

The Housing and Premise Maintenance Regulation for Preble County, Ohio, General Health District

A REGULATION ESTABLISHING MINIMUM STANDARDS GOVERNING UTILITIES, FACILITIES, DWELLINGS, DWELLING UNITS, AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO MAKING DWELLINGS, AND DWELLING UNITS SAFE, SANITARY, AND FIT FOR HUMAN HABITATION AND USE; ESTABLISHING MINIMUM STANDARDS GOVERNING THE CONDITIONS AND MAINTENANCE OF DWELLINGS, DWELLING UNITS, BUILDINGS, STRUCTURES, AND THE PREMISES THEREOF; FIXING CERTAIN RESPONSIBILITIES AND DUTIES OF OWNERS AND OCCUPANTS OF DWELLINGS, DWELLING UNITS, BUILDINGS, STRUCTURES, AND THE PREMISES THEREOF; FIXING THE POWERS AND DUTIES OF THE HEALTH COMMISSIONER FOR ADMINISTRATION AND ENFORCEMENT OF THIS REGULATION; AUTHORIZING THE INSPECTION OF DWELLINGS, DWELLING UNITS, BUILDINGS, STRUCTURES, AND THE PREMISES THEREOF; ESTABLISHING AN APPEAL PROCESS; ESTABLISHING CRITERIA AND AUTHORIZING THE CONDEMNATION, VACATION, AND REMOVAL OF DWELLINGS, DWELLING UNITS, BUILDINGS, AND STRUCTURES DETERMINED TO BE UNFIT FOR HUMAN HABITATION AND/OR USE; AND, PROVIDING PENALTIES FOR VIOLATION OF THIS REGULATION.

WHEREAS, within the jurisdiction of the Preble County General Health District there are or may be dwellings, dwelling units, structures, buildings, and the premises thereof which are either unfit for human habitation or use; or represent a health and/or safety risk to the occupants or to the public due to inadequate maintenance, obsolescence, or abandonment; contain defects which increase the hazard of fire, accident, or other calamities; and, which by reason of the lack of maintenance, the lack of sanitary facilities, or other such conditions render such dwellings, dwelling units, structures, buildings, and the premises thereof unsafe, unsanitary, dangerous or detrimental to the health, safety, and welfare of the people of the Preble County General Health District.

By authority of Section 3709.21 of the Ohio Revised Code, be it therefore resolved and ordered by the Preble County Board of Health as follows:



CHAPTER 1 – GENERAL PROVISIONS

Chapter 1 applies to all structures and premises located within the Preble County General Health District regardless of their use or zoning. The Sections within Chapter 1 shall apply to residential, commercial, business, agricultural, or industrial properties. Chapter 1 pertains to the title and scope of this regulation, definitions established for this regulation, the authorization and directive to conduct inspections to determine compliance with the provisions of this regulation, procedures for notification of responsible parties found to be in violation of this regulation, establishing a general provision for unforeseen health or safety problems not identified by this regulation, establishing an emergency provision for dealing with immediate threat situations, limiting personal liability of health department staff in enforcing this regulation, establishing a procedure for handling false complaints, and establishing due process for parties affected by this regulation.

SECTION 1 - TITLE AND SCOPE

1.1.1 - The provisions embraced within the following chapters and sections shall constitute and be known and may be cited as “The Housing and Premise Maintenance Regulation for Preble County, Ohio, General Health District”, hereafter referred to as “this regulation”.

1.1.2 - This regulation is hereby declared to be remedial, and has been adopted as such to secure the beneficial interests and purposes thereof - which are public safety, health, and general welfare - through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of dwellings, dwelling units, buildings, structures or the premises thereof.

1.1.3 - Every dwelling, dwelling unit, building, structure, or the premises thereof, shall conform to the respective requirements of this regulation irrespective of the primary use of such building, and irrespective of when such building may have been constructed, altered or repaired. This regulation establishes minimum standards for occupancy and use, and does not replace or modify standards otherwise established for construction, replacement or repair of buildings, or facilities, which may be enacted or enforced by other agencies.

1.1.4 - The respective provisions of this regulation shall apply to any dwelling, dwelling unit, building, structure, or the premises thereof, irrespective of when said building was constructed, altered or repaired, or said lot was created.

1.1.5 - All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this regulation in a building when erected, altered, or repaired, shall be maintained in good working

order. The owner shall be responsible for the maintenance of buildings, structures and premises to the extent such responsibility is assigned to such owner in this regulation. The occupant shall be responsible for the maintenance of buildings, structures and premises to the extent such responsibility is assigned to such occupant in this regulation. The owner of the premises may be charged for failure to assure that its occupants maintain compliance with this regulation.

SECTION 2 - DEFINITIONS

- 1.2.1** - Abandoned Motor Vehicle shall mean one that is in a state of disrepair and is incapable of moving under its own power.
- 1.2.2** - Alter or Alteration shall mean any change or modification in construction or occupancy.
- 1.2.3** - Approved shall mean approved by the Health Commissioner in accordance with the rules and regulations established herein.
- 1.2.4** - Basement or Cellar shall mean that portion of a building which is partly underground and which has one-half or more of its clear floor-to-ceiling height below the average finish grade of the adjoining ground.
- 1.2.5** - Board of Health shall mean an elected council in Preble County which is responsible for coordinating public health activities.
- 1.2.6** - Building shall mean any structure built for the support, shelter, use or enclosure of persons, animals, equipment, etc., or the premises thereof, whether occupied or unoccupied. The term “building” shall be construed to mean as if followed by the words “or part thereof”.
- 1.2.7** - Compost shall mean the decaying of organic material including but not limited to food and plants.
- 1.2.8** - Dilapidated Structures shall mean any property that is in such disrepair or is damaged to the extent that its strength or stability is substantially less than a new building, it is likely to burn or collapse, or the condition of the structure endangers the life, health, safety, or property of the public.
- 1.2.9** - Dwelling shall mean any residential building, structure, or enclosure which is wholly or partly used or intended to be used for living or sleeping by human occupants, including mobile homes, recreational vehicles, and “temporary housing” as hereinafter defined by this regulation, whether or not such building, structure, etc. is occupied or vacant.
- 1.2.10** - Dwelling Unit shall mean a room or group of rooms located within a multi-family dwelling and forming a single habitable unit with living, sleeping, cooking, eating, and sanitary facilities, used or intended to be used by one family, whether or not such unit is occupied or vacant.

- 1.2.11** - Extermination shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the Ohio Department of Health.
- 1.2.12** - Family shall mean one or more persons related by blood, adoption, or marriage, or a family foster home, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, but not exceeding three, living and cooking together as a single housekeeping unit, though not related by blood, adoption, or marriage, shall also be deemed to constitute a family.
- 1.2.13** - Garbage shall mean all putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food; as well as all putrescible organic matter associated with pet and wild animal carcasses or the accumulation of feces and urine from pets.
- 1.2.14** - Health Commissioner shall mean the legally designated individual hired by the Preble County Board of Health to administer the Preble County General Health District on the Board's behalf and charged with the administration and enforcement of this regulation. Health Commissioner, for the purposes of this regulation, shall also apply to the registered sanitarian or sanitarian-in-training, employed by the Preble County General Health District and duly designated as the Health Commissioner's representative in enforcing this regulation.
- 1.2.15** - Infestation shall mean the presence, within or around, a dwelling, dwelling unit, multi-family dwelling or the premises thereof, of any insects, rodents, or other pests suspected of or having public health significance including but not limited to cockroaches, flies, fleas, mice, rats, bats, etc.
- 1.2.16** - Multiple Dwelling shall mean any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of two (2) or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.
- 1.2.17** - Non-Dwelling Structure shall mean any structure used or intended to be used for the shelter or enclosure of any animal or property of any kind.
- 1.2.18** - Occupant shall mean any person, over one (1) year of age, living, sleeping, or eating in a dwelling unit, with the permission of the owner.

- 1.2.19** - Owner shall mean any person who, alone or jointly, or severally with others; (a) shall have legal title to any dwelling, dwelling units, multi-family dwelling, building, structure, or property with or without accompanying actual possession thereof; or (b) shall have charge, care, or control of any property and the structures thereon, as agent of a person having legal title, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of a person having legal title.
- 1.2.20** - Person shall mean and include any individual, firm, corporation, association, or partnership.
- 1.2.21** - Pest shall mean an insect or animal that may carry a vector-borne disease. These include but are not limited to rodents, mosquitoes, cockroaches, flies, and fleas.
- 1.2.22** - Plumbing shall mean the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of the following supply facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewage, or gas lines.
- 1.2.23** - Potable Water shall mean water that is safe for drinking and meets water quality standards set forth by the Environmental Protection Agency.
- 1.2.24** - Premises shall mean a platted lot or parts thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or structure, and including any dwelling or structure thereon, being either residential, agricultural, business, commercial, or industrial in nature.
- 1.2.26** - Repair means the replacement of existing work with the same kind of material used in the existing work, not including additional work that would change the structural safety of the building, or that would affect or change required exit facilities, a vital element of an elevator, plumbing, gas piping, wiring or heating installations, or that would be in violation of a provision of law or regulation. The term “Repair” or “Repairs” shall not apply to any change of construction.
- 1.2.27** - Residential Occupancy shall mean buildings in which families or households live or in which sleeping accommodations are provided, including dormitories. Such buildings shall include, but not be limited to dwellings and multiple dwellings.
- 1.2.28** - Rubbish or Refuse shall mean combustible and non-combustible waste materials except garbage, and the term shall include, but not be limited to the residue from the burning of wood, coal, coke, and other combustible material; paper; rags; cartons; boxes; rubber; leather; tree branches; glass; crockery; dust; scrap metal; junk; material to be recycled; scrap building materials; tires, tire rims, etc.

- 1.2.29** – Solid Waste shall mean any garbage, refuse, and other discarded material including solid, liquid, semisolid, or material containing gaseous material resulting from industrial, commercial, agricultural operations and community activities.
- 1.2.30** - Structure shall mean any building, either residential, agricultural, business, commercial or industrial in nature, occupied or unoccupied, or any part thereof.
- 1.2.31** - Supplied shall mean paid for, furnished, or provided by or under the control of, the owner or operator.
- 1.2.32** - Temporary Housing shall mean any tent, trailer, or 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 no more than thirty (30) consecutive days.
- 1.2.33** - Use of Adjectives: All adjectives and adverbs such as adequate, approved, clean, convenient, effectively, good, sanitary, satisfactory, sufficient, safe, or suitable, used in this regulation to qualify a person, utensils, equipment, or structure, shall be determined by the Health Commissioner.
- 1.2.34** - Preble County General Health District shall mean the legal jurisdiction of the Preble County General Health District or the Administration and Staff of the Preble County Board of Health.
- 1.2.35** - Words, Meaning of Certain: When the words “Dwelling”, “Dwelling Unit”, “Building”, “Structure”, “Premise”, etc. are used in this regulation, they shall be construed as though they were followed by the words “or any part thereof”.
- 1.2.36** - Yard shall mean all grounds, lawn, court, gardens, walk, driveway, parking lot, or other open space constituting part of the same premises of a dwelling, building, business, or structure.

SECTION 3 - AUTHORIZATION FOR INSPECTIONS

- 1.3.1** - The Health Commissioner or his designated representative is hereby authorized and directed to, upon receipt of a complaint, make inspections to determine the condition of dwellings, dwelling units, buildings, structures and premises located within the Preble County General Health District, in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings, structures, or premises, and of the general public.
- 1.3.2** - For the purpose of making such inspections, the Health Commissioner or his designated representative is hereby authorized to enter, examine and survey at any reasonable time all dwellings, dwelling units, multi-family dwellings, structures, buildings, non-dwelling structures, and premises. The owner or occupant shall give the Health Commissioner or his designated

representative free access for the purpose of such inspection, examination, or survey to determine the validity of the complaint. Forceful actions to access the inside of a home or business by the Health Commissioner or designated representative will not be permitted. If access is denied by the owner or occupant, a court order will be obtained by the Preble County Prosecutor's Office, and the Health Commissioner, or his designated representative, will return to the home or business. The Health Commissioner or his designated representative may request the assistance of the Preble County Sheriff's Department.

1.3.3 - Every occupant of a dwelling, dwelling unit, building, structure, or premise shall give the owner thereof, or his agent or employee, access at any reasonable times for the purpose of making such repairs or alterations as are necessary to affect compliance with the respective provisions of this regulation, or with any lawful rule or regulation adopted or any lawful order issued to the provisions of this regulation.

1.3.4 - The owner, his designated agent, or employee shall provide written notice of his intent to enter the dwelling, dwelling unit, building, structure, or premise at least 24 hours in advance of entering, unless the occupant authorizes earlier entry.

SECTION 4 - NOTIFICATION OF VIOLATION

1.4.1 - Whenever the health commissioner determines that there are reasonable grounds to believe that there has been a violation of any provision of this regulation or of any rule or law adopted pursuant thereto, he shall give notice of such alleged violation to the owner and/or occupant and such alleged violation shall constitute a nuisance. Such notice shall:

- (1) Be put in writing;
- (2) Include a statement of the reasons why it is being issued;
- (3) Allow a reasonable time for the performance of any act it requires;
- (4) State that, if such repairs, reconstruction, alterations, removal or demolition are not voluntarily completed within the stated time as set forth in the notice, the Health Commissioner shall institute such legal proceedings charging the person or persons, firm, corporation, or agent with a violation of this regulation.

1.4.2 - Service of notice shall be as follows:

- (1) By personal service upon the owner and/or occupant, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
- (2) By mailing the notice with the United States Post Office by certified mail addressed to the owner and/or occupant at the last known address with postage prepaid thereon; or
- (3) By posting and keeping posted for twenty-four (24) hours a copy of the notice in a conspicuous place on the premises found to be in violation of this regulation.

SECTION 5 - UNFORSEEN HEALTH OR SAFETY PROBLEMS

1.5.1 - Any corrective measure, not specifically covered by this regulation, found necessary to protect the safety, health, or general welfare of the occupant of any dwelling, dwelling unit, multi-family dwelling, structure, building or premises; or of the general public may be required in writing by the Health Commissioner, and a violation of such requirement shall constitute a violation of this regulation. Any such requirement shall be subject to appeal to the Preble County Board of Health.

SECTION 6 - EMERGENCY PROVISION

1.6.1 - Whenever the Health Commissioner finds that a public health emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order describing the nature of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Such order shall be identified on its face as an emergency order issued pursuant to Section 6 of this regulation. Notwithstanding the other provisions of this regulation, such order shall be effective immediately. Any person to whom such order is directed must comply therewith immediately, but upon petition to the Health Commissioner shall be afforded a hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this regulation and of the rules and regulations adopted pursuant thereto have been complied with, the Health Commissioner shall continue such order in effect, or modify it, or revoke it.

SECTION 7 - LIABILITY

1.7.1 - Any officer, employee or board member of the Preble County General Health District charged with the enforcement of this regulation, in the discharge of his duties, shall not thereby render himself liable personally, and is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of this regulation shall be defended by the legal counsel for the Preble County General Health District until the final termination of the proceedings. The legal counsel does not represent any officer or employee personally; he only represents the working position of said officer or employee. This section shall not in any manner diminish any other form of privilege or immunity provided by law.

SECTION 8 - FALSE COMPLAINTS

1.8.1 - The Health Commissioner or his designated representative shall evaluate all complaints received prior to conducting an inspection of the alleged violation. The Health Commissioner or his designated representative shall have the authority to refuse to respond to a complaint allegation when previous responses have proven the allegation to be false. If complainant opposes the Health Commissioner's, or his designated representative's, decision that the complaint is a false allegation, then he/she may administratively appeal the decision.

SECTION 9 - RIGHT OF APPEAL

1.9.1 - Any person affected by any notice which has been issued in connection with the enforcement of any provision of this regulation, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a meeting on the matter with the Preble County Public Health representative whom conducted the investigation, and the Health Commissioner provided that such person shall file in the office of the Health Commissioner a written petition requesting such meeting and setting forth a brief statement of the grounds therefore within 10 days after the day the notice was served. Upon receipt of such petition the Health Commissioner shall set a time and place for such meeting and shall give the petitioner written notice thereof. At such meeting the petitioner shall be given an opportunity to be heard and to show the Preble County representative and Health Commissioner why such notice should be modified or withdrawn. The meeting shall be commenced not later than 10 days after the date on which the petition was filed; provided that upon application of the petitioner the Health Commissioner may postpone the date of the hearing for a reasonable time beyond such 10 day period, if in his judgment the petitioner has submitted a good and sufficient reason for such postponement.

1.9.2 - After the meeting with the Health Commissioner and Preble County Representative, the Health Commissioner shall sustain, modify, or withdraw the notice, depending upon his finding as to whether the provisions of this regulation and the rules and regulations adopted pursuant thereto have been complied with. Notice of the decision of the Health Commissioner shall be provided to the affected person in writing.

1.9.3 - After receipt of notice of the Health Commissioner's decision, the petitioner may appeal the decision to the Board of Health, and the Board of Health will hear said appeal at its next regular meeting if such request is submitted in writing within thirty days after service of the decision of the Health Commissioner.

1.9.4 - If the person affected elects not to meet with the Health Commissioner, the affected person must submit their appeal writing to the Board of Health within 30 days of receipt of the notice. The Board will hear such matter at its next regular meeting.

1.9.5 – The proceedings at a hearing before the Board of Health, including the findings and decision of the Health Commissioner and his designated representative, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Health Commissioner. Such record shall also include a copy of every notice or order issued in connection with the matter.

CHAPTER 2 – RESIDENTIAL PROPERTIES GENERALLY

Chapter 2 shall pertain to all dwellings, dwelling units, multi-family dwellings, and the premises thereof. It does not apply to business, commercial, agricultural or industrial properties. It establishes minimum housing standards for sanitary facilities and plumbing, interior and exterior structure, insect and rodent control, refuse, scrap tires, and garbage disposal, and sets forth the responsibilities of the owner and of the owner and/or occupant.

SECTION 1 - SANITARY FACILITIES AND PLUMBING STANDARDS

- 2.1.1 - All plumbing shall be designed and installed so that no potable water supply line or plumbing fixture is directly connected to a non-potable water supply.**
- 2.1.2 - All plumbing shall be so designed and installed as to prevent contamination of the water supply through back flow, back siphonages and any other method of contamination.**
- 2.1.3 - The waste line of every water-using fixture shall drain freely without obstruction or leaks and shall be properly connected to a public sewer or to a properly functioning private sewage system.**
- 2.1.4 - All sanitary fixtures and plumbing shall be properly trapped and vented in accordance with the Ohio Plumbing Code.**

Code violations 2.1.5 through 2.1.11 pertain to only dwellings, dwelling units, multi-family dwellings in which only an occupant(s) lives with permission of the owner.

- 2.1.5 - All dwellings, dwelling units and multi-family dwellings shall be connected to an approved private, non-community, transient, or public water supply and a sufficient supply of potable water must be always available at each fixture.**
- 2.1.6 - Water supply inlets shall be located above the flood level of any installed sink, lavatory basin, bathtub or automatic washing machine and similar water-using device or fixture, or above some unobstructible overflow thereof. No inlets shall be submerged unless installed with a vacuum breaker of a type in compliance with the Ohio Plumbing Code.**
- 2.1.7 - Every water supply line and every valve therein shall be in good working condition.**
- 2.1.8 - All plumbing and plumbing fixtures shall be maintained in good working condition.**
- 2.1.9 - Every occupant of a dwelling shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use**

and operation thereof.

2.1.10 - Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of this section of the regulation shall be properly connected with both hot and cold water lines, providing both hot and cold water at each faucet on the above fixtures.

2.1.11 - Water pressure shall be adequate to permit a continuous flow of water from all open water faucets at all times, except when water is not available due to a malicious or negligent act by the tenant or any cause beyond the owner's control.

SECTION 2 - INTERIOR STRUCTURE STANDARDS

The code violation 2.2.1 pertains to only dwellings, dwelling units, multi-family dwellings in which only an occupant(s) lives with permission of the owner.

2.2.1 - No paint shall be used for interior painting of any dwelling unit unless the paint is free of any lead pigment. Any existing paint which is found to contain lead, must be either maintained in good repair or removed in accordance with established safety and environmental protocols. "Good Repair" shall mean free from flaking, peeling, chipping, etc.

SECTION 3 - EXTERIOR STRUCTURE STANDARDS

2.3.1 - Exterior property areas and accessory structures shall be free from health, accident hazards, and pests, and conditions in which may create a nuisance.

2.3.2 - Every foundation, exterior wall, window frame, door frame and roof shall be reasonably weather tight, watertight, rodent proof, and insect proof, and shall be kept in a reasonably good state of maintenance and repair.

2.3.3 - Every window, exterior door, and basement hatchway shall be reasonably weathertight, watertight, and rodent proof; and shall be kept in sound working condition and good repair.

2.3.4 - Roofs, eaves, and gutters shall be maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.

2.3.5 - Drain gutters and downspouts shall be constructed and maintained so that rain water shall be conveyed away from the roof, exterior walls, and foundation. The sanitary sewer or sewer line to a septic tank shall not be used for this purpose.

SECTION 4 - INSECT AND RODENT CONTROL STANDARDS

2.4.1 - Every foundation, exterior, roof, window, exterior door, basement, hatchway and every other entrance way shall be so maintained as to prevent the structure from becoming a harborage

for pests and shall be kept in a reasonably good state of repair.

2.4.3 - All pest control will be carried out following the applicable laws for pesticide application in the State of Ohio. Occupants of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises. If an infestation exists in one or more of the dwelling units in any multi-family dwelling, or in the shared or public parts of any multi-family dwelling, extermination thereof shall be the responsibility of the owner.

The code violation 2.4.4 pertains to only dwellings, dwelling units, multi-family dwellings in which only an occupant(s) lives with permission of the owner.

2.4.4 - Every owner shall be responsible for providing all screen doors and window screens whenever the same are required under the provisions of this section of the regulation or of any rule or regulation adopted pursuant thereto.

SECTION 5 - REFUSE AND GARBAGE DISPOSAL STANDARDS

2.5.1 - Adequate rubbish and garbage storage and/or disposal containers type shall be provided and is the responsibility of the occupants of a dwelling to supply said disposal containers.

2.5.2 - Every occupant of a dwelling or dwelling unit shall dispose of all rubbish and garbage by placing it in the rubbish and garbage storage or disposal containers required by Chapter 2, Section 7.1 of this section of the regulation.

2.5.3 - It shall be the responsibility of the owner to supply adequate rubbish and garbage disposal containers for any multi-family dwellings containing four (4) or more dwelling units per building. In all other cases it shall be the responsibility of the occupant to furnish such facilities or containers.

2.5.4 - All rubbish and garbage, including tires, vehicles, equipment, and appliances, shall be picked up or transported to an approved solid waste disposal facility at least once every seven (7) days, except when a commercial waste container is being utilized for rubbish collection and no garbage is placed therein.

CHAPTER 3 – ALL PROPERTIES

Chapter 3 applies to all structures and premises located within the Preble County regardless of their use or zoning. The Sections within Chapter 3 shall apply to residential, commercial, business, agricultural, or industrial properties and establishes minimum

standards for premise and lot maintenance.
SECTION 1 - PREMISE AND LOT MAINTENANCE STANDARDS

3.1.1 - All premises shall be graded, drained, and maintained so as to prevent the accumulation of stagnant water thereon, or within any building or structure located thereon.

3.1.2 - No person shall intentionally throw or dump petroleum products or their synthetic alternatives, or paint onto the surface of the ground, into a ditch, or stream, nor into a drainage tile, or a public storm sewer drainage system.

3.1.3 - No person shall place or allow to remain on their premises, a carcass of a dead animal or any parts thereof. This provision excludes wild game animals or agricultural animals undergoing processing for consumption by the owner/occupant, but only during a reasonable processing phase.

3.1.4 - No person shall maintain a compost pile on their premises that is not properly managed, whereby noxious odors or offensive smells are generated or whereby the compost pile becomes a rodent harborage area.

3.1.5 - No person shall allow the feces of domestic animals to collect or remain on their premises whereby noxious odors or offensive smells are generated.

3.1.6 - No owner or occupant of any lot, premise, or property shall utilize the property for the open storage of any abandoned motor vehicle, automobile parts, tires, refuse, appliances, building materials, building refuse, or similar items, unless the property houses a business that is zoned and/or has a permit to do so as an integral part of that business.

3.1.7 - Every property, whether residential, commercial, agricultural, business, or industrial, that generates rubbish, refuse, or garbage, shall have adequate solid waste receptacles to contain all of the generated rubbish, refuse, or garbage between scheduled pick-ups, without creating a nuisance.

3.1.8 - Any owner or occupant of a dwelling or dwelling unit who harbors and/or stables pets or other animals within 100 feet of an occupied dwelling shall keep the premises free of the accumulation of animal waste. Animal waste on such premises shall be stored and disposed and handled in a satisfactory manner.

CHAPTER 4 - CRITERIA AND AUTHORIZATION FOR CONDEMNATION

4.0.1 - Any dwelling, dwelling unit, multi-family dwelling, building or structure which shall be found to have any of the following defects shall be condemned as unfit for human habitation and use, and shall be so designated and placarded by the Health Commissioner.

- a. One which because of its general condition or location is unsanitary, or otherwise

- dangerous to the health or 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.

CHAPTER 5 - LEGAL PROCEDURES FOR CONDEMNATION/NOTIFICATION OF RESPONSIBLE PARTIES

5.0.1 - Whenever the Health Commissioner has declared a dwelling, dwelling unit, multi-family dwelling, building or structure constitutes a nuisance, he shall give notice to the owner of such declaration and placarding of the dwelling, dwelling unit, multi-family dwelling, building or structure as unfit for human habitation or use. Such notice shall:

- a. Be in writing;
- b. Include a description of the real estate sufficient for identification;
- c. State the time occupants must vacate the dwelling units;
- d. State that if such repairs, reconstruction, alterations, removal, or demolition are not voluntarily completed within the stated time as set forth in the notice, the Health Commissioner shall institute such legal proceedings charging the owner and/or occupant with a violation of this section of the regulation.

5.0.2 - Service of notice to vacate shall be as follows:

- a. By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
- b. By mailing the notice with the United States Post Office by certified mail addressed to the owner and/or occupant at the last known address with postage prepaid thereon; or
- c. By posting and keeping posted for twenty-four (24) hours a copy of the notice to vacate in placard form in a conspicuous place on the premises to be vacated.

5.0.3 - Any dwelling, dwelling unit, multi-family dwelling, building, or structure condemned as unfit for human habitation or use and so designated and placarded by the Health Commissioner, shall be vacated within thirty (30) days after notice of such condemnation has been given by the Health Commissioner to the owner and/or occupant of the building.

CHAPTER 6 - REMOVAL OF PLACARDS

6.0.1 - No dwelling, dwelling unit, multi-family dwelling, building or structure which has been condemned and placarded as unfit for human habitation or use shall again be used for human habitation or use until approval is secured from and such placarding is removed by the Health Commissioner. The Health Commissioner shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

6.0.2 - No person shall deface or remove the placard from any dwelling, dwelling unit, multi-family dwelling, building or structure which has been condemned as unfit for human habitation and placarded as such, except as provided in Chapter 4, Section 4.1.

CHAPTER 7 - DEMOLITION AND REMOVAL OF DILAPIDATED STRUCTURES

7.0.1 - Any dwelling, dwelling unit, multi-family dwelling, building or structure that has been condemned and has been determined to represent a threat to the public's health or safety, due to its dilapidated condition, shall be ordered to be demolished. Failure on the part of the owner to demolish said dwelling or structure in compliance with this order will result in the matter being presented to the Preble County Prosecutor's Office to seek the legal authorization for the Preble County General Health District to demolish the structure to remove the health and safety threat it poses, and to assess the full cost thereof against the property in the manner authorized by law for the abatement of nuisances by governmental action.

CHAPTER 8 - FEES

4.6.1 - The Board of Health shall establish by resolution any fees deemed necessary to carry out the requirements of this regulation.

CHAPTER 9 - PENALTIES

4.7.1 - Any person, who fails to comply with any requirement of this regulation or any order issued pursuant thereto, shall be subject to the penalties set forth in the Ohio Revised Code and any other administrative and/or civil action which may be deemed appropriate by the Preble County General Health District. Further, any person who violates or causes to be violated any of the requirements set forth in this regulation, shall be subject to the penalties provided for in Section 3707.99 of the Ohio Revised Code.

- a. Whoever violates Section 3707.48 of the Ohio Revised Code shall be guilty of a minor misdemeanor on a first offense; and of a misdemeanor of the fourth degree on each subsequent offense.

CHAPTER 10 - ADMINISTRATIVE HEARING AND APPEALS

4.8.1 - The Preble County Health Commissioner shall grant an administrative hearing to any person adversely affected or aggrieved by these sections of this regulation. Said hearing shall be scheduled as early as possible, but no later than ten (10) days from the date of petition for such hearing. Any person wishing to appeal the decision of the Health Commissioner may petition for and be granted an administrative appeal before the Preble County Board of Health. Said appeal shall be heard at the next regularly scheduled Board of Health meeting for which an agenda has not yet been published. Any person aggrieved by a decision of the Preble County Board of Health may seek relief there from in any court of competent jurisdiction.

CHAPTER 11- OTHER PROVISIONS

SECTION 1 - CONFLICTS OF LAW

11.1.1 - All previously adopted rules and regulations of the Preble County Board of Health concerning the subjects addressed by the sections of this regulation are hereby repealed to the extent that they are in conflict with these sections of this regulation.

SECTION 2 - SEVERABILITY CLAUSE

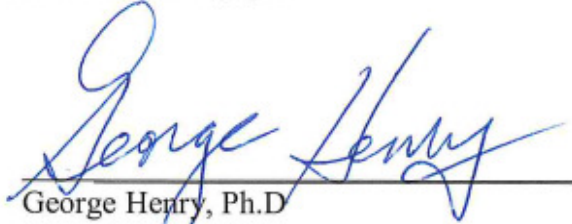
11. 2.1 - If any provision of these sections of this regulation is for any reason found to be unenforceable by a court of competent jurisdiction, the remainder of these sections of this regulation shall remain in full force and effect, and shall be construed to effectuate the intent of these sections of this regulation to the maximum possible extent.

Adopted by the Board of Health of the Preble County General Health District this 18th day of May, 2023.

Effective date – ten days after first publication in a newspaper.

5-18-23

Date



George Henry, Ph.D
President, Preble County Board of Health

5-18-23

Date



Scott Wilford, MPH, REHS
Preble County Health Commissioner