

## PREMISES SANITATION REGULATIONS

This is a regulation establishing minimum standards of hygiene and sanitation: governing the condition and maintenance of dwellings: establish minimum standards to make dwellings safe, sanitary, and fit for occupants. This minimum standard governs the conditions of dwelling offered for rent or owner occupied: fixes certain responsibilities and duties of owners and of occupants of dwellings: authorizes the inspection of dwellings and their condemnation if found to be unfit for human habitation

Whereas, in the Pike County Health District, there are, or may in the future be, dwelling structures which are so dilapidated, unsafe, dangerous, unhygienic, or unsanitary as to constitute a menace to the health and safety of the occupants thereof and of the people of the Pike County Health District.

By authority of section 3709.21, Ohio Revised Code, be it therefore resolved by the Board of Health of Pike County Health District as follows:

### Section 1 Definitions

- 1.01 **Accessory Structure** :means a detached structure which is not used or not intended to be used for living or sleeping by human occupants and which is located on or partially on any premises.
- 1.02 **Basement:** means a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 1.03 **Board of Health:** means the board of health of Pike County Health District.
- 1.04 **Cellar:** means a portion of a building located partly or wholly underground, and having half or more than half is its clear floor-to-ceiling height below the average grade of adjoining ground.

- 1.05 **Dwelling Unit:** means a structure or the part of a structure that is used as a home residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.
- 1.06 **Dwelling:** means any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants and which is located on or partially on any premises.
- 1.07 **Habitable Room:** means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communication corridors, closets, and storage space, and any other room designated by the health commissioner.
- 1.08 **Health Commissioner:** means the Health Commissioner of the Pike County Health District or his authorized representative.
- 1.09 **Infestation:** means the troublesome spreading or swarming presence of insects, rodents, or other pests within or around dwellings.
- 1.10 **Landlord:** means the owner, lessor or sub lessor of residential premises, his agent, or any person authorized by him to manage the premises or to receive rent from a tenant under a rental agreement.
- 1.11 **Lead-based paint:** means any paint containing more lead than the level established by the U.S. Consumer Product Safety Commission as being the “safe” level of lead in residential paint and paint products.
- 1.12 **Meaning of certain words:** whenever the words “dwelling”. “Dwelling unit”, or “premises”, are used in this regulation, they shall be construed as though they were followed by the words “or any part thereof”.
- 1.13 **Multiple Dwelling:** means any dwelling containing three or more dwelling units.
- 1.14 **Occupant:** means an owner-occupant or tenant as defined here in section 2.05.
- 1.15 **Owner:** means owner occupant or landlord as defined here in section 1.10.
- 1.16 **Person:** means an individual, partnership, association, syndicate, company, firm, trust, corporation department bureau, agency, or any entity recognized by law.

- 1.17 **Plumbing:** includes any visible environmental health problem such as; the practice, materials, and fixtures used in the installation, maintenance extension, and alteration of all piping, fixtures, appliances, and appurtenances in with any of the following; drainage systems, the venting systems and the water supply systems, within or adjacent to any building structure, or conveyance; also the practice and materials used in the installation, maintenance, extension, or alteration or the storm-water, liquid waste, or drainage and water supply systems of any premises.
- 1.18 **Potable Water:** means drinkable, safe from harmful bacteria and chemical impurities, and from an approved source.
- 1.19 **Premises:** means a residential premises, a dwelling unit for residential use and occupancy, and the structure of which it is a part; the facilities and appurtenances therein, the grounds, areas, and facilities for the use of occupants generally or the use of which is promised to the occupants.
- 1.20 **Rooming Unit:** means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- 1.21 **Solid Waste:** means such unwanted residual solid or semi-solid material as result from industrial, commercial, agricultural and community operation, excluding earth or material from construction, mining, demolition operations and slag and other substances which are not harmful or inimical to public health and includes garbage, combustible, and non-combustible material, street dirt, and debris.
- 1.22 **Supplied:** means paid for, furnished, or provided by or under the control of the owner.
- 1.23 **Temporary Housing:** means: (A) house trailers and travel trailers as defined in section 4501.01 Revised Code, when occupied for periods of less than thirty days: (B) a camp as defined in rule 3701.25. Ohio Administrative Code under authority of sections 3701.13 and 3701.34 Revised Code: (C) an agricultural labor camp as defined in section 3733.41 -3733.48 Revised Code and rule 3701.33, Ohio Administrative Code: (D) any 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 consecutive days.

1.24 **Tenant:** means a person entitled under a rental agreement to the use and occupancy or residential premises to the exclusion of others.

- **SECTION II INSPECTION OF DWELLING UNITS,  
ROOMING UNITS AND PREMISES**

**2.01** The health commissioner is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, rooming units, and premises located within Pike County Health District excluding the City of Waverly, in order that he may perform his duty of safeguarding the health and safety of occupants of dwelling and the general public, an inspection shall be made following a written and signed nuisance complaint with exception of Legal Aid, court order, township trustees and Children Services. The owner or occupant of every dwelling unit, and rooming unit shall give the health commissioner free access to such dwellings at all reasonable times for the purpose of such inspection, examination and survey.

**2.02** In the event the owner or occupant refuses to admit the health commissioner to the premises upon request, the health commissioner may make an application to the board of health for an order directed to the owner or occupant, ordering the admission of the health commissioner for purposes of inspection upon proper identification displayed by the health commissioner, he shall be admitted to the premises for purposes of such inspection.

**2.03** 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 regulation or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this regulation.

**2.04** All existing building shall be grand fathered in until such time when a nuisance complaint is filed with the Pike County Health District citing a health or safety hazard.

**2.05** All owner occupied home shall have an inspection following a signed nuisance complaint citing endangerment to children, elderly and disabled.

### **SECTION III ENFORCEMENT SERVICE OF NOTICES AND ORDERS**

**3.01** Whenever the health commissioner determines that there is a violation of any provision of this regulation, he shall give notice of such violation to the owner or occupant, specifying the violation claimed and the provision of this regulation defining said violation. The notice shall also inform the owner or occupant of his right to a hearing before the health commissioner concerning the alleged violation as the health commissioner determines necessary, giving due consideration to the immediacy of the threat to health existing by reason of the alleged violation. The time allowed for the correction of such violation shall be stated in the notice. The notice provided herein shall be served personally or by certified mail with return receipt requested. Service by certified mail is deemed sufficient if mailed to the occupant at the address where the violation exists. In the event no return receipt is received when service is attempted by certified mail or personal service has not been made after diligent attempts, notice may be served by posting a copy of the notice of the violation upon the exterior of the building in a conspicuous place where the violation exists. A written report stating the manner in which said service was made shall be attached and retained in the official records.

#### **APPEALS PROCEDURE**

**3.02** Any person aggrieved by any notice of the Pike County Health District issued in connection with any alleged violation of this regulation or by any order requiring repair or demolition may request, and shall be granted an administrative hearing on the matter before the Health Commissioner, provided that such person shall file, in the office of the Health Commissioner, a written petition requesting such hearing and setting forth the name, address, and phone number of the petitioner, and brief statement of the grounds for such hearing and appeal from any order of the Health Commissioner. Petitions shall be filed within fourteen (14) days after the date the notice or order was served. Upon receipt of such petition, the Health Commissioner shall set a time and place for an administrative hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given the opportunity to be heard and to show because why such notice or order should be modified or withdrawn. The failure of the petitioner or his representative to appear and state his case at such hearing shall be grounds for dismissal of such petition.

**3.03** After such hearing the Health Commissioner shall sustain, modify or withdraw the notice of alleged violation depending upon his findings as to whether the provisions of this regulation have been complied with. Notice of the decision of the Health Commissioner shall be served upon the persons and in the manner as provided in section 3.01 of this regulation. This notice

shall also inform the owner or occupant of his right to appeal the decision of the Health Commissioner to the Board of Health in accordance with section 3.01 of this regulation.

**3.04** Any person affected by this decision of the Health Commissioner as provided in section 3.03 of this regulation shall be entitled to appeal. The appeal must be filed with the secretary of the Board of Health within five days of the personal service, or signature by the addressee on the return receipt, or date of posting upon the premises. Said notice shall state the order appealed from and the address to which the hearing notice shall be mailed. The Board of Health shall hear the appeal at the next regular meeting of the Board of Health provided that no hearing shall be had sooner than five days from the date of filing of said notice of appeal. Notice of other meeting before the Board of Health to hear said appeal shall be given to the appellant by regular mail at the address shown in his notice of appeal. Said appellant shall be entitled to appear personally and with counsel, at said meeting of the Board of Health. The Board of Health may, in its discretion, continue the hearing on said appeal from time to time until said hearing is completed.

## **SECTION IV MINIMUM SANITATION STANDARDS**

4.01 No owner or other person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein which does not comply with the following requirements.

### **4.02 Equipment and Facilities**

**4.02.01** Every dwelling shall have on the residential premises accessible sanitary facilities for receiving wastes from kitchen sinks, water closets, lavatories, bathtub or shower, laundry facilities, or such other devices as approved by the Health Commissioner.

**4.02.02** Every dwelling and dwelling, unit shall be supplied with a potable water supply. There shall be adequate water supply and pressure at all installed hot and cold water outlets.

**4.02.03** All visible plumbing shall be properly installed and maintained in good working condition, free from defects, leaks and obstructions.

**4.02.04** Every kitchen sink, lavatory, bathtub or shower in any rental property shall be properly connected with hot and cold water lines. The hot waterlines shall be connected to a hot water heating facility of adequate size.

**4.02.05** Every dwelling unit shall have adequate solid waste storage and disposal facilities, type and location of which are acceptable to the health commissioner.

**4.02.06** Every dwelling shall have a safe unobstructed means of egress leading to safe and open outdoor space at ground level.

**4.03 Ventilating and Heating:**

**4.03.01** Every bathroom, water closet compartment, laundry habitable room should be adequately ventilated.

**4.03.02** Every dwelling shall have heating facilities which are properly installed and maintained in safe and good working condition, and capable of providing a temperature of at least 68 degree F. under ordinary minimum winter conditions.

1. When heating facilities for a dwelling unit are supplied by the owner, the facilities are maintained in good working condition.
2. Heat ducts, steam pipes and hot water pipes in supplied central heating systems are free of leaks.
3. Seals between sections of hot-air furnaces which are integral parts of central heating systems are tight enough to prevent the escape of noxious gases through the heat ducts.
4. Space heaters and hot water heaters, which operate by a combustion process, are properly vented to a chimney or duct leading to the outdoors.
5. Coal burning space heaters have a fire-resistant panel beneath them.
6. Space heaters located within two feet of a wall are adequately insulated to prevent overheating of the wall.
7. Space heaters which smoke pipes are equipped with guards, made of non-flammable material at the point where the pipe goes through a wall, ceiling or partition.
8. Every dwelling must have an adequate number of smoke detectors located in corridors near bedroom areas and be installed per National Fire Code.

9. Every dwelling unit not having supplied heating facilities contains a sufficient number of chimney outlets to permit the occupant to furnish, and properly vent, space heaters required to heat all habitable rooms, bathrooms, and toilet rooms within the unit.

**4.03.03** In every dwelling unit, the openings to the outdoors, resulting from doors and windows customarily open when flies, mosquitoes, and other insects are prevalent, shall be properly screened.

#### **4.04 Sanitary Maintenance of Dwelling**

**4.04.01** Every bathroom floor shall be constructed and maintained so as to be reasonable impervious to water.

**4.04.02** Every foundation, floor, ceiling, wall, roof, window, exterior door, and basement hatchway shall be weather-tight and rodent proof.

**4.04.03** Every supplied facility, piece, of equipment, or utility shall be constructed, installed, or operated so that it will function safely and effectively and shall be maintained in satisfactory working condition by the owner.

#### **4.05 Sanitary Maintenance of Premises**

**4.05.01** All residential premises should be graded drained and maintained so as to prevent the accumulation of stagnant water thereon, or within any building or structure located thereon.

**4.05.02** Exterior property areas and accessory structures shall be free from health, fire and accident hazards, and vermin, insect and rodent harbor age and condition which create a nuisance

**4.05.03** Any occupant of a dwelling or dwelling unit who harbors and/or stables pets or other animals, within 100 feet of a dwelling occupied by others shall keep the residential premises free of animal wastes accumulation. Animal waste on residential premises shall be stored, handled and disposed of so as not to create a nuisance.



#### **4.06 Use Requirements**

**4.06.01** No basement shall be used as a habitable room or dwelling unit unless the floors and walls are impervious to leakage of underground and surface runoff water, are effectively insulated against dampness, and have adequate facilities for lighting and ventilation as approved by the Health Commissioner.

**4.06.02** No cellar shall be used as a habitable room or dwelling unit.

#### **4.07 Owner Responsibilities**

**4.07.01** Every dwelling or dwelling unit shall be maintained free of fire and accident hazards, vermin, insect and rodent infestation, and hazards to health due to the presence of toxic substances, e.g. lead-based paint.

**4.07.02** Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent-proof or reasonable insect-proof condition; extermination shall be the responsibility of the owner. Whenever infestation exists in two or more dwelling units in any dwelling containing two or more dwelling units, extermination thereof shall be responsibility of the owner

**4.07.03** Every owner of a dwelling containing two or more dwelling units is responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling residential premises thereof.

#### **4.08 Occupant Responsibilities**

**4.08.01** Every occupant of a dwelling or dwelling unit shall keep and shall leave in a clean and sanitary condition that part of the dwelling, dwelling unit, and residential premises thereof which he occupies and controls.

**4.08.02** Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects, and/or rodents, or other pests on the premises: and every occupant of a dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested.

**4.08.03** Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

**4.08.04** Maintenance or replacement of screens, storm doors, and windows, once installed become the responsibility of the occupant, except where there is a written agreement between the owner and the occupant, whereby the owner assumes the responsibility.

**4.09 Discontinuance of Utilities**

**4.09.01** No owner or operator shall cause any service, facility, equipment, or utility which is required under this regulation to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him,, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, during temporary emergencies when discontinuance of service is approved by the Health Commissioner.

## **SECTION V VARIANCES**

**5.01** The Board of Health may grant a hearing to a person and authorize in specific cases, such variance from the requirements of these regulations as will not be contrary to the public interest, where the person shows that because of practical difficulties or other special conditions theta application will cause unusual and unnecessary hardship. However, no variance shall be granted that will defeat the spirit and general intent of these regulations, otherwise not be in the public interest

**5.02** The application for variance provided in section 5.01 hereof shall be in writing filed with the secretary of the Board of Health. Said application shall be heard by the board of health at the next regular or special meeting of the board of health provided that the board shall not consider such application sooner that the fifth day after the filing of the same with the secretary.

*Notice to the persons and in the manner as provided in section 3.01 of this regulation shall be given stating the time and place of the hearing on said application.*

## **SECTION VI DESIGNATION OF UNFIT DWELLING AND LEGAL PROCEDURE OF CONDEMNATION**

**6.01** Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Health Commissioner: (A) one which is so unsanitary, unsafe or vermin of infested that it creates a serious hazard to the health and safety of the occupants or of the public: (B) one which lacks sanitation facilities adequate to protect the health or safety of the occupants or of the public: (C) one which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants of the public.

**6.02** Whenever the Health Commissioner has condemned a dwelling or dwelling unit as unfit for human habitation he shall order the same to be placarded. He shall give notice to those persons mentioned and described in section 3.01 of this regulation of such condemnation and of his order to placard the dwelling or dwelling unit as unfit for human habitation. This condemnation notice shall not take effect sooner than five days from the service of the notice. The owner, occupant, or other person in charge thereof has a right to a hearing as set forth in section 6.05 of this regulation.

**6.03** Whenever any dwelling or dwelling unit has been condemned as unfit for human habitation, and so designated and placarded by the Health Commissioner, he shall order it vacated within the time stated in the order which shall not be sooner than five days. Service of the order of vacancy shall be upon the persons and in the manner described in section 3.01 of this regulation. The dwelling or dwelling unit so condemned shall remain vacant until written approval is secured from the Health Commissioner for its re-occupancy subject to the right of appeal as provided in section 6.05 of this regulation.

**6.04** If the Health Commissioner determines that the structure cannot be improved so as to comply with the provisions of these regulation, and that the same is unsafe or unfit for human habitation, he may order demolition of the same and shall notify the owner or occupant. The notice shall set forth the date on which said demolition is to take place, which shall not be sooner than ten days from the date of said notice. The owner or occupant shall have the right of appeal to the board of health, as provided in section 6.05 of this regulation. Service of the notice of demolition shall be upon the persons and in the manner provided in section 3.01 of this regulation.

**6.05** The owner or occupant of any dwelling or dwelling unit affected by an order of the Health Commissioner pursuant to section VI hereof, may appeal said order and shall be granted a hearing on appeal before the board of health.

The board of health shall review the order of the Health Commissioner ordering the premises placarded, vacated, or demolished. Said notice of appeal shall be in writing and filed with the secretary of the board within the time stated in the order from which appeal is taken. The board of health shall hold a hearing on the appeal at its next regular or special meeting after the filing of a notice of said appeal with its secretary, provided that the same shall not be heard sooner than five days from the date of the filing of said notice of appeal. Notice of the meeting of the board of health at which said appeal is to be heard shall be given to the persons named in the manner prescribed in section **3.01** of this regulation. No action shall be taken by the health commissioner to placard, vacate, demolish, or otherwise enforce section VI herein until after the hearing on appeal before the board of health, if the same has been reasonably requested.

**6.06** At the hearing on appeal, all interested parties may appeal in person or be represented by counsel, and after full hearing, the board shall sustain, modify, or withdraw the order of the health commissioner and shall set forth in its minutes its findings. A copy of the decision of the board of health shall be mailed to the appellant to the address shown on the request for appeal.

## **SECTION VII PENALTIES**

**7.01** Any person who continues in violation of any provision of this regulation after the time allowed to him for the correction of an alleged violation in the notice provided in section 3.01 shall be subject to the penalties provided by section 3709.99 of the Revised Code of Ohio.

## **SECTION VIII REPEAL AND DATE OF EFFECT**

**8.01** All regulations and parts of regulations in conflict with this regulation are hereby repealed and this regulation shall be in full force immediately upon its adoption, as provided by law

## **SECTION IX EFFECT OF PARTIAL INVALIDITY**

**9.01** Should any part of this regulation be declared unconstitutional for any reason, the remainder of this regulation shall not be affected there by.

