

**ORDINANCE NO. \_\_\_\_-2025**  
**AN ORDINANCE REGULATING RENTAL DWELLINGS**  
**IN THE CITY OF WASHINGTON**

WHEREAS, many residents of the City of Washington, Indiana, reside in rental homes, apartments, and other rental units; and

WHEREAS, the Washington City Council has determined that it is in the best interests of the public health and safety of these individuals and of all city residents to establish certain rules and regulations in order to maintain minimum standards of habitability; and

WHEREAS, it has been determined by this council that the best method to do so is by establishment of a registration, inspection and permit program for all residential rental units in the city pursuant to Indiana code §36-1-20-4.1.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WASHINGTON, INDIANA, that Section 158 shall be added to the City of Washington Code of Ordinances and shall be titled “§158 Regulation of Rental Dwelling”; The entirety of §158 appears at “Attachment A” of this ordinance.

This ordinance shall take full force and effect upon passage.

Passed by the Common Council of the City of Washington, Daviess County, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 2025;

\_\_\_\_\_  
David Rhoads, Mayor

ATTESTED BY:

\_\_\_\_\_  
Mary Beth McGookey, Clerk-Treasurer

Presented by me to the Mayor for his approval and signature this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Mary Beth McGookey, Clerk-Treasurer

Approved and signed by me this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
David Rhoads, Mayor

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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ARTICLE XV REGULATING RENTAL DWELLING AND DWELLING UNITS

**§158.01 RENTAL PERMIT REQUIRED.**

Every owner of residential property within the city renting or intending to rent a dwelling unit shall apply for and secure a rental permit or conditional rental permit, at a cost of Twenty Dollars (\$25) per dwelling unit.

No owner of residential real property located within the city shall rent to or continue to rent to a tenant any dwelling unit within the real property for any form of consideration, on or after \_\_\_\_\_, 2025, unless he, she or it holds a valid rental permit or conditional rental permit issued by the Building Commissioner’s office of the City, or its designee, issued in the name of the owner and for the specific dwelling unit for rent.

Landlords of record as of \_\_\_\_\_, 2025, that do not register their units by \_\_\_\_\_, 2025, shall be fined up to One Hundred Dollars per day up to One Thousand Dollars (\$1000) until they register and schedule an inspection. Effective \_\_\_\_\_, 2025, any person or corporation that fails to register their units within 90 days of notice may be fined One Hundred Dollars (\$100) per day for each day they are found to be in noncompliance.

**§158.02 DEFINITIONS.**

For the purposes of section 158, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADULT.** Every person at least 18 years of age, or younger if emancipated.

**DWELLING UNIT.** The abode of a family; a single unit providing complete, independent facilities for the exclusive use of the household, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**FAMILY.** Includes all of the following:

- (1) An individual;
- (2) Two or more individuals related by genetics, marriage, legal adoption, foster care or guardianship, or other comparable relationship established by law; or
- (3) Five or fewer individuals who constitute a relatively permanent functioning group living as a single housekeeping unit.

**HABITABLE ROOM.** Any room meeting the requirements of this chapter for sleeping, living, or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage places, utility rooms and similar spaces.

**HOMESTEAD EXEMPTION.** An individual’s principal place of residence that: the individual own; the individual is buying under a contract, recorded in the County Recorder’s office; provides that the individual is to pay the property taxes on the residence; the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216, as may be amended) of a cooperative housing corporation; or is a residence described in I.C. §6-1.1-12-17.9 (as may be amended) that is owned by a trust if the individual is an individual described in I.C. §6-1.1-12-17.9 (as may be amended).

**INSPECTOR.** The Washington Building Commissioner, his designee or a 3rd party inspector licensed by the State Licensing Board

**MULTI-FAMILY DWELLING.** A residential building designed for, or modified to accommodate, more than one independent rental unit.

**CONDITIONAL RENTAL.** A permit allowing an owner to lease, rent, or otherwise use premises by tenants.

**OWNER.** Any person having a legal or equitable title in a rental building or premises.

**PERSON.** A corporation, firm, partnership, association, organization or any group acting as a unit, as well as a natural person. References in the masculine gender include the feminine and the neuter; those in the present tense include the future, and those in the singular include the plural.

**PREMISES.** A lot, plot or parcel of land containing a rental building or rental unit.

**REGISTRATION PERMIT.** The permit issued by the city upon registration of each rental unit.

**RENTAL BUILDING.** A building containing one or more rental units.

**RENTAL HOUSING CODE.** Section 158 of this Code of Ordinances.

**RENTAL HOUSING OFFICER.** That municipal officer charged with the primary responsibility of enforcement of the provisions of this section. As set out in §158.01 hereof, the City Building Commissioner shall serve as the Rental Housing Officer.

**RENTAL PERMIT.** The form issued by the city to an owner upon completing the necessary documentation regarding a rental unit and after a satisfactory inspection has been completed.

**RENTAL UNIT.** Any rented dwelling unit or rooming unit that does not have a homestead exemption on the property or is otherwise excluded from inspection by I.C. §36-1-20-4.1.

**RENTAL UNIT COMMUNITY.** One or more parcels of contiguous real property upon which are located one or more structures containing rental units, if:

- (1) The combined total of all rental units in all of the structures is five or more rental units; and
- (2) The rental units are not occupied solely by the owner or the owner’s family.

**ROOMING HOUSE (BOARDING HOUSE).** 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 three or more person. Allowed only in a R3, C1, C2 and C4 zoning.

**ROOMING UNIT.** Any room or group of room forming a single habitable unit used for living and sleeping, but not for cooking or eating purposes.

**TENANCY AGREEMENT.** Includes all agreements, written, oral or implied, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a rental unit.

**TENANT.** Any person entitled to occupy a rental unit under a tenancy agreement to the exclusion of others.

**§158.03 COMPLIANCE REQUIRED; APPLICATION OF CHAPTER.**

(A) No person shall occupy or maintain a rental unit within the city unless in accordance with the provisions of this chapter. This chapter applies to all rental units located within the city, but shall not apply to the following:

- (1) Occupancy in a single-family, owner-occupied dwelling unit with a homestead exemption.
- (2) Occupancy in a “group home” or residential institution” as those terms are defined by state statute.
- (3) Occupancy in federally subsidized and owned housing complexes which have multiple on-site units, and which are owned and maintained by the federal government or local housing authority, or scattered site Section 8 housing units administered by a local housing authority.
- (4) Occupancy by the purchaser of a dwelling unit under a recorded contract of sale.
- (5) Transient occupancy in a hotel, motel, bed & breakfast, AirBnB or other similar lodging.

- (B) It shall be the responsibility of each person owning or operating a dwelling unit that the person claims is exempt from this chapter, to produce such documentation or other information as may be requested by the Rental Housing Officer, or his or her designee, so as to permit the Rental Housing Officer or designee to determine whether the dwelling unit is exempt.

**§158.04 APPLICATION FOR RENTAL PERMIT REQUIRED.**

This article shall apply to those dwelling units for which there is a written lease, installment land contract, articles of agreement for purchase, month to month tenancies, and any and all agreements, written and oral, where the possession of said real property or a part of it is divested from the owner of record.

**§158.05 EXCEPTIONS FOR REQUIREMENTS.**

- (a) This article shall not apply to a single-family owner-occupied unit, dwelling units in hotels or motels, accommodations in hospitals, not for profit shelters and school dormitories, and units in cooperatives occupied by holders of proprietary leases.
- (b) Single-family rental units that are currently rented to family members will be exempted upon the execution of an affidavit by the owner that the persons renting the unit are blood relatives. The owner must reapply every 12 months to continue the exemption. If in the intervening 12 months the property is rented to a non-relative, the owner must comply with ordinance within 30 days.
- (c) Single-family rental units that are listed for sale are not exempt from inspection. The owner will be responsible to have an inspection scheduled by \_\_\_\_\_, 2025. Inspections completed before the sale of the property transfer with the property.
- (d) Affidavits allowing exemptions in subsection (b) above shall be placed on file and recorded with the Daviess County Recorder of Deed against the properties being exempted.
- (e) Failure to comply with subsections (b) and (c) of this section shall result in a fine of Two Hundred Fifty Dollars (\$250) in addition to the rental permit fee.

**§158.06 APPLICATION FOR PERMIT.**

An owner shall apply for a rental permit by filing a written application with the building commissioner, which application shall contain not less than the following information.

- (1) Name of owner(s).
- (2) Address and telephone/cell number of owner
- (3) Address of dwelling or dwelling unit to be inspected

- (4) Name and address of any registered agent.

**§158.07 INSPECTION.**

- (a) If the application is in proper form, a conditional rental permit shall be issued. The conditional rental permit will be valid until a permanent permit is issued following inspection within 12 months. The owner or representative must schedule an inspection at the time of submission of the application. If the application is submitted online or by mail the owner or representative must make the appointment within five business days.

The owner may be granted one 30-day extension for cancellation of a scheduled inspection without penalty under the following conditions:

- (1) The owner has taken out a valid building permit and the work is in process;
  - (2) The owner calls and cancels within one business day of the appointment;
- (b) Prior to issuing a rental permit, the building commissioner shall require an inspection of the dwelling unit by the building commissioner or by a 3rd party inspector licensed by the State of Indiana licensing board (§158.15(f)).
  - (c) The building commissioner shall inspect the dwelling unit for compliance with the building codes and property maintenance standards enacted by the city and the State of Indiana and applicable zoning ordinances. The owner shall be notified of the date and place of inspection, and the owner, or his or her or its representative, shall be in attendance at the inspection.
  - (d) All buildings shall be inspected for compliance with the building codes and property maintenance standards enacted by the city and the State of Indiana and applicable zoning ordinances in effect at the time the building was constructed or renovated subject to any exceptions contained in the Indiana Building and Fire Safety Administration Code.
  - (e) An inspection must be completed every five (5) years.
  - (f) Attachment B will be the checklist to be addressed by the inspector.

**§158.08 ISSUANCE OF PERMIT.**

Upon completion of the inspection, the building commissioner shall issue a rental permit to an owner who:

- (1) Filed a written application.
- (2) Paid the permit fee.
- (3) Scheduled and attends the required inspection.
- (4) Complied with all local building codes, building maintenance standards and applicable zoning ordinances.

**§158.09 DURATION OF PERMIT AND COMPLAINT DRIVEN INSPECTIONS.**

- (a) A rental permit shall be valid until there is a change of ownership of the real property. When a change of ownership occurs, the new owner of the real estate must obtain a new rental permit with the required inspection in accordance with the regulation specified in this chapter.
- (b) A conditional rental permit shall be valid until an inspection is made and a rental permit issued, provided, however, if the owner’s property does not meet the standards for issuance of a rental permit, after a reasonable opportunity to cure any defects, the conditional permit shall be withdrawn.
- (c) Notwithstanding the foregoing, a dwelling unit shall also be inspected if a written complaint about the condition of the dwelling unit has been filed with the building commissioner.
  - (1) Whenever the building commissioner or his or her designee receives information creating a reasonable belief that a rental or premises violates any of the standards of this article, including non-registration of a rental unit, the building commissioner may conduct an inspection of the rental unit or premises.
  - (2) Upon receipt of such a complaint, the building commissioner shall notify the owner or his or her agent of the rental unit or premises setting forth the date and time scheduled for the inspection.
  - (3) The owner shall be responsible for granting access to each rental unit or premises to the building inspector or his or her designee.
  - (4) It shall be a violation of this article if a court of competent jurisdiction determines that any owner or his or her agent brought or threatened to bring an action for possession of a rental unit for the purpose of retaliating against a tenant for requesting an inspection of the dwelling unit. The owner in this case would be subject to a fine of up to Two Thousand Dollars (\$2,500).
  - (5) In the event that no violations including non-registration of a rental unit of this article are discovered during the initial inspection, the owner shall not be charged a fee for the inspection. However, in the event that the initial inspection reveals any violation of this article for which the owner is responsible the owner shall be charged an inspection fee of up to Five Hundred Dollars (\$500) if violation(s) are not remedied within the time given by the building commissioner.



**§158.10 ISSUANCE OF A CONDITIONAL RENTAL PERMIT.**

- (a) When an owner has applied for a rental permit and, upon inspection, the building commissioner is unable to certify that the dwelling for which a rental permit is sought conforms to the requirements of this chapter or the rules, regulations and ordinances required for occupancy, the building commissioner shall deny the rental permit. The building commissioner may, when the nonconformity in his or her opinion does not constitute an immediate threat of danger to the health, safety or public welfare of the community, or the inhabitants or potential inhabitants of the dwelling unit, issue the continuation of a conditional rental permit to the owner until the defects are cured.
- (b) After the inspection, the building commissioner shall set forth the reasons why the dwelling unit does not conform to this chapter and the conditions required for occupancy. The time for the owner to secure conformity with this chapter shall not exceed 30 days except for good cause shown and approved by the building commissioner. When conformity is secured, a rental permit shall be issued to the owner.
- (c) If the owner has not corrected the violations or cured the conditions arising out of the inspection within the time designated by the building commissioner, the building commissioner shall give written notice that the conditional rental permit has been revoked, Upon receipt of the notice, the owner immediately shall cease renting or cease seeking to rent the dwelling unit and cause the dwelling unit to be vacated.
- (d) If a tenant occupies a dwelling unit based on a conditional rental permit, the owner shall notify his, her, or its tenant or potential tenant, that until the owner receives the required rental permit, the tenant may be required to vacate the dwelling unit if the owner fails to correct any violations or cure the conditions within the time designated by the building commissioner.
- (e) Failure to cease renting pursuant to subparagraph d shall result in a fine of not less than One Hundred Dollars (\$100) and not more than Five Hundred Dollars (\$500) for each day of violation unless there is a pending eviction case.

**§158.11 TRANSFER OF PERMIT PROHIBITED.**

A rental permit, as provided in this chapter, is not transferable to a new owner. When a change of ownership occurs, the new owner of the real estate must obtain a new rental permit with the required inspections in accordance with the regulations specified in this chapter.

**§158.12 DISCLAIMER OF LIABILITY.**

The issuance of a rental permit or a conditional rental permit does not constitute any warranty, express or implied, from the city that the dwelling unit is free from defects. The city, and its designated inspectors, assume no liability whatsoever regarding the condition or safety of the dwelling or dwelling units.

**§158.13 RENTAL PROPERTY PERMIT FEES.**

- (a) *Inspection fee.* The fee for the required inspection to obtain a permit shall be Twenty Dollars (\$25) for each dwelling unit payable at the time of application.
  
- (b) In the event an owner provides the city with an inspection report which complies with the requirements of Indiana State Statute HEA 1403 prior to the date inspection is due under this Code provision, the owner shall be exempt from the inspection requirements of this Code. The inspection report provided must be certified by a party whose qualifications meet the requirements of HEA 1403 or the report must be certified by a home inspector licensed by the State of Indiana Home Inspectors Licensing Board.

**§158.14 ADDITION OF REASONABLE ATTORNEY FEES AND COSTS.**

Whenever the city is required to employ the services of an attorney (including the city attorney) to enforce the terms of this article against an owner or tenant, and the city prevails in its enforcement, the owner or tenant, or both if both responsible, shall be responsible for the attorney fees, expenses of enforcement and costs incurred which amount shall be payable to the city.

**§158.15 LIMITATION ON ACCESS TO DWELLING UNITS.**

The building commissioner is authorized to enter the dwelling units at reasonable times for purposes of inspection, subject to constitutional restrictions on unreasonable searches and seizures. If entry to the dwelling units is refused or not obtained, the building commissioner is authorized to pursue such recourse as is otherwise provided by law.

**§158.16 INSPECTION FEES, FINES AND OTHER CHARGES.**

All inspection fees, fines and other charges collected in connection with this article shall be maintained in a separate account by the Clerk-Treasurer’s office and may only be expended to reimburse costs incurred in carrying out the provisions of this article.

**§158.17 SEVERABILITY AND REPEAL.**

- (a) *Severability.* If any sentence, clause, section or part of this article is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any other of the remaining provisions, sentences, clauses, sections or parts of this chapter. It is hereby declared as the intent of the own that this chapter would have been adopted at such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.
  
- (b) All ordinances or parts of ordinances which are inconsistent with this chapter are hereby repealed.

**§158.18 APPEAL.**

Any act or action taken by the city which is unfavorable or adverse to the owner or tenant with respect to the issuance of a rental permit, or the results of an inspection may be appealed in the following manner. The owner or tenant shall file his, her or its appeal within ten (10) days following the act or action deemed to be unfavorable or adverse. The appeal shall be filed with the Board of Works of the city, and the Board of Works shall cause a hearing to be held within ten (10) days after receipt of the notice of appeal. The owner or tenant may appear in person and with legal representation. The board of public works shall decide on the appeal within ten (10) days following the conclusion of the hearing. For administrative purposes, the decision of the Board of Works shall be final. The owner or tenant may seek any further review by filing a complaint or petition in a court of competent jurisdiction within Daviess County Indiana.

**158.19 OCCUPANCYS.**

All rental units must adhere to the standards and limitations for occupancy set forth in the Indiana Residential Code and Indiana Building Code as restated below.

- (1) *Minimum Area.* Every dwelling unit shall have at least one habitable room that shall have not less than 120 square feet of gross floor area.
- (2) *Other rooms.* Other habitable rooms shall have a floor area of not less than 70 square feet, except kitchens.
- (3) *Minimum dimensions.* Habitable rooms shall not be less than seven feet in any horizontal dimension.
- (4) *Ceiling height.* At least one-third of the floor area of every habitable room shall have a ceiling height of at least seven feet. The floor area of that of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purposes of determining the maximum permissible occupancy thereof.
- (5) *Minimal Building Size.* All rental buildings and dwelling units shall have the minimum building size outlined in the following table:

	Single Family	Two-Family	Multi-Family
AG	750 Sq. feet	500 Sq. feet per dwelling unit	Not Allowed
S-1	750 Sq. feet	Not Allowed	Not Allowed
R-1	750 Sq. feet	Not Allowed	Not Allowed
R-2	750 Sq. feet	500 Sq. feet per dwelling unit	Not Allowed
R-3	750 Sq. feet	500 Sq. feet per dwelling unit	500 Sq. feet per dwelling unit
C-1	750 Sq. feet	500 Sq. feet per dwelling unit	500 Sq. feet per dwelling unit
C-2	750 Sq. feet	500 Sq. feet per dwelling unit	500 Sq. feet per dwelling unit

- (6) *Toilet facilities.* Every dwelling unit shall be provided with a functioning water closet, lavatory, and a bathtub or shower. Also, a working water heater.
- (7) *Kitchens.* Each dwelling unit shall be provided with a kitchen area and every kitchen area shall be provided with a sink, proper hookup for stove or range and for a refrigerator.
- (8) *Overcrowding.* The number of persons occupying a dwelling unit shall not create conditions that endanger the life, health safety, or welfare of occupants. In every dwelling units of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposed by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.
- (9) For residential area zoned R-1 or R-2: The maximum occupancy is a family which is defined a “one or more persons related by blood (to the degree of first cousin), marriage, or adoption plus not more than two unrelated persons living as a single housekeeping unit”. In the case of no relation, the maximum number of occupants is three including the owner of the property.
- (10) For multi-family areas zones R-3: A maximum of four persons per dwelling unit with not more than 2 persons per bedroom.

**§158.20 OWNER/TENANT HONESTY.**

- (a) No owner of a rental dwelling unit shall incorrectly represent in any advertisement, sign, or other written or oral form, the occupancy limit as defined in §158.19 of the rental dwelling unit.
- (b) No tenant of a rental dwelling unit advertising for sublease shall incorrectly represent in an advertisement, sign, or other written or oral form, the occupancy limits as defined in section 158.19 of the rental dwelling unit.

**§158.99 PENALTY.**

- (A) For submitting any other false or materially incomplete information on an application or any other information under this section, a fine of up to One Thousand Dollars (\$1,000), unless the violator has been convicted of a previous violation for submitting any other false or materially incomplete information on an application or any other information submitted under this section, in which case the fine may be up to Two Thousand Five Hundred Dollars (\$2,500).
- (B) For failure to maintain a rental permit pursuant to §158.01, a fine of up to Five Hundred Dollars (\$500), unless the violator has been convicted of a previous

violation for failing to maintain a rental certificate, in which case the fine shall be up to One Thousand Dollars (\$1,000).

- (C) For failure to timely sign or submit a complete registration application, a fine of up to One Hundred Dollars (\$100). Each day a violation of this provision exists or continues to exist constitutes a separate and distinct violation of this section, with a maximum fine of Seven Thousand Five Hundred Dollars (\$7,500).
- (D) For rental of any dwelling unit without first obtaining or continuing to have a valid registration permit, a fine of up to One Hundred Dollars (\$100), unless the violator has been convicted of previous violation involving renting without a registration permit, in which case the fine shall be up to Five Hundred Dollars (\$500). Each day a violation of this provision exists or continues to exist constitutes a separate and distinct violation of this section.
- (E) If fines are imposed by the Board of Public Works and Safety or inspection fees are not paid, then the Enforcement Officer and/or the City Attorney’s Office shall file liens upon the property for the outstanding balances due. A person may appeal the determination of the Building Commissioner to the Board of Public Works and Safety, with respect to any determination as to registration and rental permit outlined in this section, within ten (10) business days from notice to the owner of the property, based upon the information provided as part of the registration or by use of the address used for tax purposes as maintained by the Daviess County Treasurer.

This check list serves as an abbreviated list of safety standards that will be inspected in every Rental Unit. This is NOT a complete list of areas that will be inspected.

Electrical Service:

- Meter Base in good condition
- Service entry riser in good condition
- Proper ground wire and rod
- Electrical panel in good condition, rust free
- Adequate clearance and easy access to panel
- Equipment installed and maintained to code

General Electric:

- Covers on all switched and outlets
- GFCI receptacles where required and operable
- Switches, outlets and fixtures operable
- Safe limited use of extension cords
- All electrical installations maintained to code

Water Heater:

- Gas shut-off valve
- Vent secured and properly pitched
- Operable, with not rust, holes or leaks
- Electrical disconnect present
- Wire in proper conduit

Fire Safety:

- Fire alarms intact, working and maintained
- Smoke detectors functional
- Proper type, placement, and maintenance of smoke detectors
- Proper type and placement of fire extinguishers

Windows:

- Proper size and location for light and ventilation
- Proper for egress and lockable
- Screens presents and in good condition

Rooms:

- Walls, floors and ceilings intact and maintained
- Unobstructed egress within and out of the home
- Fireplaces, wood stoves operable and maintained
- No rubbish or garbage accumulation

Laundry:

- Proper dryer vent to exterior with cover
- Gas shut off Valve
- Proper electrical outlets

Plumbing:

- Sinks, bathtubs and showers operable with hot and cold water
- Functioning drains with proper traps, no leaks or drips
- Toilets properly installed and operating. No leaks or continuous running

Building Exterior:

- Roof waterproofing and maintained
- Walls, foundation and chimney maintained
- Porches and decks solid and maintained
- Guardrails on porches/decks over 30' feet high
- Secured handrails if four (4) or more steps

Yard:

- Grass, Shrubs trees maintained to code
- Accessory structures maintained to code
- No illegal vehicles or illegal parking
- No rubbish or garbage