

Preble County Environmental Health Housing Sanitation Regulations

A REGULATION CONTROLLING HYGIENE, SANITATION AND MAINTENANCE OF DWELLINGS, DWELLING UNITS AND PREMISES

PREBLE COUNTY GENERAL HEALTH DISTRICT
615 Hillcrest Drive
Eaton, Ohio 45320

A regulation establishing minimum standards of hygiene and sanitation governing the condition, maintenance, and space occupancy of dwellings; establishing minimum standards governing supplied utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary, and fit for occupants of dwellings; establishing minimum standards governing the condition of dwellings offered for rent; fixing certain responsibilities and duties of owners and occupants of dwellings, authorizing the inspection of dwellings and the condemnation of dwellings found to be unfit for human habitation.

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

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

Section 1.0 - Definitions

- 1.1 **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 premise.
- 1.2 **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.
- 1.3 **Board of Health** means the board of health of the Preble County General Health District
- 1.4 **Cellar** means a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 1.5 **Dwelling** means any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided that temporary housing as hereinafter defined shall be exempted from the provisions of these regulations.
- 1.6 **Dwelling unit** means any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating of meals.
- 1.7 **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 communicating corridors, closets, and storage space, and any other room designated by the health commissioner.
- 1.8 **Health Commissioner** means the health commissioner of the Preble County General Health District or his/her authorized representative.
- 1.9 **Infestation** means the troublesome spreading or swarming presence of insects, rodents, or other pests within or around dwellings.
- 1.10 **Multiple Dwelling** means any dwelling containing three or more dwelling units.
- 1.11 **Occupant** means any person over one year of age, living and sleeping, cooking, eating in, or having actual possession of a dwelling unit or rooming unit.
- 1.12 **Operator** means any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.

- 1.13 **Owner** means any person who, alone or jointly or severally with others: (a) shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or (b) shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this regulation.
- 1.14 **Ordinary Minimum Winter Conditions** means the temperature 15° F., above the lowest recorded temperature for the previous ten year period.
- 1.15 **Person** means an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency, or any entity recognized by law.
- 1.16 **Plumbing** means and includes all of the following supplied 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, sewer or gas lines.
- 1.17 **Potable Water** means drinkable; safe from harmful bacteria and chemical impurities; from an approved source.
- 1.18 **Premises** mean a lot, plot, or parcel of land including the buildings, or structures thereon.
- 1.19 **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.
- 1.20 **Rooming House** means 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 five or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.
- 1.21 **Rubbish** means combustible and non-combustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, plastics, glass crockery, and dust.
- 1.22 **Solid Waste** means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or 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.
- 1.23 **Supplied** means paid for, furnished, or provided by or under the control of the owner.
- 1.24 **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 Regulation HE-25 and HE-26, Ohio Sanitary Code under authority of Sections 3701.13 and 3701.34. Revised Code; (c) 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.
- 1.25 **Meaning of Certain Words** – Whenever the words “dwelling”, “dwelling unit”, “premise”, are used in this regulation, they shall be construed as though they were followed by the words “or any part thereof”.

Section 2.0 - Inspection of Dwellings, Dwelling Units, Rooming Units and Premises

- 2.1 The health commissioner is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, rooming units, and premises located within the Preble County General Health District, in order that he/she may perform the duty of safeguarding the health and safety of the occupants of dwellings and of the general public. The owner, operator, or occupant of every dwelling, dwelling unit, and rooming unit, or the person in charge thereof, shall give the

health commissioner free access, upon reasonable demand, to such dwelling unit, or rooming unit, and its premises, at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner or operator thereof, or his agent or employee, access to any part of the dwelling or dwelling unit or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to affect compliance with the provisions of this regulation.

In the event the owner, operator, occupant or other person in charge thereof 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, operator, occupant or other person in charge thereof, ordering the admission of the health commissioner for purposes of inspection. Upon service of a copy of the order to permit inspection and upon proper identification displayed by the health commissioner, he/she shall be admitted to the premise for purposes of such inspection.

If, after the Board of Health has issued said order, the health commissioner is refused admittance to the premises for purposes of such inspection, such refusal shall be deemed a violation of these regulations and shall be punishable as provided in Section 7.1 hereof. Service of the order to permit inspection provided herein shall be upon the persons and in the manner set forth in Section 3.1 hereof.

Section 3.0 - Enforcement: Service of Notices and Orders

- 3.1 Whenever the health commissioner determines that there is probable cause to believe that there has been a violation of any provision of this regulation, he/she shall give written notice of such alleged violation to the owner, operator, occupant, or other person in charge thereof, specifying the violation claimed and the provision of this regulation defining said violation. The owner, operator, occupant, or other person in charge thereof, shall be allowed such time to correct 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 or other person in charge thereof at the address where the violation exists and if mailed to the owner at the tax mailing address shown on the books of the County Auditor for the parcel of real estate where said violation exists. In the event no return receipt is received when service is attempted by certified mail for the reason that it is refused or unclaimed, service may be accomplished by ordinary mail with a certificate of mailing obtained by the US Post Office. A return stating the manner in which said service was made shall be attached to a copy of the complaint and retained in the records of the Board of Health.
- 3.2 Any person affected by any notice of an alleged violation may request and shall be granted a hearing within ten days before the health commissioner, provided the request for such hearing is made within the time specified in the notice mentioned in Section 3.1 herein.
- 3.3 After such hearing the health commissioner shall sustain, modify, or withdraw the notice of alleged violation depending upon his/her 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 3.1 hereof.
- 3.4 Any person affected by the decision of the health commissioner as provided in Section 3.3 hereof, shall be entitled to appeal the decision of the health commissioner to 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.

The Board of Health shall modify, withdraw, or sustain the order of the health commissioner made pursuant to Section 3.3 hereof. The copy of the decision of the Board of Health shall be mailed to the appellant at the address shown in the notice of appeal, and to his counsel of record.

Section 4.0 - Minimum Sanitation Standards

No person shall occupy as owner-occupant, 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 requirement:

- 4.1 Every dwelling unit shall contain a kitchen sink which is properly connected to water and sewer system approved by the health commissioner or an approved receptacle for dishwashing and proper food preparation that will meet the needs of the occupants.
- 4.2 Every dwelling unit shall contain a room which affords privacy to a person within such room and which is equipped with a flush water closet, a lavatory and a bathtub or shower, connected to a water and sewer system approved by the health commissioner or an approved vault type privy where sanitary sewers are not available.
- 4.3 Every kitchen sink, lavatory, bathtub or shower shall be properly connected with hot and cold water lines. The hot water lines shall be connected to a hot water heating facility of adequate size which provides at all times a temperature of not less than 120 ° F.
- 4.4 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.
- 4.5 All plumbing shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.
- 4.6 Every bathroom floor shall be constructed and maintained so as to be reasonably impervious to water.
- 4.7 Every dwelling unit shall have adequate solid waste storage and disposal facilities, type and location of which are acceptable to the health commissioner, and shall be disposed of in a manner acceptable to the health commissioner.
- 4.8 Every dwelling shall have a safe unobstructed means of egress leading to safe and open outdoor space at ground level.
- 4.9 Every bathroom, water closet compartment, laundry, or habitable room shall be adequately lighted and ventilated.
- 4.10 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 70° F under ordinary minimum winter conditions as follows: (1) when heating facilities for a dwelling unit are supplied by the owner or operator, the facilities are maintained in a reasonably 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, if portable type, do not operate through a combustion process; (5) space heaters and hot water heaters which operate by a combustion process are properly vented to a chimney or duct leading to the outdoors; (6) coal-burning space heaters have a fire-resistant panel beneath them; (7) space heaters located within two (2) feet of a wall are adequately insulated to prevent overheating of the wall; (8) space heaters with smoke pipes are equipped with guards, made of a non-flammable material at the point where the pipe goes through a wall, ceiling or partition; (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.

- 4.11 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 unless the unit has air conditioning or as otherwise approved by the health commissioner. 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.
- 4.12 Exterior property areas and accessory structures shall be free from health, fire and accident hazards, and vermin, insect and rodent harborage and conditions which might create a nuisance.
- 4.13 The interior of every dwelling used for human habitation shall be free of fire and accident hazards, vermin, insect and rodent infestation.
- 4.14 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. Notwithstanding, the foregoing provisions of this sub-section, 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 of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
- 4.15 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.
- 4.16 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 premises free of animal waste accumulation. Animal waste on such premises shall be stored and disposed and handled in a satisfactory manner.
- 4.17 Every foundation, floor, ceiling, wall, roof, window, exterior door, and basement hatchway shall be reasonably weather-tight and rodent proof.
- 4.18 No basement or cellar shall be used as a habitable room or dwelling unit unless (a) the floors and walls are impervious to leakage of underground and surface runoff water and are effectively insulated against dampness; (b) adequate light and ventilation are supplied.
- 4.19 No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is sanitary and fit for human occupancy as defined in these regulations.

- 4.20 Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a sanitary condition the shared or public areas of the dwelling and premises thereof.
- 4.21 Every occupant of a dwelling or dwelling unit shall keep in a sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.
- 4.22 Every supplied facility, piece of equipment or utility which is required under this regulation shall be constructed, installed, or operated to function safely and effectively and shall be maintained in satisfactory working condition. Electric wiring and facilities shall be maintained in a good and safe state of repair.
- 4.23 Every window, exterior door and basement hatchway shall be reasonably weather-tight, water-tight and rodent proof. Windows shall be fully supplied with window panes that are free from open cracks and/or holes.
- 4.24 Every inside and outside stair, every porch and every appurtenance thereto shall be constructed as to be safe to use.
- 4.25 Where there is electric service available from power lines which are not more than 300 feet away from a dwelling, every habitable room of such dwelling shall contain at least two separate floor or wall-type electric convenience outlets or one such convenience outlet and one supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling or wall-type electric light fixture.
- 4.26 Every public hall and stairway in every multiple dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than four dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

Section 5.0 - Variances

- 5.1 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, their application will cause unusual and unnecessary hardship. However, no variance shall be granted that will defeat the spirit and general intent of these regulations, or otherwise not be in the public interest.
- 5.2 The application for variance provided in Section 5.1 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, provided that the Board shall not consider such application sooner than the 5th day after the filing of the same with the secretary. Notice to the persons and in the manner provided in Section 3.1 hereof shall be given stating the time and place of the hearing on said application.

Section 6.0 - Designation of Unfit Dwellings and Legal Procedure of Condemnation

- 6.1 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 damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.; (b) One which lacks illumination, ventilation, or 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 or of the public.
- 6.2 Whenever the Health Commissioner has condemned a dwelling or dwelling unit as unfit for human habitation, he/she shall order the same to be placarded. He/she shall give notice to those persons mentioned and prescribed in Section 3.1 hereof, of such condemnation and of his/her order to placard the dwelling or dwelling unit as unfit for human habitation on or after a certain date which shall not be sooner than five (5) days from the service of the notice subject to the right of the owner, occupant, or other person in charge thereof to a hearing as set forth in Section 6.5 hereof.
- 6.3 Whenever any dwelling or dwelling unit has been condemned as unfit for human habitation and so designated and placarded by the Health Commissioner, he/she shall order it vacated within the time stated in the order which shall not be sooner than five (5) days. Service of the order of vacancy shall be upon the persons and in the manner prescribed in Section 3.1 hereof. The dwelling or dwelling unit so condemned shall remain vacant until written approval is secured from the Health Commission for its re-occupancy subject to the right of appeal as provided in Section 6.5 hereof.
- 6.4 If the Health Commissioner determines that the structure cannot be improved so as to comply with the provisions of these regulations and that the same is unsafe or unfit for human habitation, he/she may order demolition of the same and shall notify the owner, occupant, or other person in charge thereof, which notice shall set forth the date on which said demolition is to take place which shall not be sooner than ten (10) days from the date of said notice subject to the right of the owner, occupant or other person in charge thereof, to appeal to the Board of Health as provided in Section 6.5 hereof. Service of the notice of demolition shall be upon the persons and in the manner provided in Section 3.1 hereof.
- 6.5 The owner, operator, occupant, or other person in charge of any dwelling or dwelling unit affected by any order of the Health Commissioner pursuant to Section 6 thereof may appeal said order and shall be granted a hearing on appeal before the Board of Health which 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 said hearing on 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 (5) 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 and in the manner prescribed in Section 3.1 hereof. No action shall be taken by the Health Commissioner to placard, vacate, demolish, or otherwise enforce Section 6 hereof until after the hearing on appeal before the Board of Health, if the same has been reasonably requested.
- 6.6 At the hearing on appeal, all interested parties may appear in person and by counsel, and after full hearing, the Board of Health 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 at the address shown.

Section 7.0 - Penalties

- 7.1 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 3.1 shall be deemed in violation of Section 3709.99 of the Revised Code of Ohio. Orders may be enforced by injunction under Section 3709.211 of the Ohio Revised Code.

Section 8.0 - Repeal and Date of Effect

- 8.1 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 9.0 - Effect of Partial Invalidity

- 9.1 Should any part of this regulation be declared unconstitutional for any reason, the remainder of this regulation shall not be affected thereby.

Adopted by the Board of Health of the Preble County General Health District this 18th day of July 1975.

B.R Smith, M.D.
President, Board of Health

Gilbert E. Sayle, M.D.
Secretary of the Board