



**BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN**  
Citizens Square Suite 410 · 200 East Berry Street · Fort Wayne, IN 46802  
Phone: 260.449.7555 FAX: 260.449.7568

**LINDA K. BLOOM    THERESE M. BROWN    NELSON PETERS**

**AGENDA**

**Commissioners' Legislative Session  
10:00 AM Friday, May 5, 2017  
Council Chambers Courtroom – Citizens Square**

- 1. Consider approval of the minutes of April 28, 2017.**
- 2. Consider approval of amendment to Allen County Code Title 10 (Department of Health) – Article 11 (Sanitation Standards for Lodging Establishments).**
- 3. Consider approval of amendment to Allen County Code Title 2 (General Planning) – Article 3 (Comprehensive Plan).**
- 4. Consider approval of 2016 emergency management performance grant program agreement between the Board of Commissioners and Indiana Department of Homeland Security for salary grants.**
- 5. Consider approval of agreement between the Board of Commissioners and Shambaugh and Son for fire protection testing and inspection at various county-owned buildings.**
- 6. Consider approval of Amendment No. 5 to the enterprise license agreement between the Board of Commissioners and Environmental Systems Research Institute on behalf of the iMap Consortium.**
- 7. Consider approval of GIS Membership Agreements between the Board of Commissioners and Towns of Huntertown and Leo-Cedarville.**
- 8. Consider approval of agreement between the Board of Commissioners and City of Fort Wayne establishing the Fort Wayne/Allen County Disability Advisory Council.**
- 9. Consider approval of claims submitted for payment.**
- 10. Other Business:**
  - Right of Entry**
  - Secondary Plat of Autumn Ridge Section IX Lot #213**
  - Approval of contract between the Board of Commissioners and Memorial Coliseum for Legislative Wrap-up Event**
- 11. Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of May 5, 2017.**
- 12. Comments from the Public**
- 13. Motion to Adjourn.**

*Allen County does not discriminate because of disability in the admission to, or treatment or employment in, its programs or activities. The Human Resources Director has been designated to coordinate compliance with nondiscrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided therein, and Allen County's ADA policy is available from the ADA Coordinator. Suggestions on how the County can better meet the needs of persons with disabilities may be submitted to the ADA coordinator at: Human Resources Department, 200 East Berry Street, Suite 380, Fort Wayne, IN 46802, or by phone at (260) 449-7217.*





## BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN

Citizens Square Building Suite 410 · 200 E. Berry Street · Fort Wayne, IN 46802

Phone: 260.449.7555 FAX: 260.449.7568

NELSON PETERS LINDA K. BLOOM THERESE BROWN

### MINUTES

Commissioners' Legislative Session  
10:00 a.m., Friday, April 28, 2017  
Council Chambers Courtroom – Citizens Square

Commissioners Present: Therese Brown and Nelson Peters  
Commissioners Absent: Linda Bloom

Others Present:	Chris Cloud	Commissioners Office
	Mike Green	Commissioners Office
	Jenni Overman	Commissioners Office
	Andrew Applegate	Commissioners Office
	Beth Lock	Commissioners Office
	Bill Fishing	County Attorney
	Bill Hartman	Highway Director
	Ellis McFadden	SWFD
	Chris Beebe	DPS
	Marsha Craney	GAI Consultants

Commissioner Brown called the meeting to order at 10:04 AM. Commissioner Brown led the meeting with the Pledge of Allegiance and a moment of silence.

1. **Consider approval of the minutes of April 14, 2017.** Commissioner Peters made a motion to approve the minute of April 14, 2017. Commissioner Brown seconded the motion. Motion carried 2-0.
2. **Consider approval of Rezoning Petition #REZ-2017-0016 to rezone 62.02 acres south of Devil's Hollow Section B and east of Devil's Hollow Section F from A1/Agricultural to R1/Single Family Residential for an 8-lot single family residential subdivision.** Chris Beebe, DPS, presented this item. He stated this particular site is located south of Liberty Mills Road and also to the west of West Hamilton Road and the Aboite River. It's been an undeveloped piece of property as Devil's Hollow subdivision has developed around it for about 35-40 years. This petition is for rezoning to allow for an 8 lot single family residential plat which is to be known as Devil's Hollow Section M. The Plan Commission did hold a hearing on April 13<sup>th</sup> regarding this rezoning petition. There were 2 residents that spoke in support at the hearing and there were 2 residents with concerns at the meeting. Their concerns were primarily with property values and the marketability of some of the lots due to some high tension AEP power lines that run north/south through the sites and they were concerned about the lots being able to sell. The applicant/developer was very confident that the lots would be marketable due to the large size and the natural look. This would be a very low density than what we are used to seeing in Allen County. After the public hearing the Plan Commission did give a do pass recommendation and there is a conditional approval on the associated primary plat for Devil's Hollow Section M. Commissioner Peters made a motion to approve Rezoning Petition #REZ-2017-0016 to rezone 62.02 acres south of Devil's Hollow Section B and east of Devil's Hollow Section F from A1/Agricultural to R1/Single Family Residential for an 8-lot single family residential subdivision. Commissioner Brown seconded the motion. Motion carried 2-0.
3. **Update from the Southwest Fire District.** Ellis McFadden gave the update.
4. **Consider approval of Change Order # 19 for Lafayette Center Rd/CR 900 North, in Allen County and Huntington County, Project # 1200213. In the amount of \$4,798.00 (increase).** Bill Hartman, Highway Director, stated this is for a flood gate on the Huntington County side of the project to prevent

the Little River from backing up into some agricultural properties. Commissioner Peters made a motion to approve Change Order # 19 for Lafayette Center Rd/CR 900 North, in Allen County and Huntington County, Project # 1200213. In the amount of \$4,798.00 (increase). Commissioner Brown seconded the motion. Motion carried 2-0.

5. **Consider approval of Agreement between the Board of Commissioners and Engineering Resources, Inc. for Ehle Rd Bridge # 128 over Botteron Ditch for preliminary engineering services for bridge rehabilitation, Project # 0200117. In the amount of \$9,700.00.** Bill Hartman, Highway Director, stated this bridge has a sufficiency rating of 97 out of 100 but it also has a weight limit of 8 tons. It looks like a pristine bridge yet we have a weight limit on it. Engineering Resources did the structural analysis on it as part of our bridge inventory and they explained that all it really needed was a mat of steel and some additional concrete over the top and the weight limit could be taken off and it was essentially an easy fix. Usually when we have this low of a weight limit it is a total reconstruction. This will be a very abbreviated situation to raise this back up. Commissioner Peters asked what the time frame was for completion of repairs after the engineering is done. Bill Hartman stated depending on the funding it might be a year or two. Commissioner Peters made a motion to approve the Agreement between the Board of Commissioners and Engineering Resources, Inc. for Ehle Rd Bridge # 128 over Botteron Ditch for preliminary engineering services for bridge rehabilitation, Project # 0200117. In the amount of \$9,700.00. Commissioner Brown seconded the motion. Motion carried 2-0.
6. **Consider approval of Agreement between the Board of Commissioners and Engineering Resources, Inc. for Gar Creek Rd Bridge # 133 over Lomont Ditch for preliminary engineering services for deck replacement, Project # 0200217. In the amount of \$9,700.00.** Commissioner Peters made a motion approve the Agreement between the Board of Commissioners and Engineering Resources, Inc. for Gar Creek Rd Bridge # 133 over Lomont Ditch for preliminary engineering services for deck replacement, Project # 0200217. In the amount of \$9,700.00. Commissioner Brown seconded the motion. Motion carried 2-0.
7. **Consider approval of Agreement between the Board of Commissioners and Engineering Resources, Inc. for Stonehedge Blvd Bridge # 97 over Becketts Drain for design preliminary engineering services for replacement of the existing bridge, Project # 0100117. In the amount of \$28,660.00.** Bill Hartman, Highway Director, stated this is a very unconventionally built bridge from back in the late 60's or early 70's. It is in Canterbury Apartments and currently has an 8 ton load limit. It is more of an esthetic looking bridge than it is a functional structure. This also includes hydraulic analysis of the situation to make sure we get proper flow. The waterway opening is way larger than it needs to be. We'll get that sorted out. Commissioner Peters made a motion to approve Agreement between the Board of Commissioners and Engineering Resources, Inc. for Stonehedge Blvd Bridge # 97 over Becketts Drain for design preliminary engineering services for replacement of the existing bridge, Project # 0100117. In the amount of \$28,660.00. Commissioner Brown seconded the motion. Motion carried 2-0.
8. **Consider approval of Warranty Deed for Hathaway/Corbin Curve Realignment, Project # 1300110.**  
**Parcel 3 – Wells**  
Bill Hartman stated this is 3 out of 4 parcels so we have 1 yet to obtain then we will proceed with the project. Commissioner Peters made a motion to approve Warranty Deed for Parcel 3. Commissioner Brown seconded the motion. Motion carried 2-0.
9. **Consider approval of Warranty Deed for Pufferbelly Trail, Project # 0004707.**  
**a. Parcel 2 - Stein**  
Bill Hartman stated this will make Allen County's portion of the Pufferbelly Trail complete up to Gump Road. Commissioner Peters made a motion to approve Warranty Dced for Parcel 2. Commissioner Brown seconded the motion. Motion carried 2-0.
10. **Consider approval of Contract Extension for Bid Ref # 09-12, Furnish and Install Traffic Pavement Markings in Various Roads in Allen County, Indiana for 2017, Project # 0002717 at the unit prices submitted for year 2012. Bidder was Three Rivers Barricade.** Bill Hartman stated we have extended this since 2012. They have held their prices and it's worked quite well for us. Commissioner Peters made a motion to approve the Contract Extension for Bid Ref # 09-12, Furnish and Install Traffic Pavement

Markings in Various Roads in Allen County, Indiana for 2017, Project # 0002717 at the unit prices submitted for year 2012. Bidder was Three Rivers Barricade. Commissioner Brown seconded the motion. Motion carried 2-0.

**11. Consider approval of agreement between the Board of Commissioners and Light & Breuning for parking operations at county owned lots during festival season.** Chris Cloud, Executive Assistant, stated that for years Light & Breuning has worked the county owned parking lots for festival season. The County gets half of the revenue generated. Most years that is between \$5,000 and \$7,000. This is a 1 year deal. Commissioner Peters made a to approve agreement between the Board of Commissioners and Light & Breuning for parking operations at county owned lots during festival season. Commissioner Brown seconded the motion. Motion carried 2-0.

**12. Consider approval of amendment to Allen County Code Title 19 (Stormwater) – Article 1 (Stormwater Management).** Attorney Fishing stated this is an amendment to the Stormwater Management ordinance which only adds the Commissioners required approval to any waivers granted by the Surveyor. Commissioner Peters made a motion to approve the amendment to Allen County Code Title 19 (Stormwater) – Article 1 (Stormwater Management). Commissioner Brown seconded the motion. Motion carried 2-0.

**13. Consider approval of claims submitted for payment.** Commissioner Peters made a motion to approve claims submitted for payment in the amount of \$1,332,977.06. Commissioner Brown seconded the motion. Motion carried 2-0.

**14. Other Business:**

**Ordinance Establishing an Underground and Buried Utility District to AC Code Title 5 (Highway Dept) - Article 7- (Underground and Buried Utility District)** Beth Lock, Commissioners Office, presented this item. She explained the General Assembly adjourned last Friday well after midnight and one of the bills passed was Senate Enrolled Act 213. This bill governs where microcell towers can be placed in County right-of-way and throughout cities and towns. The bill has not been signed by the Governor however when it is signed into law, if it is signed into law, it is retroactive to April 30<sup>th</sup>. The bill went through a number of changes but as it came out of both the house and senate, there are a lot of provisions in it that will preempt a lot of our zoning requirements for buffering, setbacks, height requirements, etc. She stated that even though she has read through the bill there has not been a lengthy dialog with people and the players at the local level to see how these microcell towers will impact us going forward. There is a provision in the bill that says if you establish or have an established underground and buried utility district you can govern where those microcell towers go and there is a waiver provision in this ordinance as well because that is required by statute. We have to pass that type of district prior to April 30<sup>th</sup> which is Sunday. Today is really the only day we have to do this. She stated that in her mind this is a pause in the process to look at Senate Enrolled Act 213 and see how this would impact us and how we want to deal with it going forward. We are being proactive in passing this ordinance today so we can truly get an understanding of how it's going to impact us before some of these companies have the ability to go anywhere they want in our right-of-way and other areas we own. Commissioner Peters made a motion to approve the Ordinance Establishing an Underground and Buried Utility District to AC Code. Commissioner Brown seconded the motion. Motion carried 2-0.

**15. Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of April 28, 2017.** Commissioner Peters made a motion to approve the waiving of the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of April 28, 2017. Commissioner Brown seconded the motion. Motion carried 2-0.

**16. Comments from the Public.**

**17. Motion to Adjourn.** Meeting adjourned 10:33 a.m.

BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN  
ORDINANCE DATED May 5, 2017  
ORDINANCE NUMBER 105-05-17-06

WHEREAS, the Fort Wayne-Allen County Board of Health determined that it was necessary to address sanitation standards for lodging establishments; AND

WHEREAS, the Board of Commissioners approved an additional to the Allen County Code addressing sanitation for lodging establishments on Nov. 1, 2013; AND

WHEREAS, the Fort Wayne-Allen County Board of Health has determined that it is necessary to amend the original ordinance.

NOW, THEREFORE, be it ordained that:

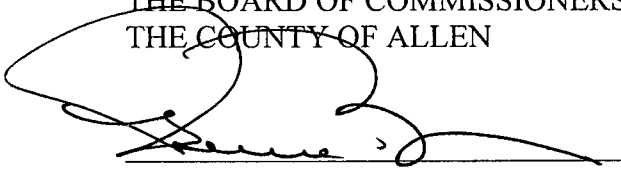
Section 1. Allen County Code Title 10 (Department of Health) - Article 11 (Sanitation Standards for Lodging Establishments) shall be amended to read as follows:

(See Attachment A)

Section 2. This Ordinance shall become effective June 1, 2017.

Passed this 5<sup>th</sup> day of May, 2017.

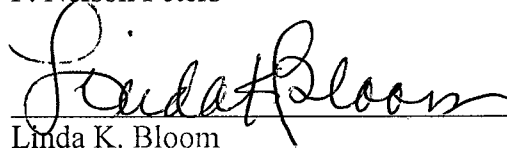
THE BOARD OF COMMISSIONERS OF  
THE COUNTY OF ALLEN



Therese M. Brown

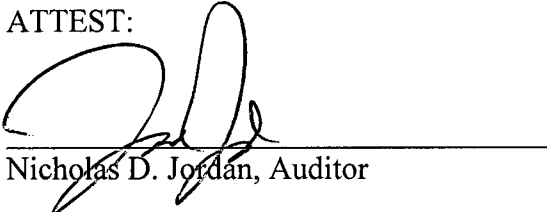


F. Nelson Peters



Linda K. Bloom

ATTEST:

  
Nicholas D. Jordan, Auditor

**ALLEN COUNTY CODE TITLE 10**  
**DEPARTMENT OF HEALTH**

**ARTICLE 11**  
**SANITATION STANDARDS FOR LODGING ESTABLISHMENTS**

**10-11-1 Chapter 1: PURPOSE**

**10-11-1-1**

The purpose of this Ordinance is to establish standards for all Lodging Establishments and to protect the health, safety and general welfare of the visitors to and citizens of the County of Allen, including the following general objectives:

- (A) To provide minimum sanitation standards for the operation and maintenance of Lodging Establishments;
- (B) To correct and prevent conditions that may adversely affect the health and safety of persons utilizing Lodging Establishments; and
- (C) To meet consumer expectations for the quality and safety of Lodging Establishments.

**10-11-2 Chapter 2: SCOPE**

**10-11-2-1**

This Ordinance shall provide for the permitting and inspection of Lodging Establishments; regulation of the operation and maintenance of such establishments; and, the enforcement of violations of this Ordinance.

**10-11-2-2**

This Ordinance does not cover bed and breakfast facilities, as those establishments are regulated by 410 IAC 7-15.5.

**10-11-2-3**

All Lodging Establishments which are hereinafter constructed or renovated shall conform in their construction to the applicable requirements of all applicable Building, Zoning and Fire codes. All Lodging Establishments shall maintain their Premises in accordance with all applicable Building, Zoning, and Fire codes.

**10-11-2-4**

All items regarding food preparation, storage, sale, or serving are regulated by the Allen County Food and Beverage Ordinance, Title 10 Article 2, and Indiana Food Code, Title 410 IAC 7-24.



## **10-11-2-5**

All items regarding the operation and maintenance of swimming pool and spa facilities are regulated by the Allen County Public and Semi-Public Swimming Pool and Spa Operations (Non-Private) Ordinance, Title 10 Article 5, and Indiana Swimming Pool Rule, Title 410 IAC 6-2.1.

## **10-11-3 Chapter 3: DEFINITIONS**

Unless the context specifically indicates otherwise, the following definitions shall apply in the interpretation and enforcement of this Ordinance.

### **10-11-3-1 Applicant**

The Owner of a Lodging Establishment who is applying for a Permit to operate a Lodging Establishment in Allen County, Indiana.

### **10-11-3-2 Board**

The Fort Wayne - Allen County Board of Health of Fort Wayne, Allen County, Indiana.

### **10-11-3-3 Clean**

The absence of excessive dirt, grease, stains, rubbish, garbage, and other offensive, unsightly, or harmful matter.

### **10-11-3-4 Complaint Inspection**

The investigation of a complaint filed by a member of the public or referred by another agency.

### **10-11-3-5 Critical Violation**

A violation which is more likely than other violations to significantly contribute to the potential spread of disease, injury or sickness.

### **10-11-3-6 Department**

The Fort Wayne - Allen County Department of Health of Fort Wayne, Allen County, Indiana, and/or its employees.

### **10-11-3-7 Employees**

All persons, whose duties include the cleaning and maintenance of Guest Rooms or any part of the Lodging Establishment, or the rendering of services to guests.

### **10-11-3-8 Extermination**

The control and elimination of public health pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, fogging, larviciding or trapping; or by any other recognized and legal pest control

elimination methods approved by the local or state authority having such administrative authority.

### **10-11-3-9 Garbage**

Rejected food wastes including every waste accumulation of animal, fruit, vegetable matter used or intended for food preparation, use, cooking, or storing of meat, fish, poultry, fruit or vegetables.

### **10-11-3-10 Good Repair**

Free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions and similar defects so as to constitute a good and sound condition.

### **10-11-3-11 Grade**

The score given to a hotel or motel based on a regular inspection or re-inspection of the Lodging Establishment. A Grade shall be an A, B, C or F depending on the number of violations observed during the Regular Inspection. The score shall be the total value of the violations observed during the inspection subtracted from 100 percent. A Grade will not be provided during a Complaint Inspection, unless the inspector decides to conduct a Regular Inspection.

### **10-11-3-12 Grade Card**

The paperwork or poster that shows the grade obtained during the inspection. Prior to the Department leaving the facility after inspection, the Owner will prominently display the most current Grade Card issued by the Department at the front registration desk/area where it may be readily observed by the public upon entering the facility.

### **10-11-3-13 Guest**

An individual who rents a Guest Room in a Lodging Establishment.

### **10-11-3-14 Guest Room**

Any room which is established and maintained for use as a sleeping area for temporary or long-term occupancy.

### **10-11-3-15 Harborage**

Any place where Public Health Pests can live, nest or seek shelter.

### **10-11-3-16 Health Commissioner**

The Health Officer of the Fort Wayne -Allen County Department of Health of Fort Wayne, Allen County, Indiana, and/or his/her authorized representatives.

### **10-11-3-17 Hotel**

A building providing sleeping accommodations for compensation and customary lodging services where Guests enter through a main lobby of the building to get to each Guest Room.

### **10-11-3-18 Imminent Health Hazard**

Conditions at a Lodging Establishment requiring immediate action to prevent endangering the health of guests and employees. Specific examples of imminent health hazards include:

- Flood
- Extended interruption of water service
- Sewage backup
- Contaminated water supply
- Misuse of poisonous or toxic materials
- Severe public health pest infestation
- Gross unsanitary conditions
- Other circumstances which may contribute to the spread of disease

### **10-11-3-19 Infestation**

The presence of any Public Health Pest on a Premise or Premises which are deemed likely to pose a hazard to the public health. This definition also includes general pests, such as ants, beetles, and other nuisance insects.

### **10-11-3-20 Junk**

All scrap copper, glass, lead, or any other nonferrous metal; iron, steel, or other scrap ferrous material; tin-ware, plastic, or discarded goods, rope, rags, crockery, batteries, paper, trash, rubber, debris, building materials; dismantled or inoperable vehicles, unused tires, machinery and appliances or parts thereof; including but not limited to discarded, abandoned, unattended, or used refrigerators, iceboxes and similar containers equipped with airtight door or lid; or any other kind of scrap or waste or abandoned material or items.

### **10-11-3-21 Lodging Establishment**

A hotel, motel or inn where space is temporarily leased or rented in which sleeping accommodations are offered both short and long-term. This definition does not include apartments, bed and breakfast establishments, dormitories, boarding houses, and hostels.

### **10-11-3-22 Motel**

A building or series of buildings, typically one or two stories, in which sleeping accommodations are offered for compensation, and which is distinguished from a hotel primarily providing independent exterior access to, and adjoining parking for, each Guest Room.

### **10-11-3-23 New Owner**

Any person, other than an immediate family member (specifically a spouse, parent, child or sibling; or a spouse of a parent, child or sibling), who acquires, through an asset purchase agreement, stock purchase agreement, merger, consolidation, gift or other similar method, more than fifty percent (50%) of the control of a prior Owner's business.

### **10-11-3-24 Non-Critical Violations**

A violation which is not likely to cause illness or harm to human health. Includes housekeeping and maintenance issues and mainly reflects aesthetic issues.

#### **10-11-3-25 Notice of Closure**

The paperwork that shows that the Lodging Establishment or individual rooms of a Lodging Establishment has/have been closed (precluded from guest use) due to the presence of an Imminent Health Hazard in which the Health Commissioner or his/her authorized representative determines operation of the Lodging Establishment or the occupancy of designated Guest Room(s) must cease due to the presence or existence of an Imminent Health Hazard. A Notice of Closure may also be issued for failure to renew the establishment's yearly permit, failure to pay all issued fines/penalties, or failure to timely correct Critical Violations. The Notice of Closure sign shall be posted by the Health Commissioner or his/her authorized representative in a conspicuous place where it may be readily observed by the public upon entering/approaching the facility or the affected Guest Room(s), as applicable,, and may only be removed by the Health Commissioner or his/her authorized representative.

#### **10-11-3-26 Operator**

Any person who is responsible for the daily operation of a Lodging Establishment.

#### **10-11-3-27 Owner**

Any person who, alone or jointly or severally with others:

- (A) Has legal title to any Lodging Establishment, with or without accompanying actual possession thereof; or
- (B) Has charge, care or control of any Lodging Establishment as Owner or agent of the Owner or an executor, administrator, trustee or guardian of the estate of the Owner. Any such person thus representing the actual Owner shall be bound to comply with the provisions of this Ordinance and of the rules and regulations adopted pursuant thereto to the same extent as if he/she were the Owner.

#### **10-11-3-28 Permit**

A certificate and/or Permit number of a size and style previously approved by the Health Commissioner.

#### **10-11-3-29 Person**

Includes, but not be limited to, an individual, corporation, firm, partnership, proprietorship, association, business organization, municipality or any other group acting as a unit, as well as an individual, trust or estate, or the agent or legal representative thereof.

#### **10-11-3-30 Person-In-Charge**

The individual present at a Lodging Establishment that is responsible for the operation at the time of inspection.

#### **10-11-3-31 Pest-Proofing**

A form of construction or measure to prevent the ingress or egress of Public Health Pests to or from a given space or building or from gaining access to food, water or harborage. This term shall include but not be limited to rodent-proofing, fly-proofing, mosquito-proofing, etc.

**10-11-3-32 Premise(s)**

A lot, plot or parcel of land including the building(s) thereon.

**10-11-3-33 Public Health Pest**

A rodent, arthropod or insect capable of transmitting a disease or infection and/or causing great discomfort or injury. Public Health Pests shall include but not be limited to rats, mice, mosquitoes, bed bugs, fleas, cockroaches, flies, and ticks.

**10-11-3-34 Refuse**

All solid wastes, except body wastes, and shall include garbage, junk, ashes and rubbish.

**10-11-3-35 Regular Inspection**

An inspection of the entire Premises, including a certain number or percentage of Guest Rooms, during normal (Department) business hours to ensure the minimum standards set forth by this Ordinance are met and to establish the Lodging Establishment's grade. Private residences which are attached to or are a part of the lodging establishment may be included in the inspection process. Inspections conducted for purposes such as preliminary or opening inspections for new Lodging Establishment or those under new Ownership, Complaint Inspections, follow-up inspections that are narrow in scope and do not encompass inspecting the entire facility, and any inspection conducted where prior notice is given to the Lodging Establishment and not an unannounced inspection shall not be considered a Regular Inspection.

**10-11-3-36 Rubbish**

Includes such matter as ashes, cans, metal ware, broken glass, crockery, dirt, sweepings, boxes, wood, grass, weeds or litter of any kind, exclusive of building materials.

**10-11-3-37 Single-Service Articles**

Cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, tooth-picks, and similar articles intended for one-time, one-person use.

**10-11-3-38 Tuberculocidal**

The ability to kill the organism which is responsible for tuberculosis.

**10-11-3-39 Unfit for Human Habitation**

A Guest Room that is dangerous or detrimental to life or health because of the existence on the Premises of an Unsanitary or Unlawful Condition that is likely to cause disease, injury or sickness among occupants of the Guest Room.

### **10-11-3-40 Unlawful or Unsanitary Conditions**

Any conditions that may transmit, generate or promote disease, injury or sickness.

### **10-11-3-41 Weighted Violations**

The point value assigned to each violation cited upon inspection.

## **10-11-4 Chapter 4: PERMITS**

### **10-11-4-1 Permit Requirements**

It shall be unlawful for any Person to operate a Lodging Establishment in Allen County, Indiana, unless the Person is in possession of a valid Permit for each such Lodging Establishment issued by the Health Commissioner, unless otherwise exempted from the provisions of this Ordinance.

### **10-11-4-2 Permit Availability**

All Permits shall be kept on file at the front registration desk and made available immediately upon request in each Lodging Establishment.

### **10-11-4-3 Application**

The application for a Lodging Establishment Permit shall be made to the Health Commissioner on forms provided by the Health Commissioner. Such forms shall show, among other information which may be required by the Health Commissioner, the legal name, address, and telephone number of the Applicant, the name under which said Applicant intends to operate, the address of the Lodging Establishment, the name of the operator, and the number of Guest Rooms in the Lodging Establishment. Said application shall include the signature of the Applicant or his/her authorized representative.

### **10-11-4-4 Permit Issuance**

The original Permit for operation shall be issued subsequent to application and final inspection and upon determination by the Health Commissioner that the owner has complied with all of the applicable provisions of this Ordinance and tendered the appropriate Permit fee as hereinafter specified. Annually, Permits must be renewed in accordance with 10-11-4-5, but annual renewal Permit issuance is not contingent upon an opening inspection. Renewal Permits, however, will not be issued to any establishment which has not submitted payment for all outstanding assessed fines or penalties. If outstanding fines/penalties exist at the time the annual renewal Permit application is received, the Lodging Establishment will be given two (2) business days to make payment of all existing outstanding fines/penalties. If the fines/penalties are not paid within those 2 business days, the Lodging Establishment will be issued a tentative Notice of Closure and afforded an administrative hearing within three (3) business days. If the hearing officer determines that a closure is warranted for failure to pay the outstanding fines/penalties, the Permit for the Lodging Establishment will be suspended and the Lodging Establishment will be ordered to cease operations immediately until all fines/penalties are paid in full and written approval from the Department to resume operations has been granted.

#### **10-11-4-5 Term**

The Permit for a Lodging Establishment shall be for a term of 1 year beginning upon the date of issue. Said Permits shall be renewed annually on or before the 15<sup>th</sup> day of the anniversary month. However, if the 15<sup>th</sup> day of the anniversary month falls on a weekend or government-recognized holiday, the Owner will be given until the following business day to renew the Permit without late fees being assessed. The anniversary month is considered the month in which the original permit for the establishment was issued. Renewal of the Permit means the Owner shall submit a new Permit application and remit all required annual fees as specified in 10-11-5-1.

#### **10-11-4-6 Newly-Constructed Lodging Establishments**

All Lodging Establishments constructed after the effective date of this Ordinance must be in compliance with all standards prior to opening for business and obtaining a Permit. The Owner of a newly-built Lodging Establishment shall apply for a Permit and will be able to operate once the Lodging Establishment is compliant with this Ordinance.

#### **10-11-4-7 Permit Renewal**

Should any Owner fail to obtain the Permit prior to the opening of the Lodging Establishment for business, or should any Owner fail to renew his/her Permit on or before the 15<sup>th</sup> day of the anniversary month of said Permit, then said annual fee shall be 125% of the annual fee set forth herein for that particular Lodging Establishment. Nothing in this section shall prevent the Health Commissioner from exercising any other of his/her rights and/or duties regarding suspension of the Permit with regard to any Lodging Establishment.

#### **10-11-4-8 Permit Not Transferable**

No Permit issued to any Owner under this Ordinance shall be transferable. Upon change of location or Owner, all existing Permits become void. Any new Owner taking over a continuously operating Lodging Establishment shall be entitled to a nonrenewable probationary Permit.

#### **10-11-4-9 Probationary Permit**

- (A) The probationary Permit will be issued at the time the new Owner makes application for an annual Lodging Establishment Permit and pays the Permit fee.
- (B) The probationary Permit will be valid for a period of 90 days which shall commence on the date of application (or date of actual ownership change, whichever is earlier), and shall not be subject to any extensions.
- (C) The new Owner must obtain his/her/its annual Permit within the 90 day probationary period or its Permit will be suspended (resulting in the closure of the Lodging Establishment). In addition, the annual Permit will only be issued after the Owner has complied with all of the applicable code requirements.
- (D) The annual Permit issued prior to the expiration of the 90 day probationary period shall have as its anniversary date, the original date of application (or date of actual Ownership change, whichever is earlier) for the probationary Permit.

#### **10-11-4-10 Lapse of Permit**

Each Permit issued hereunder shall automatically lapse and be void and of no further force or effect unless the Owner actually begins operations under said Permit within a time period which is equal to 25% of the life of the Permit issued.

#### **10-11-4-11 Building, Zoning, and Fire Codes**

All Lodging Establishments must fully comply at all times with all local and state Building, Zoning and Fire codes as well as with this Ordinance. Failure of any Owner to fully comply with any applicable Building, Zoning, and Fire codes or any provisions of this Ordinance shall be the basis for the suspension of any Permit issued hereunder.

#### **10-11-5 Chapter 5: PERMIT FEE**

##### **10-11-5-1**

Prior to the issuance of any initial Permit, each Applicant or Owner shall first tender to the Department a fee of \$150 for each Lodging Establishment. Permits must then be renewed annually in accordance with 10-11-4-4 and 10-11-4-5. If a Lodging Establishment fails to renew its permit as required herein, the establishment's Permit may be suspended under 10-11-8-2(c).

#### **10-11-6 Chapter 6: MINIMUM SANITATION STANDARDS**

##### **10-11-6-1 Lobby, Halls, Stairs, and Vending Areas**

- (A) Ice and vending machine locations shall have adequate ventilation and at least 10 foot-candles of light at 30 inches above the floor.
- (B) Floors, walls, ceilings, windows (as well as covers for all), railings, and ventilation equipment shall be kept Clean and in Good Repair. Carpeting shall be free of excessive stains, holes, rips or odors, normal wear and tear excluded, and maintained in a sanitary, non-defective condition. Ceilings, floors, and wall surfaces shall be maintained without significant spots, stains, flakes, chips, or holes. Any windows capable of being opened shall be screened with tightly-fitting screens maintained in good repair, properly fitted to the opening in conformance with state and local codes and ordinances.
- (C) Furniture, fixtures, draperies, and other accessories shall be Clean and in Good Repair.

##### **10-11-6-2 Lavatories and Baths**

- (A) Bathtubs, bath floor/wall tile and surrounds, lavatories, and toilets shall be kept Clean (free of dirt, debris, mold and mildew) and in Good Repair. Bathroom fixtures shall be maintained without significant cracks, chips or stains and they shall be functional.
- (B) Lavatories shall have lighting with a minimum of 20 foot-candles of light at 30 inches above the floor.
- (C) All lavatory and bathing facilities shall include hot and cold running water under pressure with a mixing faucet; a clean, un-stained towel in Good Repair and provided daily for each guest (if none available in the Guest Room), unless the guest provides and uses his/her own towels; and, soap, if provided (new soap for new guests). The lavatory, its handles, faucet, and vanity shall be washed using an all-purpose cleaner and rinsed if the room has been occupied. A hospital-grade, Tuberculocidal EPA-registered disinfectant shall be applied to the lavatory, vanity and tub/shower. All used bath towels, mats, hand towels and wash cloths shall be replaced between guests.



- (D) A sufficient supply of hot water shall be provided at a temperature of no less than 100° F (37.8° C) and no more than 120° F (48.9° C).
- (E) Toilet tissue shall be made available to the guest.
- (F) Floors, walls, ceilings, doors, exhaust fans, outlet covers, and water spray barrier (shower curtains or sliding door) shall be non-absorbent, cleanable, durable, and kept Clean and in Good Repair. Ceilings, floors, and wall surfaces shall be maintained without significant spots, stains, flakes, chips, or holes, normal wear and tear excluded.
- (G) Refuse containers shall be provided, emptied and cleaned on a daily basis during times of use or on an as needed basis if not in constant use.
- (H) All sewage and other liquid wastes shall be disposed of in a public sewer system or, in the absence of a public sewer system, by a sanitary system of sewage treatment and disposal constructed and operated in accordance with Allen County Code Title 10 Article 4.5, Allen County Private Sewage Disposal, and 410 IAC 6-10, Commercial Onsite Wastewater Disposal Rule.
- (I) Soap furnished in public rest rooms shall be dispensed from approved containers in such a manner that contamination of the contents by individual contact is impossible. Use of bar soap is prohibited. Individual paper towels, rotating towel dispenser or electronic drying device shall be available for public use.

### **10-11-6-3 Water Supply**

- (A) Lodging Establishments shall be required to tap into a publicly supplied water system when said system is located within three hundred (300) feet of the boundary lines of the real estate upon which said Lodging Establishment is located, when said system is adequate to handle an additional tap-in, and when the Owner has direct access to said system or can obtain access to said system by means of easements or other necessary grants of authority. In the case where the Owner does not have direct access to said system, the Owner shall be required to make a diligent and reasonable effort to obtain the necessary easements and/or other grants of authority to obtain access to the system.
- (B) Cross-connections with sewage lines or unapproved water supplies or other potential sources of contamination are prohibited.
- (C) Hot water heating facilities shall be provided. A sufficient supply of hot and cold running water under pressure shall be provided at all times in areas in which water is required for cleaning.
- (D) A sufficient supply of hot water for cleaning purposes shall be provided at a temperature of no less than 100° F (37.8° C).

### **10-11-6-4 Drinking Water Facilities**

- (A) Facilities for the dispensing of drinking water shall be of sanitary design. If drinking fountains are provided, they shall be of angle-jet type.
- (B) Multi-use utensils such as glasses, cups, ice buckets, or ice bucket lids when used, shall be washed, rinsed, and sanitized, and stored and handled in a manner to prevent contamination. When properly fitting disposable food grade liners are provided, ice buckets shall be treated as non-food contact surfaces and shall be washed, using an all-purpose cleaner suitable for food contact surfaces, and rinsed. The lid used with the lined ice bucket shall be washed, rinsed and sanitized. If the lavatory in the room will be used to wash the ice bucket, the lavatory itself must first be washed and sanitized. Submersion of ice buckets and lids during in-place cleaning procedures is not required. Clean glasses shall be individually wrapped or fitted with a Single-Service cap that covers the edge of the glass.