

BOONE COUNTY HOUSING & ENVIRONMENTAL ORDINANCE

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Boone County Housing Ordinance

ARTICLE 1: Interpretation and Enforcement

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

- Par. 101 **LEGISLATIVE FINDING:** It is hereby found that there exist and may in the future exist, within Boone County, Indiana, premises, dwellings, dwelling units, rooming units, or part thereof, which by reason of their structure, equipment, sanitation, maintenance, use, or occupancy affect or are likely to affect adversely the public health (including the physical, mental, and social well-being of persons and families), safety, and general welfare. To correct and prevent the existence of such adverse conditions, and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety, and general welfare, it is further found that the establishment and enforcement of minimum housing standards are required.
- Par. 102 **PURPOSES:** It is hereby declared that the purpose of this ordinance is to protect, preserve, and promote the physical and mental health and social well-being of the people, to prevent and control the incidence of communicable diseases, to reduce environmental hazards to health, to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and to promote the general welfare by legislation which shall be applicable to all dwelling now in existence or hereafter constructed. It is hereby further declared that the purpose of this ordinance is to insure that the quality of housing is adequate for protection of public health, safety and general welfare, including: establishment of minimum standards for basic equipment and facilities for light, ventilation, and thermal conditions, for safety from fire and accidents, for the use and location and amount of space for human occupancy, and for an adequate level of maintenance; determination of the responsibilities of owners, operators and occupants of dwellings; and provision for the administration and enforcement thereof.
- Par. 103 **SCOPE:** The provisions of this ordinance shall apply uniformly to the construction, maintenance, use and occupancy of all residential building and structures where applicable, and shall apply uniformly to the alteration, equipment, use occupancy and maintenance of all existing residential buildings and structures, within the jurisdiction of Boone County, Indiana irrespective of when or under what code or codes such buildings or structures were originally constructed or rehabilitated.
- Par. 104 **TITLE:** This ordinance shall be known and may be cited as the Housing and Environmental Standards Ordinance of Boone County, Indiana hereinafter referred to as “this ordinance.”

ARTICLE 2: Definitions

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

- Par. 201 **ACCESSORY BUILDING OR STRUCTURE** shall mean detached building or structure in a secondary or subordinate capacity from the main or principal building or structure on the same premises.
- Par. 202 **APPROVED** shall mean approved by the local or state authority, having such administrative authority.
- Par. 203 **ASHES** shall mean the residue from the burning of combustible materials.
- Par. 204 **ATTIC** shall mean any story situated wholly or partly within the roof, and so designed, arranged or built as to be used for business, storage, or habitation.
- Par. 205 **BASEMENT** shall mean a portion of the building located partly underground, but having not more than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- Par. 206 **BUILDING** shall mean a fixed construction with walls, foundation and roof, such as a house, factory, garage, etc.
- Par. 207 **BULK CONTAINER** shall mean any garbage, rubbish, and/or refuse container having a capacity of two (2) cubic yards or greater and which is equipped with fittings for hydraulic and/or mechanical emptying, unloading and/or removal.
- Par. 208 **CELLAR** shall mean a portion of a building located partly or wholly underground, and having more than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- Par. 209 **CENTRAL HEATING SYSTEM** shall mean a single system supplying heat to one (1) or more dwelling unit(s) or more than one (1) rooming unit
- Par. 210 **CHIMNEY** shall mean a vertical masonry shaft of reinforced concrete, or other approved noncombustible, heat-resisting material enclosing one (1) or more flues, for the purpose of removing products of combustion from solid, liquid or gaseous fuel.
- Par. 211 **DILAPIDATED** shall mean a decayed or deteriorated state which shall render the structure inadequate for the purpose or use for which it was originally intended.
- Par. 212 **DORMITORY** shall mean a building or any part thereof used for institutional living and sleeping purposes by four (4) or more persons
- Par. 213 **DWELLING** shall mean any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking and eating: provided that temporary housing as hereinafter defined shall not be classified as a dwelling. Industrialized housing and modular construction which conform to nationally accepted industry standards and used or intended for use for living, sleeping, cooking and eating purpose shall be classified as dwellings. A Mobile home, as hereinafter defined, shall be classified as a dwelling.
- Par. 214 **DWELLING UNIT** shall mean a room or group of rooms located within a dwelling forming a single habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating purposes.
- Par. 215 **EGRESS** shall mean an arrangement of exit facilities to assure a safe means of exit from buildings.

- Par. 216 EXTERMINATION shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible, materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the Health Officer.
- Par. 217 FLUSH WATER CLOSET shall mean a toilet bowl which is flushed with water which has been supplied under pressure and equipped with a water sealed trap above the floor level.
- Par. 218 GARBAGE shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food and waste as a result of unconsumed food.
- Par. 219 GRADE shall mean the finished ground level.
- Par. 220 HABITABLE ROOM shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purpose, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than fifty (50) square feet of floor space, foyers, or connecting corridors, stairways, closets, storage spaces, and workshops, hobby and recreation areas.
- Par. 221 HEALTH OFFICER shall mean the Boone County Public Health Officer or his authorized representative.
- Par. 222 HEATED WATER shall mean water heated to a temperature of not less than 120 degrees Fahrenheit at the outlet.
- Par. 223 HEATING DEVICE shall mean all furnaces, unit heaters, domestic incinerators, cooking and heating stoves and ranges, and other similar devices.
- Par. 224 INFESTATION shall mean the presence within or around a dwelling of any insects, rodents, or other pests.
- Par. 225 JUNK VEHICLE shall mean any vehicle which is no longer operable or which does not display a current license.
- Par. 226 LEAD-BASED PAINT shall mean any paint containing more lead than the level established by the U.S. Consumer Product Safety Commission as being the "safe" level of lead in residential paint and paint products.
- Par. 227 MEANING OF CERTAIN WORDS whenever the words "dwelling", "dwelling unit", "rooming units", "premises", "structure" are used in the Ordinance they shall be construed as though they were followed by the words "or any part thereof". Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.
- Par. 228 MOBILE HOME shall mean any vehicle which is constructed to permit its being used as a conveyance, either self-propelled or non-self-propelled, upon the public streets and highways, and which is designed and constructed to permit its occupancy as a dwelling or sleeping place for one or more persons and which has no foundation other than wheels, jacks, skirting, or other temporary support.
- Par. 229 MULTIPLE DWELLING shall mean any dwelling containing more than two (2) dwelling units.
- Par. 230 OCCUPANT shall mean any individual, over one (1) year of age, living, sleeping, cooking, or eating in or having possession of a dwelling unit or rooming unit.
- Par. 231 OPERATOR shall mean any person who has charge, care, control, or management of building, or part thereof, in which dwelling units or rooming units are let.

- Par. 232 ORDINARY SUMMER CONDITIONS shall mean a temperature ten (10) degrees Fahrenheit below the highest recorded temperature in Boone County for the prior ten (10) year period.
- Par. 233 ORDINARY WINTER CONDITIONS shall mean a temperature fifteen (15) degrees Fahrenheit above the lowest recorded temperature in Boone County for the prior ten (1) year period.
- Par. 234 OWNER shall mean any one or more of the following:
1. The owner or owners in fee simple or parcel of real estate including the life tenant or tenants if any; or
 2. The record owner or owners as reflected by the Boone County Recorder's Office; or
 3. The purchaser or purchasers of such real estate under any contract for the conditional sale thereof; or
 4. The person or persons in control of the property as executor, executrix, trustee, receiver, or guardian or the owner.
 5. Any person acting as agent or property manager, for the owner shall not be construed to be an owner within the terms of this ordinance, but shall be bound to notify the owner, by means of a registered letter addressed to the owner at his last known address, of any order or notice issued by Health Officer relating to the property of the owner.
- Par. 235 PERMISSIBLE OCCUPANCY shall mean the maximum number of individuals permitted to reside in a dwelling unit, rooming unit or dormitory.
- Par. 236 PERSON shall mean and include any individual, firm, corporation, association, partnership, cooperative or governmental agency.
- Par. 237 PLUMBING shall mean and include all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closet, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, vents, and any other similar supplied fixtures, and the installation thereof, together with all connections to water, sewer, or gas line.
- Par. 238 PREMISES shall mean a platted lot or part thereof or a lot not yet platted or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure, and includes any such building, accessory structure, adjoining alley easement, or drainage way.
- Par. 239 PRIVACY shall mean the existence of conditions which will permit an individual or individuals to carry out an activity commenced without interruption or interference, either by sight or sound by unwanted individuals.
- Par. 240 PROPERLY CONNECTED shall mean connected in accordance with all applicable codes and ordinances of Boone County or the State of Indiana.
- Par. 241 RAT HARBORAGE shall mean any conditions or place where rats can live, nest, or seek shelter.

- Par. 242 RATPROOFING shall mean a form of construction which will prevent the ingress or egress of rats to or from a given space or building, or from gaining access to food, water, or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rats by climbing, burrowing or other methods, by the use of materials impervious to rat gnawing and other methods approved by the Health Officer.
- Par. 243 REFUSE shall mean all putrescible and imputrescible solids including garbage, rubbish, ashes and dead animals.
- Par. 244 REFUSE CONTAINER shall mean a watertight container that is constructed of metal, or other durable material impervious to rodents, and is capable of being serviced without creating unsanitary conditions; or such other containers as have been approved by the Health Officer. Openings into the container such as covers and doors shall be tight fitting.
- Par. 245 ROOMING HOUSE shall mean any dwelling or that part of any dwelling, containing one (1) or more rooming units, and/or one (1) or more dormitory rooms and in which persons either individually or as families are housed with or without meals being provided.
- Par. 246 ROOMING UNITS shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes.
- Par. 247 RUBBISH shall mean imputrescible solid wastes containing either:
- a) combustible wastes such as paper, cardboard, plastic containers, yard clippings, and wood; or
 - b) incombustible wastes such as tin cans, glass and crockery.
- Par. 248 SAFETY shall mean the condition of being reasonably free from danger and hazards which may cause accidents or disease.
- Par. 249 SPACE HEATER shall mean a self-contained heating appliance of either the convection type or the radiant type and intended primarily to heat only a limited space or area such as one room or two adjoining rooms.
- Par. 250 SUPPLIED shall mean paid for, furnished by, provided by, or under the control of the owner, operator, or agent.
- Par. 251 TEMPORARY HOUSING shall mean any tent, trailer, or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.
- Par. 252 TOXIC SUBSTANCE shall mean any chemical product applied on the surface of or incorporated into any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels.
- Par. 253 WEEDS shall mean vegetation which has attained a height of twelve (12) inches or more and which constitutes a potential rat harborage or any other health or safety hazards.
- Par. 254 UNDEFINED WORDS not specifically defined in this ordinance shall have the common definition set forth in a standard dictionary.

ARTICLE 3: Responsibilities of the Owners and Occupants

- Par. 301 No owner or other person shall occupy or let to another person any dwelling or dwelling unit unless it and the premises are clean, sanitary and fit for human occupancy.
- Par. 302 Every owner of a dwelling containing three or more dwelling units shall maintain in a clean and sanitary condition, the shared or public area of the dwelling and premises thereof.
- Par. 303 Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.
- Par. 304 Every occupant of a dwelling or dwelling unit shall store and dispose of all his rubbish in a clean, sanitary and safe manner.
- Par. 305 Every occupant of a dwelling or dwelling unit shall store and dispose of all his garbage,, refuse, and any other organic waste which might provide food for insects and/or rodents in a clean, sanitary, safe manner. All garbage cans and refuse containers shall be rat-proof, insect-proof, water tight, structurally strong with tight-fitting covers or similar closures; and shall be maintained at all times in a clean sanitary conditions.
- Par. 306 The total capacity of all provided garbage and/or refuse cans and bulk storage containers shall be sufficient to meet the needs of the occupants of the dwelling.
- Par. 307 Every owners of a dwelling containing three (3) or more dwelling units shall supply facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of single or two (2) family dwelling it shall be the responsibility of each occupant to furnish such facilities or refuse containers.
- Par. 308 The owners of a dwelling unit shall be responsible for providing and hanging all screens whenever the same are required under the provisions of this ordinance or any or rule or regulation adopted pursuant thereto. Maintenance or replacement of screens once installed in any one (1) season becomes the responsibility of the occupant. The occupant's responsibility shall be exclusive to his or her dwelling unit.
- Par. 309 Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects, and/or rats, on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding, the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain dwelling in a rat proof or reasonably insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner.
- Par. 310 No building, vehicle, structure, receptacle, yard, lot, premises, or part thereof, shall be construed, made, used, maintained, or operated in any manner causing or producing any health or safety hazard, or permitted to become a rat harborage or to become conducive to rat harborage.
- Par. 311 No building, vehicle, structure, receptacle, yard, lot, premises, or part thereof, shall be construed, made, used, maintained, or operated in any manner causing or producing any health or safety hazard, or permitted to become a mosquito harborage or to become conducive to mosquito harborage.

- Par. 312 No occupant of a dwelling or dwelling unit shall accumulate rubbish, boxes, lumber, scrap metal, junk vehicles, or any other materials in such a manner that may provide a rat harborage in or about any dwelling, dwelling unit, or its premises. Usable stored materials shall be stacked neatly and elevated at least eighteen (18) inches above the ground or floor.
- Par. 313 No owner of a dwelling containing three (3) or more dwelling units shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal, junk vehicles, or any other materials in such a manner that may provide a rat harborage in or about the shared or public areas of a dwelling or its premises. Materials stored by the owner or permitted to be stored by the owner shall be stacked neatly and elevated at least eighteen (18) inches above the ground or floor.
- Par. 314 No owner or occupant of a dwelling or dwelling unit shall store, place, or allow to accumulate any materials which may serve as food for rats in a site accessible to rats.
- Par. 315 Every owner of a dwelling containing three (3) or more dwelling units shall be responsible for cutting and removing all weeds on the premises. In the case of single or two (2) family dwelling it shall be the responsibility of each occupant to cut and remove all weeds on the premises.
- Par. 316 Every occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean, sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- Par. 317 It shall be unlawful for any occupant of any dwelling unit, building or structure of any kind whatsoever, to vacate said premises without his causing to be removed therefrom and properly disposed of, all garbage or rubbish or other objectionable waste of any kind.
- Par. 318 Every owner of a premises which does not include a vacant structure shall maintain the premises in a safe and sanitary condition and shall remove therefrom, and properly dispose of, all garbage, rubbish, and weeds.
- Par. 319 Every owner of a premises which does not include a structure shall maintain the premises in a safe and sanitary condition and shall remove therefrom, and properly dispose of, all garbage, rubbish, and weeds.
- Par. 320 No person shall deposit or place any refuse or other hazardous materials in or adjacent to any road, street, alley, or other public place unless it is in proper containers for collection.
- Par. 321 No person shall deposit or place any refuse, junk vehicles, or other hazardous materials upon property owned by another without the approval of the owner of such property.
- Par. 322 In every dwelling unit and/or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least sixty-eight (68) degrees Fahrenheit shall be maintained in all habitable rooms, bathroom, and water closet compartments at a distance of thirty six (36) inches above the floor level.
- Par. 323 Every owner of a dwelling or dwelling unit shall provide and maintain the dwelling or dwelling unit, free from hazards to health due to the presence of toxic substance, e.g. lead-based paint, as determined by the Health Officer.
- Par. 324 No owner or occupant shall apply a lead based-paint to any surface in any dwelling, dwelling unit, rooming house and/or rooming unit.
- Par. 325 If, upon reinspection, the Health Officer or his designee determines that abatement has not occurred so that the environmental public nuisance continues to constitute a menace to the health and safety of the people of Boone County, then Health Officer or his designee may enter upon the premises and abate the offending condition.

- Par. 326 Any person who has been issued and received notice of an order concerning code violations, substandard or hazardous health conditions on or about real property subject to jurisdiction of health and housing standards herein, pursuant to this chapter, shall:
- (a) disclose the order from Boone County Department of Public Health to any person who may take or agrees to take a substantial property interest in the property which is the subject of the order or orders written on the conditions of subject property. This information shall be supplied to any prospective transferee prior to the effective date of any transfer or agreement to transfer a substantial property interest in the subject property;
 - (b) supply the following information to The Boone County Public Health Department within five (5) calendar days after there is any transfer or transfer agreement to transfer a substantial property interest in the subject property:
 - (1) The full name, address and telephone number of the person taking a substantial interest in the subject property and
 - (2) A true and exact copy of the legal instrument under which the transfer or agreement to transfer the substantial property interest in accomplished.

ARTICLE 4: Minimum Standards for Basic Equipment and Facilities.

No person shall occupy as owner, occupant, or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

- Par. 401 Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked, which shall be equipped with the following:
- (a) A Kitchen sink in good working condition and properly connected to water supply system which is approved by the Health Officer and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system approved by the Health Officer.
 - (b) Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not under ordinary summer conditions require refrigeration for safe keeping; and a counter or table for food preparation; said cabinets and/or shelves and counter or table shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or harmful effects to food.
 - (c) A stove, or similar device, for cooking food; and a refrigerator, or similar device, for the safe storage of food at temperature less than forty-five (45) degrees Fahrenheit but more than thirty-two (32) degrees Fahrenheit under ordinary summer conditions. Both the stove and refrigerator, or similar devices, shall be properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove, refrigerator and/or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of said stove, refrigerator and/or similar devices are provided.
- Par. 402 Within every dwelling unit there shall be a non-habitable room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition. Said flush water closet shall be connected to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and shall be properly connected to a sewer system which is approved by the Health Officer.

- Par. 403 Within every dwelling unit there shall be a lavatory sink. Said Lavatory sink may be in the same room as the flush water closet, or, if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the Health Officer and which provides at all times an adequate amount of heated and unheated running water under pressure and which is properly connected to a sewer system approved by the Health Officer. Water inlets for lavatory sinks shall be located above the overflow rim of these facilities.
- Par. 404 Within every dwelling unit there shall be a room which affords privacy to a person within said room and which equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same rooms as the flush water closet or in another room and shall be properly connected to a water supply system which is approved by the Health Officer and which provides at all times, an adequate amount of heated and unheated water under pressure, and which is connected to a sewer system approved by the Health Officer. Water inlets for bathtubs shall be located above the overflow rim of these facilities.
- Par. 405 Where sewer facilities are not available within one hundred (100) feet of the lot upon which a dwelling unit is located, a private sewage disposal system shall be required. It shall be of a sanitary type construction approved by the Health Officer
- Par. 406 Every dwelling unit shall have at least two (2) means of egress leading to safe and open space at ground level. At least one means of egress must have minimum headroom of six feet-six inches. Every dwelling unit in a multiple dwelling shall have immediate access to two (2) or more approved means of egress with a minimum headroom of six feet-six inches leading to safe and open space at ground level, or as required by the laws of the State of Indiana. Bedrooms located below the fourth (4th) floor shall be provided with an exterior door or window of such dimensions as to be used as a means of emergency egress.
- Par. 407 Access to or egress from each dwelling unit shall be provided without passing through any other dwelling unit.
- Par. 408 Structurally sound hand rails shall be provided on any steps, containing four risers or more. Porches, patios, and/or balconies located more than three (3) feet higher than the adjacent area shall have structurally sound protective guard rails or hand rails.
- Par. 409 No person shall let to another for occupancy any dwelling or dwelling unit unless exterior doors of the dwelling or dwelling unit are equipped with functioning locking devices.

ARTICLE 5: Minimum Standards for Light and Ventilation.

No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- Par. 501 Every habitable room shall have at least one (1) window or skylight facing outdoors provided that if connected to a room or area used seasonally (e.g. porch) then adequate daylight must be possible through this inter-connection. The minimum total window or skylight area, measured between stops, for every habitable room shall be at least ten (10) percent of the floor area of such room but if light-obstruction structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area.

Par. 502 Every habitable room shall have at least one (1) window or skylight facing directly outdoors which can be opened easily, or such other device as will ventilate the room adequately, provided that is connected to a room or area used seasonally then adequate ventilation must be possible through this inter-connection. The total of openable window or skylight area in every habitable room shall be equal to at least forty-five (45) percent of the minimum window area size or minimum skylight type window size, as required in section 10-501 of this ordinance, except where there is supplied some other device affording adequate ventilation and approved by the Health Officer.

- (a) When facilities for interior climate control (heating, cooling, and/or humidity) are integral functions of structures containing dwelling units or rooming units, such facilities shall be maintained and operated in a continuous manner and in accordance with the designed capacity of the installed equipment. During instances when the integral equipment is inoperative because of power or mechanical failure, alternative provisions for fresh air ventilation of each dwelling or rooming unit shall be provided.

Par. 503 Every bathroom and water closet compartment, and non-habitable room used for food preparation, shall comply with the light and ventilation requirement for habitable rooms contained in this ordinance, except that no window or skylight shall be required in such rooms if they are equipped with a ventilation system in working condition, which is approved by the Health Officer.

Par. 504 Where there is usable electric service readily available from power lines which are not more than three hundred (300) feet away from a dwelling, every dwelling unit and all public and common areas shall be supplied with electric services, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to a source of electric power in a manner prescribed by the ordinances, rules and regulations of Boone County or the rules and regulations of the city or town in which the dwelling unit is located. The minimum capacity of such services and the minimum number of outlets and fixtures shall be as follows:

- (a) Every dwelling unit shall be supplied with at least one (1) fifteen (15) ampere circuit and such circuit shall not be shared with another dwelling unit.
- (b) Every habitable room shall contain at least two (2) separate wall type duplex electric convenience outlets or one duplex convenience outlet and one supplied wall or ceiling type fixtures. No duplex outlet shall serve more than two fixtures or appliances.
- (c) Temporary wiring or extension cords shall not be used as permanent wiring.
- (d) Every Non-habitable room, including water closet compartments, bathrooms, laundry rooms, furnace rooms, and public halls shall contain at least one (1) supplied ceiling or wall-type electric light fixture
- (e) All electric lights and outlets in bathrooms shall be controlled by switches which are of such design as shall minimize the danger of electric shock and such lights and outlets shall be installed and maintained so as to minimize the danger of electric shock.
- (f) Every public hall and stairway in every multiple dwelling shall be adequately lighted by natural or artificial light at all times, so as to provide in all parts thereof at least six (6) footcandles of light at the tread or floor level. Every public hall and stairway in structures containing not more than two (2) dwelling units may be supplied with conveniently located light switches controlling and adequate lighting system which may be turned when needed instead of full-time lighting.

ARTICLE 6: Minimum Thermal Standards

No person shall occupy as owner, occupant or let to another for occupancy any dwelling unit for the purpose of living therein, which does not comply with the following requirements:

- Par. 601 Every dwelling shall have heating equipment and appurtenances which are properly installed, and are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least sixty-eight (68) degrees Fahrenheit at a distance of thirty-six (36) inches above floor level under ordinary winter conditions.
- Par. 602 No owner or occupant shall install, operate or use a heating device, including hot water units, which employs the combustion of carbonaceous fuel, which is not vented to the outside of the structure in an approved manner, and which is not supplied with sufficient air to support continuously the combustion of fuel. All heating devices shall be constructed, installed, and operated in such a manner as to minimize accidental burns.

ARTICLE 7: General Requirements Relating to the Safe and Sanitary Maintenance of Parts of Dwelling Units and Premises Thereof:

No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- Par. 701 Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch, and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair. Every inside and outside stair or step shall have uniform risers and uniform treads.
- Par. 702 Every foundation, roof, and exterior wall, door, skylight and window shall be reasonably weather-tight, water-tight and damp-free, and shall be kept in sound condition and good repair. Floors, interior walls and ceilings shall be sound and in good repair. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by paint which is not lead-based paint or by other protective covering or treatment. Walls shall be capable of affording privacy for the occupants.
- Par. 703 Every premises shall be graded, drained, free of standing water, and maintained in clean, sanitary and safe condition.
- Par. 704 Unless other provisions are made, gutters, leaders and down-spouts shall be provided and maintained in good working condition so as to provide proper drainage of storm water.
- Par. 705 Every window, exterior door and hatchway or similar device shall be constructed to exclude insects during that portion of the year when there is a need for protection against mosquitoes, flies and flying insects.
- (a) Every doorway used for ventilation and opening directly from a dwelling unit to outside space shall have supplied properly fitting screens with a self-closing device.
- (b) Every window or other device with opening to outdoor space, used for ventilation, shall be supplied with screens: except that such screens shall not be required (a) in rooms deemed by the Health Officer to be located high enough as to be free from such insects, and/or (b) in rooms located in areas of Boone County which are deemed by the Health Officer to have so few insects as to render screens unnecessary.

- Par. 706 Every dwelling, multiple dwelling, rooming house or accessory structure and the premises on which located shall be maintained in a rat-free and rat-proof condition.
- (a) All openings in the exterior walls, foundations, basements, ground and first floors and roofs which have a half-inch diameter or more opening shall be rat-proofed in an approved manner if they are within forty-eight (48) inches of the existing exterior ground level immediately below such openings, or if they may be reached by rats from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs, and other items such as trees or vines or by burrowing.
 - (b) All windows located at or near ground level used or intended to be used for ventilation, all other openings located at or near ground, level and all exterior doorways which might provide an entry for rats, shall be supplied with adequate screens or such other devices as will effectively prevent the entrance of rats into the structure.
 - (c) All sewers, pipes, drains or conduits and openings around such pipes and conduits shall be constructed to prevent the ingress or egress of rats to or from a building.
 - (d) Interior floors basements, cellars and other areas in contact with the soil shall be rat-proofed in a manner approved by the Health Officer.
 - (e) Any materials used for rat-proofing shall be acceptable to the Health Officer.
- Par. 707 All fences shall be maintained in good condition and shall not create a harborage for rats. Wood materials shall be protected against decay by use of paint which is not lead-base paint or by other preservative materials.
- Par. 708 Accessory structures present or provided by the owner, agent, or occupant on the premises of a dwelling shall be structurally sound, and be maintained in good repair and free of insects and rats. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials or the use of lead-free paint or other preservatives.
- Par. 709 Every plumbing fixture and all water and waste pipes shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions.
- Par. 711 Every plumbing fixture and pipe, every chimney, flue, and smoke pipe, and every other facility, piece of equipment, or utility which is present in a dwelling unit, or which is required under this ordinance, shall be constructed and installed in conformance with the appropriate statutes, ordinances and regulations of Boone County and the State of Indiana and shall be maintained in a safe and satisfactory working condition.
- Par. 712 No owner, operator, or occupant shall cause any service, facility, equipment or utility which is required under this ordinance to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied by him; except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approve by the Health Officer.

ARTICLE 8: Maximum Density, Minimum Space, Use and Location Requirements

No person shall occupy or let to be occupied any dwelling or dwelling unit, for the purpose of living therein, unless there is compliance with the requirements of this section.

- Par. 801 For the first occupant there shall be at least one hundred fifty (150) square feet of floor space and there shall be at least one hundred (100) square feet of floor space for every additional occupant thereof; the floor space to be calculated on the basis of total habitable room area.
- Par. 802 The ceiling height of any habitable room shall be at least seven (7) feet; except that in any habitable room under a sloping ceiling at least (1) half of floor area shall have a ceiling height of at least seven (7) feet, and the floor area of that part of such a room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy.
- Par. 803 In every dwelling unit every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor space for the first occupant and every room occupied for sleeping purposes by more than one (1) occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof.
- Par. 804 No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement or cellar or to the exterior of the dwelling unit.
- Par. 805 No basement shall be used as a habitable room of a dwelling unless:
- (a) The floors and walls are impervious to leakage of underground and surface run-off water and are insulated against dampness:
 - (b) Every window which is below the grade of the ground adjoining such window shall have a light-well or area-way extending at least thirty-six (36) inches out from said window the entire depth and width of said window.
 - (c) All standards and requirements which pertain to habitable rooms, as contained in this ordinance are met.
- Par. 806 No cellar shall be used as a habitable room of a dwelling unit.

ARTICLE 9: Rooming House, Rooming Units, Dormitories, Dormitory Room

- Par. 901 No person shall operate a rooming house or dormitory, or shall occupy or let to another for occupancy any dormitory room and/or rooming unit in any rooming house or dormitory, which is not in compliance with the appropriate provisions of every section of this ordinance. No owner or other person shall occupy or let to another person any rooming unit or dormitory room unless it is clean and sanitary, and complies with all applicable requirements of Boone County.
- Par. 902 Whenever upon inspection of any rooming house, the Health Officer finds that conditions or practices exist which are in violation of any provision of this ordinance, the Health Officer shall give notice in writing that unless such conditions or practices are corrected within a reasonable period, to be determined by the Health Officer, the operation of such premises as such rooming house shall be discontinued, and, if such constituted governmental agency, a recommendation that such license be revoked, for the protection of public health, shall be given to such licensing governmental body or agency by the Health Officer. At the end of such period the Health Officer shall reinspect such rooming house, and if he finds that such conditions or practices have not been corrected, he shall give notice in writing to the operator that such operations shall cease, and, if such rooming house operation is licensed by any duly constituted governmental agency, the Health Officer shall recommend the immediate revocation of such license by such issuing agency. Upon receipt of such notice from the Health Officer, such operator shall immediately cease operation of such rooming house, and no person shall occupy, for sleeping or living purposes, any rooming unit therein.
- Par. 903 At least one (1) flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Health Officer and in good working condition, shall be supplied for each six (6) persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities provided:
- (a) That in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets and provided that there shall be at least one (1) water closet.
 - (b) That all such facilities shall be located within the dwelling as to be reasonably accessible to all persons sharing such facilities and from a common hall or passageway and provided that such facilities are not located more than one (1) floor above or below the rooming unit or units served.
 - (c) That every lavatory basin and bathtub or shower shall be supplied with heated and unheated water under pressure at all times.
 - (d) That, if the rooming house has only one (1) bathroom for use by the occupants of the rooming units, said bathroom shall not be located below grade.
- Par. 904 The following provision shall apply in all rooming houses and dormitories:
- (a) Cooking in dormitory rooms and rooming units is prohibited.
 - (b) Communal cooking and dining facilities in a rooming house is prohibited, except as approved by the Health Officer in writing.
 - (c) All food service and dining facilities provided in a rooming house or dormitory for the occupants of same shall comply with applicable food service legislation.
 - (d) Access doors to rooming units, dormitory rooms, shall have operating locks to insure privacy.

- Par. 905 Unless exempted by the Health Officer in writing, the operator of every rooming house shall change supplied bed linen and towels therein at least once a week, and prior to the letting of any room to any occupant, and the operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
- Par. 906 Every rooming unit shall comply with all requirements of this ordinance pertaining to a habitable room.
- Par. 907 Every rooming unit occupied by one (1) person shall contain at least eighty (80) square feet of floor space and every rooming unit occupied by more than one (1) person shall contain at least sixty (60) square feet for each occupant thereof.
- Par. 908 Every rooming unit shall have immediate access to two (2) or more approved means of egress, with minimum head room of six (6) feet six (6) inches, appropriately marked, leading to a safe and open space at ground level or as required by the appropriate statutes, ordinance, and regulations of Boone County and the State of Indiana.
- Par. 909 Structurally sound handrails shall be provided on any steps containing four (4) risers or more. Porches, patios and/or balconies located more than three (3) feet higher than the adjacent areas shall have structurally sound protective guardrails or handrails.
- Par. 910 Access to or egress from each rooming unit shall be provided without passing through any other rooming unit.
- Par. 911 The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house; and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.
- Par. 912 Every provision of this ordinance which applies to rooming houses shall also apply to hotels, except to the extent that such provision may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency.

ARTICLE 10: Designation of Unit Dwelling and Legal Procedure of Condemnation.

The designation of dwelling or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwelling or dwelling units shall be carried out in compliance with the following requirements:

- Par. 1001 Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be condemned as unfit for human habitation and shall be so designated and placarded by the Health Officer.
- (a) One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health of the occupants or of the public.
 - (b) One which lacks illumination, ventilation or sanitary facilities adequate to protect the health of the occupants or of the public.
 - (c) One which because of its general condition or location is unsanitary or otherwise dangerous to the health of occupants or of the public.
- Par. 1002 Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Health Officer shall be vacated within a reasonable time, such time to be not less than twenty-four (24) hours or more than sixty (60) days as ordered by the Health Officer.

- Par. 1003 No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by the Health Officer. The Health Officer shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.
- Par. 1004 No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in paragraph 1003.
- Par. 1005 Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the Boone County Board of Health under the procedure set forth in Article twelve (12) of this ordinance.

ARTICLE 11: Inspection of Dwelling, Dwelling Units, Rooming Units, and Premises

- Par. 1101 The Health Officer is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, and premises located within Boone County, in order that they may perform their duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections the Health Officer is hereby authorized to enter, examine, and survey, at proper times upon presenting proper credentials of identification, all dwelling, dwelling units, rooming units, and premises. The owner or occupant of every dwelling, dwelling unit and rooming unit, or the person in charge thereof, shall give the Health Officer access to such dwelling, dwelling unit or rooming unit and its premises, at proper times for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alternations as are necessary to effect compliance with the provisions of this ordinance.

ARTICLE 12: Enforcement – Service of notices and orders – Hearing

- Par. 1201 Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance which affects the health of the occupants of any dwelling, dwelling unit or rooming unit or health of the general public, the Health Officer shall give notice of such alleged violation to the person or persons responsible therefore, or to any known agent of such person, as hereinafter provided. Such notice shall:
- (a) Be put in Writing;
 - (b) Include a statement of the reason why it is being issued;
 - (c) Allow a reasonable time for the performance of any act it requires;
 - (d) Be served upon the owner or his agent, or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally, or if a copy is sent by certified mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this state.

(e) Such notice must contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance.

- Par. 1202 Any person affected by any such notice issued by the Health Officer may request and shall be granted a hearing on the matter before the Health Officer, or his duly appointed designee, if such person affected files in the office of the Health Officer, within ten (10) days after the service of the notice, a written petition requesting said hearing and setting forth a brief statement of the grounds therefore. Upon receipt of such petition, the Health Officer shall arrange a time and place for such hearing and it shall be held as soon as practical after the receipt of the request therefore. At such hearing the petitioner shall be given the opportunity to be heard and to show cause why such notice should not be complied with. In the event the violation is for unsanitary conditions either inside or outside the dwelling unit, and in the event the individual upon whom the notice is served has been prosecuted by The Boone County Health Department and found to be guilty by a court of competent jurisdiction for the same type of violation within two (2) years prior to the date of the current order, than the ten (10) day period to file a petition for hearing shall be reduced to forty-eight (48) hours from date of service of the order, excluding Saturday and Sunday and major holidays.
- Par. 1203 After such hearing the Health Officer, or his designee, shall sustain, modify, or withdraw the notice, based upon his findings on the relevant facts and the applicable Code provisions. If the Health Officer, or his designee, shall sustain or modify such notice, it shall be deemed to be an order as confirmed or amended. Any notice served pursuant to Article twelve (12) of this chapter shall automatically become an order unless a written petition for a hearing is filed in the office of the Health Officer within ten (10) days after such notice is served or two (2) days after such notice is served upon a repeat violator, as defined in Section 10-1202.
- Par. 1204 The proceeding at such hearing, including the findings and decisions by the Health Officer, or designee, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Health Officer. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person, who is aggrieved or dissatisfied with the results of the hearing before the Health Officer or his designee, shall be entitled to an appeal to the Boone County Board of Health. Such appeal shall be reduced to writing and stated as briefly as possible, and submitted in triplicate to the President of the Boone County Board of Health at least ten (10) days prior to the meeting of the Health Board, at which time such appeal is to be considered. The Health Board shall have authority to vary, change or alter the orders of the Health Officer or his designee and provisions of this chapter if, in the opinion of such Board such rulings or provisions constitute an undue hardship.
- Par. 1205 Whenever the Health officer finds that an emergency exists which requires immediate action to protect the public health he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Health Officer shall be afforded a hearing as soon as possible, in the manner provided in Article twelve (12). After such hearing, depending upon the finding as to whether the provisions of this ordinance have been complied with, the Health Officer shall continue such order in effect, or modify it, or revoke it.
- Par. 1206 Persons in violation of Paragraph 320 shall be subject to immediate prosecution and upon conviction punished in accordance with the penalties provided in this ordinance.

ARTICLE 13: Penalties

- Par. 1301 The doing of any prohibited act or the omission of any required act, governed by this ordinance is declared to be a violation of this ordinance. Any person guilty of a violation hereof shall, upon conviction, be fined in an amount not to exceed one thousand dollars (\$1,000.00).
- Par. 1302 In addition to any fine levied under this ordinance, The Boone County Board of Health may enjoin any violation of this ordinance by proceeding in any court of competent jurisdiction seeking to abate the public health nuisance or violation of this ordinance.

ARTICLE 14: Conflict of Ordinance: Effect of Partial Invalidity

- Par. 1401 In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of Boone County, Indiana existing on the effective date of this ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of Boone County, Indiana existing on the effective date of this ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions are hereby declared to be repealed to the extent that they may be found in conflict with this ordinance.
- Par. 1402 If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portion of this ordinance, which shall remain in full force and effect; and to this end the provisions of this ordinance are hereby declared to be severable.