

JACKSON COUNTY CODE
CHAPTER 46
HOUSING STANDARDS

3-46-1. Purpose. To establish minimum public health standards governing the condition and maintenance of dwellings and premises for let, either occupied or vacant; to establish minimum standards governing supplied utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary and fit for human habitation; to establish minimum public health standards governing the conditions of dwellings; to establish minimum standards for premises vacant or occupied; to authorize the inspection of dwellings, and premises, either vacant or occupied, and the condemnation of dwellings unfit for human habitation, and premises constituting a menace to public health and safety; to fix penalties for violations.

3-46-2. Definitions. The following definitions shall apply in the interpretation and enforcement of this Ordinance:

- A. 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.
- B. CELLAR shall mean a portion of 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.
- C. DILAPIDATED shall mean no longer adequate for the purpose or use for which it was originally intended.
- D. DWELLING shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.
- E. DWELLING UNITS shall mean any of the following:
 - 1. Any room or group of rooms located within a dwelling forming a single habitable unit when those units

possess facilities which are used, or intended to be used, for living, sleeping, cooking, and eating, and

2. Any mobile home.
- F. EGRESS shall mean an arrangement of exit facilities to assure a safe means of exit from buildings.
- G. 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 vector elimination methods approved by the Health Officer.
- H. GARBAGE shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- I. HABITABLE ROOM shall mean a room or enclosed floor space for use as living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than fifty (50) square feet, foyers, or communicating corridors, stairways, closets, storage spaces, and workshops, hobby and recreation areas in unsealed or uninsulated parts of structure below ground level or in attics.
- J. HEALTH OFFICER shall mean the "Jackson County Health Officer" or his duly authorized representative.
- K. INFESTATION shall mean the presence, within or around a dwelling, of any insects, rodents or other pests.
- L. MULTIPLE DWELLING shall mean any dwelling containing more than two dwelling units.

- M. OCCUPANT shall mean any person, living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit.
- N. OPERATOR shall mean any person who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are let.
- O. OWNER shall mean any person who, alone or jointly or severally with others:
1. Shall have legal title to any dwelling unit, with or without accompanying actual possession thereof; provided, however, that whenever the dwelling or dwelling unit is subject to conditional sales contract, lease with option to purchase, or any other form of written contract under the terms of which any person is entitled to a conveyance of legal title upon payment of a specified sum, the term owner shall mean the person who shall have such contractual right, rather than the person holding legal title; or
 2. Shall have charge, care or control of any dwelling or dwelling unit as executor, executrix, trustees, receiver or guardian of the owner as defined in Subsection (I) immediately preceding. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance to the same extent as if he were the owner. Any person acting as agent of 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 by the Health Officer relating to the property of the owner.
- P. PERSON shall mean and include any individual, firm, corporation, association or partnership.

- Q. 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 closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.
- R. REASONABLE CAUSE shall mean the follow-up of a community complaint or the apparent substandard health conditions as determined by the Health Officer.
- S. ROOMING UNIT shall mean any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to five or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.
- T. ROOMING HOUSE shall mean any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to five or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.
- U. RUBBISH shall mean combustible and non-combustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, rubber, leather, tree branches, yard trimmings, leaves, tin cans, metals, mineral matter, glass, crockery and dust.
- V. SUPPLIED shall mean paid for, furnished or provided by or under the control of the owner or operator.
- W. TEMPORARY HOUSING shall mean any tent, mobile home, or 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 utilities system on the same premises for more than thirty (30) days.

- X. 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.
- Y. UNDEFINED WORDS shall mean words not specifically defined in this ordinance shall have the common definition set forth in a standard dictionary.
- Z. Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit", "premises", are used in this ordinance, they shall be construed as though they were followed by the words "or any part thereof".
- AA. The word "premises", occupied or vacant, shall mean any lot or area located in Jackson County.

3-46-3. Inspection of Dwellings, Dwelling Units, Rooming Units And Premises.

- A. The Health Officer is authorized to make inspections to determine the condition of dwellings, dwelling units and premises located within Jackson County, in order that the Health Department may perform its duty of safeguarding the health and safety of the occupants of dwellings and of the general public, provided that the Health Officer shall:
 - 1. Obtain a written consent to inspect signed prior to the inspection by either an owner, occupant or operator of the dwelling, dwelling unit and/or premises to be inspected, or
 - 2. Obtain an administrative search warrant issued by a court of general jurisdiction in Jackson County.
- B. The Health Officer may not enter a dwelling, dwelling unit or premises without prior written consent or an administrative search warrant unless the Health Officer determines that there is an imminent and substantial

threat to life, health or property. If the Health Officer makes a determination that such a threat exists, the inspection may proceed without obtaining prior written consent or an administrative search warrant; however, the Health Officer shall deliver written notice of the inspection and the reasons therefor to the owner, occupant or operator of the dwelling, dwelling unit, and/or premises as soon as possible after the inspection has taken place.

- C. The written consent to inspect that is specified in this section, shall be adequate if it substantially complies with the following format:

Consent to Inspect

The undersigned represents that _____ (he/she) is an _____ (owner/occupant/operator) of a certain _____ (dwelling/dwelling unit/premises), located at _____, (description of location, including street address, apartment or lot number, city or town, etc.), and hereby consent to an inspection of the aforesaid dwelling, dwelling unit and/or premises by the Jackson County Health Officer or his legal representative(s). This consent is given freely and voluntarily by the undersigned. Under the provisions of the Jackson County Code, I understand that I may refuse such an inspection and require the Health Officer or his representative(s) to obtain an administrative search warrant before such an inspection may take place. I am agreeing to allow the Health Officer or his representative(s) to inspect without the benefit of a search warrant. The undersigned understands that the inspection may ultimately result in the imposition of fines and/or civil penalties in the event that violations of the Housing Standards Chapter of the Jackson County Code are found to exist. The undersigned waives any and all claims for damages that may arise from such inspection.

Dated: _____, 19____.

I consent to the inspection: _____ (Signature)

Witnessed by: _____ Representative of Jackson County Health Department

3-46-4. Enforcement - Service of Notices and Orders - Hearings.

- A. Whenever the Health Officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this ordinance which affects the health of the occupants or the general public, the Health Officer shall give notice of such alleged violation to the person or persons responsible therefor, and to any known agent of such person as hereinafter provided. Such notice shall:
1. Be put in writing;
 2. Include a statement of the reasons why it is being issued;
 3. Allow a reasonable time for the performance of any act it requires;
 4. 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 thereof 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.

5. Such notice must contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance.
- B. 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, provided that such person shall file in the office of the Health Officer, within ten (10) days after the notice, a written petition requesting said hearing and setting forth a brief statement of the grounds therefor. Upon receipt of such petition, the Health Officer shall arrange a time and place for such hearing and shall give the petitioner written notice thereof. Such hearing shall be held as soon as practicable after the receipt of the request therefor. 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.
 - C. After such hearing the Health Officer, shall sustain, modify, or withdraw the notice, depending upon his findings as to whether the provisions of this ordinance have been complied with. If the Health Officer shall sustain or modify such notice, it shall be deemed to be an order. Any notice served pursuant to Section 3-46-4 (A) of this chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Health Officer within ten (10) days after such notice is served.
 - D. The proceedings at such hearing, including the findings and decisions of the Health Officer, shall be summarized, reduced to writing, and entered as a matter of public record in the offices 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 with the results of the hearing before the Health Officer, shall be entitled to an appeal to the Board of the Jackson County Health Department,

Jackson County, Indiana. Such appeal shall be reduced to writing, and stated as briefly as possible, and submitted in triplicate to the Chairman of the Board of the Jackson County Health Department, Jackson County, Indiana, at least ten (10) days prior to the meeting of the Board at which time such appeal is to be considered. The Board of Health shall have authority to vary, change, or alter the orders of the Health Officer and provisions of this ordinance if, in the opinion of such Board such ruling or provisions constitute an undue hardship.

- E. Any person who is aggrieved by the decision of the Board of the Jackson County Health Department, shall be entitled to a hearing before the Board of Commissioners of Jackson County, upon filing a written request for a hearing with the Board of Commissioners within ten (10) days after the decision of the Board of Health. The decision of the Board of Commissioners shall be made after examining the record and hearing testimony of witnesses. The decision of the Board of Commissioners shall be final.
- F. 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 chapter, 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 Section 3-46-4 (B) of this chapter. After such hearing, depending upon the findings as to whether the provisions of this chapter have been complied with, the Health Officer shall continue such order in effect, or modify it, or revoke it.

3-46-5. Minimum Standards For Basic Equipment and Facilities.

- A. Except as provided in Section 3-46-5 (B) of this chapter, no person shall let to another for occupancy any dwelling unit for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:
1. Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by either the State Board of Health, the Health Officer, or Building Commissioner having jurisdiction over the area in which such dwelling is located.
 2. Such dwelling unit shall contain a room which affords privacy to a person within said room which is equipped with a fresh water closet and a lavatory basin in good working condition and properly connected to water and sewer systems approved by either State Board of Health, the Health Officer, or Building Commissioner having jurisdiction over the area in which such dwelling units are located.
 3. Every dwelling unit shall contain, within a room which affords privacy to a person using said room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the Health Officer.
 4. In every dwelling unit, the kitchen sink, lavatory basin, and bathtub or shower required under Section 3-46-5 (A) (1) through 3-46-5 (A) (3) of this chapter, shall be properly connected and providing both hot and cold water lines.
 5. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers.

6. Where public sewer facilities are not available within one hundred (100) feet of the lot upon which such a dwelling unit is located, a private sewage disposal system shall be required. It shall be of a sanitary type construction and operate in conformity with the standards of Chapter 3-42-1, et seq. (Jackson County Sewage Disposal Ordinance).
7. Every dwelling unit shall have a safe, useable water supply available on the lot upon which such dwelling is located. Such water supply, public or private shall be subject to the approval of the Health Officer.
8. Every dwelling shall have supplied water-heating facilities which are properly installed, and maintained in safe and good working condition, are properly connected with the hot water lines required under Section 3-46-5 (A) (4) of this chapter, and are capable of heating water to such a temperature as to permit cleanliness and promote personal hygiene.

B. The previous sub-section, 3-46-5 (A), shall not apply to any rooming unit in any rooming house.

3-46-6. Minimum Standards For Light, Ventilation and Heating.

- A. No person shall let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements.
 1. Every habitable room shall have at least one window which can be easily opened, or such other device as will adequately ventilate the room. The provisions of this section shall not apply to kitchens or family recreation rooms where adequate mechanical ventilation, approved by the Health Officer, is provided.

2. Every dwelling shall have heating facilities which are properly installed, 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.
3. Where there is usable electric service available, the service, outlets and fixtures 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 Jackson County or the rules and regulations of the city or town in which the dwelling unit is located.

3-46-7. General Requirements Relating to the Safe and Sanitary Maintenance of Parts of Dwellings and Dwelling Units, and Premises Thereof.

- A. No person shall let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:
 1. Every foundation, roof and exterior wall, and window shall be reasonably weather-tight, and damp-free, and shall be sound and in good repair. Every premise shall be graded, drained, free of standing water, and maintained in a clean, sanitary and safe condition.
 2. Every window, exterior door and basement hatchway shall be reasonably weather-tight, insect and rodent-proof.
 3. Every plumbing fixture and water waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions, that affect human health.

4. 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 let or occupied, except for temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies or when discontinuance of service is approved by the Health Officer.
5. No owner shall let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.
6. Every dwelling or dwelling unit shall be constructed, and yard grading shall be accomplished, to direct the discharge of normal rainfall into natural drainage channels, dedicated drainage swales, the public right-of-way, or storm sewers.
7. No dwelling, dwelling unit, structure, yard, lot premises, or part thereof shall be maintained as, or permitted to become an insect infestation or rat harborage.

3-46-8. Responsibilities of Owners and Occupants.

- A. Every owner of a dwelling containing more than two (2) dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public area of the dwelling and premises thereof.
- B. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.

- C. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner.
- D. Every occupant of a dwelling or dwelling unit shall dispose of all garbage and any other organic waste which might provide food for rodents, in a clean and sanitary manner, as approved by the Health Officer, and in accordance with Section 3-46-5 (A) (5) of this chapter. It shall be the responsibility of the owner to supply such facilities or containers to accommodate all dwelling units in a multiple dwelling. In all other cases it shall be the responsibility of the occupant to dispose of their garbage in a sanitary method.
- E. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for 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 a dwelling in a ratproof or reasonable insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
- F. 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 alterations as are necessary to effect compliance with the provisions of this ordinance.
- G. The previous sub-sections 3-46-8 (A) through 3-46-8 (F) shall not apply to any rooming unit in any rooming house.

3-46-9. Rooming Houses.

- A. No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of this chapter except the provisions of 3-46-5 and 3-46-8.
1. 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. 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 operation shall cease. 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, the rooming unit herein.
 2. 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 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 urinal may be substituted for not more than one-half of the required number of water closets.
 - (b) That all such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities.
 - (c) That every lavatory basin and bathtub or shower shall be supplied with heated and unheated water under pressure at all times.
3. 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.
4. Every provision of this chapter which applies to rooming houses shall also apply to hotels, except to the extent that any such provision may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency.

3-46-10. Premises - Maintenance in Safe and Sanitary Condition.

- A. No building, vehicle, structure, receptacle, yard, lot, premises, or part thereof, shall be constructed, made, used, maintained, or operated in any manner causing or producing any health or safety hazard, or permitted to become a rodent harborage and insect infestation.
- B. It shall be unlawful for any occupant of any dwelling unit, building or structure of any kind whatever, to vacate premises without his causing to be removed therefrom and properly disposed of, all garbage or rubbish or other objectionable waste of any kind.

3-46-11. Designation of Unfit Dwellings and Legal Procedure of Condemnation.

- A. Any dwelling or dwelling unit which shall be found to have any of the following defects and continue uncorrected, under Section 3-46-4 (A) of this chapter shall be condemned as unfit for human habitation and shall be so designated and placarded by the Health Officer:
1. 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.
 2. One which lacks illumination, ventilation or sanitary facilities adequate to protect the health of the occupants or of the public.
 3. One which because of its general condition or location is unsanitary or otherwise dangerous to the health of occupants or of the public.
- B. Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Health Officer shall be vacated within thirty (30) days or as ordered by the Health Officer, at which time the owner must secure the placarded dwelling against entry thereafter.
- C. 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.
- D. 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 the previous sub-section 3-46-11 (C).

- E. Immediately upon compliance of the occupants to vacate a condemned dwelling or dwelling unit, the owner must immediately secure the dwelling against entry through any external openings or entry ways, until such time the reasons cited for condemnation have been abated, corrected or removed.
- F. Should for any reason, the owner not comply with securing the condemned dwelling or dwelling unit from entry within ten (10) days following condemnation and placarding, the County will assume the duty of securing the facility at which time all costs incurred will be assessed and presented to the owner and the owner will be liable for repayment to the County.
- G. Any person aggrieved 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 Health Officer of Jackson County under the procedure set forth in Section 3-46-4 of this chapter.

3-46-12. Penalties.

- A. Any person who shall violate any provision of this ordinance shall, upon conviction, be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each violation shall constitute a separate offense, and each day after the given abatement period constitutes a separate violation. These penalties shall be in addition to any repayment of expenses which may be assessed under Section 3-46-11 (F) of this chapter.

LEGISLATIVE HISTORY:

Chapter 46, (Sections 3-46-1 through 3-46-12) was added to the Jackson County Code by Ordinance 1989-6 adopted on June 20, 1989, effective (after publication) on July 20, 1989.