

## 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 non-residential 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, 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 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 and junk vehicles.
- (d) Health and Hospital has discretion to issue a notice of violation and conduct an enforcement action against either an occupant for violation of Sec. 19-302(e) or an owner for violation of Sec. 19-301(a) or Sec. 19-301(c) and is not required to institute enforcement against both. However, an owner is ultimately responsible for cleaning trash left by a vacating occupant and no failure of the Health Officer to enforce Sec. 19-302(e) against an occupant shall relieve or delay the obligation of an owner to cure the violation under Sec. 19-301(a) or Sec. 19-301(c).

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

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

- (a) An occupant must keep the premises that the occupant controls in clean and sanitary condition. All garbage and rubbish must be stored and disposed of in a clean, safe and sanitary manner. Solid waste storage containers must be kept in a clean and

sanitary condition. When plastic bags are used, they must be managed so that garbage and rubbish is properly contained and is not a food source for rodents and other vectors.

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

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

#### Sec. 19-303.

- (a) Every occupant of a single unit building or structure is responsible for the extermination of insects or rats on the premises.
- (b) Every occupant of a multi-unit building or structure is responsible for extermination whenever his individual unit is the only unit infested.
- (c) When infestation is caused by failure of the owner to maintain a building or structure in a reasonably rat-proof or insect-proof condition, extermination is the responsibility of the owner.
- (d) When infestation exists in the shared or public parts or in two or more of the individual units of a multi-unit building or structure, extermination is the responsibility of the owner.

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

#### Sec 19-304.

- (a) No owner or occupant shall allow the condition of any inhabited or unoccupied premises to cause or produce any health or safety hazard (See Section 4 of General Ordinance 16-1996(A) for enforcement policy in the area of occupational health and fire safety).
- (b) No owner or occupant shall allow the condition of any inhabited or unoccupied premises to cause or produce conditions in which rats, mosquitoes and other disease vectors have food, shelter or a place to breed. Usable items shall be stored in a safe manner at least eighteen inches above the ground in parts of the county where the Health Officer has determined that rat infestations have occurred.

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

Sec. 19-305. No person shall deposit or place any garbage, rubbish, junk vehicle or hazardous materials:

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

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

Sec. 19-306. Indoor air contaminants may not present a health and safety hazard. (See Section 5 of General Ordinance 16-1996(A) for enforcement policy.)  
*[Gen.Ord. 16-1996(A) Passed 11/20/96 Effective Date 12/1/96]*

#### 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. 19-402 [*sic*]

- (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.

*[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]*

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.