

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. 19-203. "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. "Indoor Air Contaminants" means any chemical, physical or biological agent that affects the health and well-being of building occupants.

*[Gen.Ord. 6-2023 Passed 5/16/23 Effective Date 7/1/23]*

### 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.
- 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. 6-2023 Passed 5/16/23 Effective Date 7/1/23]*

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 vectors.

*[Gen.Ord. 6-2023 Passed 5/16/23 Effective Date 7/1/23]*

Sec. 19-405.

- a) Heating, ventilation, air conditioning, and other mechanical equipment must be installed, operated and maintained according to manufacturer instructions and the applicable state law and mechanical codes in effect at the time of installation.
- b) Toilet rooms and bathrooms shall be equipped with an exhaust system in working condition that discharges to the exterior.

*[Gen.Ord. 6-2023 Passed 5/16/23 Effective Date 7/1/23]*

Sec. 19-406.

- a) Plumbing shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.
- b) Water supply systems must be safe and approved by the Health Officer.
- c) Handwashing facilities must include water temperatures of at least 100°F, and not to exceed 120°F.
- d) Improperly discharged sewage, including any visible contamination and solid debris shall be cleaned up and disposed of properly.

*[Gen.Ord. 6-2023 Passed 5/16/23 Effective Date 7/1/23]*

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.

Salt and salt-sand storage piles shall either be:

- a) contained within a permanent structure that excludes natural precipitation and which has an impermeable base or
- b) 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. 6-2023 Passed 5/16/23 Effective Date 7/1/23]*