

BROWN COUNTY, INDIANA

ORDINANCE No. 2025-_____

AN ORDINANCE TO CREATE THE POLICY INTENDED TO LIMIT BED BUG EXPOSURE

WHEREAS, the Indiana Department of Health has, pursuant to Indiana Code (I.C.) 16-19-3-4 and I.C. 16-19-3-4, adopted rules to protect and improve public health;

WHEREAS, local health departments have been delegated as the enforcement authority for the rules stated above; and

WHEREAS, lodging facilities that become infested with bedbugs (*Cimex Lectularius*) can cause a serious public nuisance for lodging facility patrons and the surrounding community, and, therefore, must be handled in a timely manner.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS OF BROWN COUNTY, INDIANA, as follows:

Section 1.0: Public Nuisance

Bed bugs (*Cimex Lectularius*) are hereby declared to be a public nuisance subject to the abatement provisions of this Ordinance.

Section 2.0: Definitions

- (a) "Health Department" shall mean the Brown County Health Department.
- (b) "Bedbugs" (or *Cimex Lectularius*) are small flat reddish-brown insects about 1 mm - 7 mm in size that bite people and animals at night and feed on their blood.
- (c) "Lodging Establishment" for the purposes of this Ordinance includes tourist homes, hotels, motels, home-stays, Bed & Breakfasts, Airbnbs, VRBOs, and any other space temporarily leased that provides sleeping accommodations for short- or long-term rentals. This does not include campgrounds, apartments, mobile homes, or RVs.
- (d) "Owner/Operator" is a person who has legal title and/or authority in maintaining the Lodging Establishment.
- (e) "Licensed Pest Control Operator" is a person who is licensed by the State of Indiana to apply specific chemicals for pest control in Lodging Establishments.
- (f) "Inspection" shall mean a documented survey done by a Licensed Pest Control Operator or a member of the Health Department to determine the presence of Bedbugs and/or the remediation of a prior complaint on Bedbugs.
- (g) "Contamination" means when a Lodging Establishment is infested to some degree with Bedbugs, as determined by the Health Department.
- (h) "Order to Remediate" shall mean the order given by the Health Department to the Owner/Operator demanding that remediation steps be taken to get rid of a Contamination.

Section 3.0: Enforcement

The Health Department shall have the authority to enforce the rules and penalties of this Ordinance.

Section 4.0: Procedures for Remediation

- (a) Every Lodging Establishment shall be free of Bedbugs.
- (b) If a complaint is filed or the Health Department has reason to believe that a potential Contamination exists in a Lodging Establishment, the Health Department shall be tasked with conducting an Inspection, or hiring a third party to conduct an Inspection, and determining whether or not a Contamination exists. The Owner/Operator shall be responsible for costs incurred by the Health Department in hiring a third party to conduct an Inspection.
- (c) The Health Department, or its contracted service provider, shall be given reasonable access to a Lodging Establishment during the hours of 8:00 AM – 5:00 PM EST, Monday through Friday, to inspect the Lodging Establishment for Contamination.
- (d) Upon determination by the Health Department of a Contamination in a room(s), the Owner/Operator will be informed by the Health Department that there is a verified complaint of Bedbugs in their establishment through an official Order to Remediate. Room(s) that contain a Contamination must then be closed off from visitors and patrons until the Contamination is fully remediated and the Health Department verifies such remediation.
- (e) The Order to Remediate shall contain a listing of the room(s) where Contamination was found, and the number of days that the Owner/Operator has to remediate the Contamination.
- (f) Once a Contamination is determined in a Lodging Establishment, the Owner/Operator must then contract with a Licensed Pest Control Operator to treat the Lodging Establishment to remove all Bedbugs within the timeline given by the Health Department.
- (g) All sheets and blankets and pillowcases located in the same room as the Contamination shall immediately be either disposed of or washed and dried in high temperatures. All mattresses in rooms with Contamination shall be disposed of.

Section 5.0: Procedures after Remediation

- (a) Once an Owner/Operator can show documented proof from a Professional Licensed Pest Control Operator that a Contamination no longer exists in the Lodging Establishment, the Owner/Operator may submit that proof to the Health Department and request approval to re-open the room(s).
- (b) The Health Department shall have five (5) business days to confirm that a Contamination no longer exists and respond to the request to re-open. The Health Department may conduct an additional Inspection if needed to confirm that a Contamination no longer exists.

Section 6.0: Penalty

- (a) The Owner/Operator shall be charged \$50 per Inspection by the Health Department for Contamination. This fee shall be in addition to the costs incurred by the Health Department to hire a third party to assist in the Inspection.
- (b) If a Lodging Establishment is not remediated within the timeline given by the Health Department on the Order to Remediate, then the Owner/Operator shall be charged \$100 a day per room until proof of remediation is submitted to the Health Department.

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PASSED AND ADOPTED by the Board of Commissioners of Brown County, Indiana this
____ day of _____, 2025.

BOARD OF COMMISSIONERS, BROWN
COUNTY, INDIANA

Tim Clark, President

Ron Sanders, Vice President

Kevin Patrick, Member

ATTEST:

Julia Reeves, County Auditor

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