

Hendricks County Health Department Lodging Ordinance



Public Health
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Hendricks County Health Department

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Overview

- The Hendricks County Lodging Establishment Ordinance 2019-27 was passed by County Commissioners July 23, 2019.



What does this ordinance affect?

- Definition of **Lodging Establishment**: A hotel, motel, or inn located in Hendricks County, Indiana where space is leased, rented, or otherwise occupied in which sleeping accommodations are provided for a Guest for either short or long-term stays.
- This definition **does not include apartments, private homes, bed and breakfast establishments, dormitories, or boarding houses.**
- Ordinance **does not** require lodging establishments to be permitted or registered with the Health Department and there are **no fees.**



What are we looking for?

- **Pest:** An insect, rodent, or other animal that creates a public health risk or nuisance, including but not limited to, a bed bug, rodent, cockroach, flea, or ant.
- **Infestation:** The presence of any Pest in the Lodging Establishment which is deemed likely to pose a hazard to public health through disease, injury, or sickness.



What are the minimum requirements?

- **Minimum Requirements of a Lodging Establishment:**
 - Lodging Establishment is free of any Unsanitary or Unlawful Condition, including, but not limited to, Harborage conditions, the presence of Pests, or Infestations.
 - Lodging Establishment shall have a written policy in place for personnel, including reception and housekeeping, to handle complaints regarding Pests.
 - The Owner maintains pest complaint logs and pest control invoices on the premises for at least one year. These logs and invoices may be inspected by the Health Department.



How do we determine when to inspect an establishment?

- **Ordinance is complaint driven, no routine inspections.**
- If a complaint is received:
 - Health Department will complete an inspection and provide a written report.
 - Report shall include a date of correction for any violations found.
 - At inspection, if pests or an infestation are found within the Lodging Establishment, the Owner shall provide educational materials and training to all applicable Lodging Establishment employees on pest identification and indications of pest activity.



How do we determine when to inspect an establishment?

- If a complaint is received (cont.):
 - If any Guest Room has an **Unsanitary or Unlawful Condition**, the Guest Room and any **Contiguous** room shall not be occupied until the conditions causing it to be unfit are remediated. Items shall not be moved into or out of the Guest Room until it can be inspected by a licensed pest control professional and approval is provided by the Health Department.
 - **Definition of Unsanitary or Unlawful Condition:** Any condition that may transmit, generate, or promote disease, injury, or sickness. This would include the existence on the premises of an unsanitary condition that is likely to cause sickness to a Guest due to an Infestation or gross unsanitary condition. Examples would include, but are not limited to, Harborage or Infestation conditions.
 - **Definition of Contiguous:** Sharing a common wall, floor, or ceiling.



How do we determine when to inspect an establishment?

- If a complaint is received (cont.):
 - If bed bugs are found in a Guest Room, all Contiguous rooms must also be inspected by a licensed pest control professional and treated as necessary. Guest Rooms and Contiguous rooms may not be used until approved by the Health Officer.
 - Whenever an Infestation is found in a Guest Room, the Health Officer may, without notice or hearing, issue and serve a written order requiring the immediate closure of its operations of designated Guest Rooms and any Contiguous rooms.



How will we ensure compliance?

- **Follow-up Investigations to ensure compliance will be conducted by the Hendricks County Health Department.** If upon follow-up the Lodging Establishment is found to be in Habitual Non-compliance, the Health Department may order civil penalties and request an administrative hearing.



How will we ensure compliance? (cont.)

- Definition of **Habitual Non-compliance**:
Three or more Investigations of a Lodging Establishment with Investigation Reports **within the last two years** demonstrating:
 - 3 consecutive Investigations documenting the same Violation without significant progress or actions to remediate the Violation, or
 - 4 non-consecutive Investigations documenting the same Violation without significant progress or actions to remediate the Violation.



How will we ensure compliance? (cont.)

□ Civil Penalties

- **Can be assessed when violation meets habitual non-compliance definition.**
- Civil penalty of \$250 not to exceed a total of \$5,000, may be sought for each Violation. Each individual penalty will be multiplied by the number of days the Violation has been documented by the Hendricks County Health Department and shall be assessed on the basis that the Violation has remained uncorrected over the period of time between the two (2) Investigations.



How will we ensure compliance? (cont.)

□ Administrative Hearing

- If violations are still not corrected, a written order for an administrative hearing will be issued to the owner to appear, in order to show cause why the Lodging Establishment shall continue operation.



How will we ensure compliance? (cont.)

- **The Health Officer may order the immediate closure of a Lodging Establishment for the following reasons:**
 - ▣ Interference with Health Department staff in the performance of duties.
 - ▣ As a result of continuous Violation of any provision of this Ordinance following an administrative hearing.
 - ▣ If the Infestation includes more than 25% of the Guest Rooms, the entire Lodging Establishment may be required to close.



It starts with YOU!

- **Ensuring Hendricks County lodging establishments are free from rodent and insect infestation starts with the every day awareness and actions of your staff.**
- **Reach out to the health department or a pest control company to learn more about how you can prevent infestations in your establishment.**
- **Thank you for your daily efforts to protect public health!**



Contact Information

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