system or in a sewerage system which is designed, constructed and operated In accordance with the rules of the Indiana Department of Environmental Management.

Prior to removal all garbage and refuse in storage shall be kept in water-tight, nonabsorbent receptacles which are covered with close-fitting, fly-tight lids. All garbage, trash and refuse shall be removed from the premises frequently to prevent nuisance and unsightly conditions, and shall be disposed of in a sanitary manner. All garbage receptacles shall be kept clean and in good repair.

P. INSECT AND RODENT CONTROL. Every hotel, motel, lodging house and resort shall be so constructed and equipped to prevent the entrance, harboring or breeding of flies, roaches, bedbugs, rats, mice and all other insects and vermin, and specific means necessary for the elimination of such pests such as cleaning, renovation or fumigation shall be used. The Health Authority may order the facility to hire an exterminator licensed by the state to exterminate pests when:

1. The infestation is so extensive that it is unlikely that a non-professional can eradicate the pests effectively, or

2. The extermination method of choice can only be carried out by a licensed exterminator, or

3. Upon reinspection, it is found that an establishment has not been brought into compliance with a prior order to rid the establishment of pests.

Q. PERSONNEL HEALTH AND CLEANLINESS. No person shall resume work after visiting the toilet without thoroughly washing his hands.

Personnel of hotels, motels, lodging houses and resorts may be required to undergo medical examination to determine whether or not they are cases or carriers of a communicable disease.

R. CLEANLINESS OF PREMISES. The premises of all hotels, motels, lodging houses and resorts shall be kept clean and free of litter or rubbish.

S. FIRE PROTECTION. All lodging establishments shall provide suitable fire escapes which shall be kept in good repair and accessible at all time. Hallways shall be marked and exit lights provided; fire extinguishers shall be provided and shall be recharged annually and kept accessible for use. No sleeping quarters shall be maintained in rooms which do not have unobstructed egress to the outside or to a central hall leading to a fire escape. All fire protection measures shall be in accordance with requirements of the State Fire Marshall.

T. SWIMMING POOLS. All swimming pools and other artificial recreational bathing facilities shall be located constructed and operated in conformity with the Indiana State Dept. of Health.

SECTION III - LICENSE REQUIRED.

It shall be unlawful for any person or entity to operate or permit the operation of a lodging establishment, regardless of whether a fee is charged for such use, unless such person or entity holds a valid license issued by the County pursuant to this Ordinance.

Only persons or entities who comply with the requirements of this Ordinance shall be entitled to hold a license hereunder. Licenses shall not be transferable. All licenses obtained for a lodging establishment shall be conspicuously displayed.

License application shall be made on forms furnished by the Department and shall set forth the general nature of the business, the location, and other information as the County may require.

SECTION IV - LICENSE FEES.

Fees for licenses issued hereunder shall be as follows:

Lodgings of 1-10 Rooms	Fifty (\$50.00) Dollars
Lodgings of 11-30 Rooms	One Hundred Twenty-Five (\$125.00) Dollars
Lodgings of 31+ Rooms	Two Hundred (\$200.00) Dollars

SECTION V - LICENSE EXPIRATION AND RENEWAL.

Licenses issued under this ordinance shall expire on December 31st of each year and shall be renewed before January 15th of each succeeding year.

SECTION VI - INSPECTION OF LODGING ESTABLISHMENTS.

The Health Authority shall inspect every lodging establishment as frequently as it may deem necessary to ensure compliance with this ordinance but not less than once each year.

Prior to license approval for a new lodging establishment, or for an establishment not previously licensed by the Wabash County Department of Health, the Department shall inspect the proposed establishment to determine compliance with the requirements of this Ordinance.

The Department shall notify the licensee, or prospective licensee, in writing as to the results of each inspection. The inspection report shall be delivered to the licensee or an authorized agent in person or by mail. A copy of the inspection report shall be filed with the records of the Department and the Licensee shall maintain a copy for at least three (3) years of the date of the last inspection.

A licensee who receives a report describing an ordinance violation shall correct such violation in a reasonable length of time as determined by the Department. The length of time for the correction or removal of each such violation shall be noted on the inspection report.

SECTION VII - CONSTRUCTION PLAN REVIEW.

Plans for construction, remodeling or alteration of a lodging facility shall be filed by the owner in

the Office of the Health Authority. The lodging facility shall be constructed and finished according to approved plans. During construction, the Health Authority shall inspect the lodging facility as frequently as it may deem necessary to ensure that construction conforms to approved plans. The Health Authority shall conduct a final inspection prior to the start of the operations and issuance of a license.

The Department shall review all such plans within 30 days after submission of same to the Department. The Department shall notify the applicant, in writing, of the results of the review.

A review fee, as established by resolution the County Board of Health, shall be submitted at the time construction plans are submitted.

SECTION VIII - REGISTRATION OF GUESTS.

Any person other entity that operates a lodging establishment, as defined in this ordinance, shall keep a register wherein the name and home address of guests are listed. Such registration records shall be open to inspection by any law enforcement officer.

SECTION IX - ENFORCEMENT.

A person who violates any provision of this ordinance may be fined not more than one thousand dollars (\$1,000). Each day that a violation continues may be deemed a separate offense.

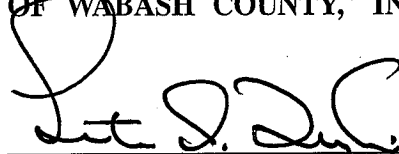
In the event of a violation, or threatened violation, of this ordinance, the Board of Health may take appropriate action, at law or in equity. A person who violates any provision of this Ordinance shall be liable to the Wabash County Health Department for all expense occasioned by such violation, including reasonable attorney's fees and court costs. The remedies provided in this section shall be cumulative and in addition to any other remedy provided by law.


Any license issued in conflict with the provisions of this ordinance shall be void.

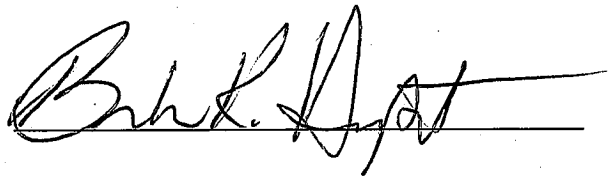
The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part hereof.

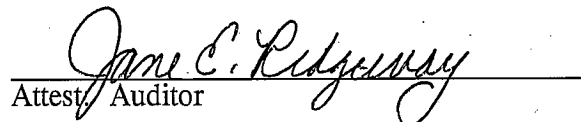
Dated this 4th day of September, 2007.

THE BOARD OF COMMISSIONERS
OF WABASH COUNTY, INDIANA








Attest Auditor