

Environmental Health and Sanitation Regulation #1
“Hygiene, Sanitation and Maintenance of Dwelling, Dwelling Units and Premises Regulation”

A regulation establishing minimum standards of hygiene and sanitation governing the condition and maintenance 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 Kenton-Hardin General 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 Kenton-Hardin General Health District.

By authority of Section 3707.01, Ohio Revised Code, be it therefore resolved by the Board of Health of the Kenton-Hardin 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 Kenton-Hardin General Health District.
- 1.4 Cellar means a portion of a building located partly or wholly underground, and having half of its clear floor-to-ceiling height below average grade of the adjoining ground.

- 1.5 Clean means free of dirt, impurities, food, human wastes, garbage and rubbish.
- 1.6 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 herein after shall be exempted for the provisions of these regulations.
- 1.7 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.
- 1.8 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.
- 1.9 Health Commissioner means the Health Commissioner of the Kenton-Hardin General Health District or his authorized representative. Including the public health nurses, supervisory personnel and sanitarians of the local health nurses, supervisory personnel and sanitarians of the local health department.
- 1.10 Hygiene means the science of health and its maintenance.
- 1.11 Infestation means the troublesome spreading or swarming presence of insects, rodents or other pests within or around dwellings.
- 1.12 Meaning of Certain Words, whenever the words “dwelling”, “dwelling unit” and “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 any person over one year of age, living and sleeping, cooking eating in or having actual possession of a dwelling unit.
- 1.15 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.

- 1.16 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 provision of this regulation.
- 1.17 Person means an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency or any entity recognized by law.
- 1.18 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, bath-tubs, 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.
- 1.19 Potable Water means drinkable; safe from harmful bacteria and chemical impurities; from an approved source.
- 1.20 Premises means a lot, plot or parcel of land including the buildings, or structures thereon.
- 1.21 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.
- 1.22 Sanitation means the science and practice of effecting healthful and hygienic conditions.
- 1.23 Sanitary means conditions of health free from dirt and accents of infection and disease.
- 1.24 Solid Wastes 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 too harmful or inimical to public health, and includes garbage, combustible and noncombustible materials, street dirt and debris.
- 1.25 Supplied means paid for, furnished, or provided by or under the control of the owner.

1.26 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.

SECTION 2.0
INSPECTIONS OF DWELLINGS, DWELLING UNITS,
AND ROOMING UNITS AND PREMISES

2.1 The health commissioner with reasonable cause is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the Kenton-Hardin General Health District, in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. The owner or occupant of every dwelling, dwelling unit, and rooming unit, or the person in charge thereof, shall give the health commissioner free access to such dwelling, dwelling unit, rooming unit, and its premises, at all reasonable time for the purpose of such inspection, examination and survey.

In the event the owner, 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, occupant or other person in charge thereof, ordering the admission of the health commissioner for the purpose of inspection. Such order shall issue only upon a showing of reasonable cause therefore. Upon service of a copy of the order to permit inspection and upon proper identification displayed by the health commissioner, he shall be admitted to the premises for purpose 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 has been a violation of any provision of this regulation, he shall give notice of such violation to the owner, occupant or other person in charge thereof specifying the violation claimed and the provision of this regulation defying said violation. The owner, 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, 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 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 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 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. Written notice of the appeal must be filed with the secretary of the Board of Health within five (5) days of the personal service, signature by the addressee on the return receipt or date of posting the decision upon the premises. Said notice shall state the order appealed from and the address to which notice of the hearing shall state the order appealed from and the address to which notice of the hearing 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 (5) days from the date of the filing of said notice of appeal. Notice of the meeting for the Board of Health at which said appeal is to be heard 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 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 3.5
NUISANCE, HOUSING, CITATION POLICY

It shall be the policy of the Kenton-Hardin General Health District to issue a citation to persons who have nuisance and housing violations in accordance with code violations.

1. The department is made aware of a complaint of an alleged nuisance or housing regulation violation. Anonymous complaints will not be accepted.
2. The sanitarian investigates the complaint to determine its' validity and if the complaint is not valid, the report is filed as "no health hazard observed".
3. If the complaint is valid, an official health district order is issued to the violator. The appropriate time limit for correction will be specified concerning the problem. The time limit will vary based upon the nature, severity and expense of abatement. In no case should the original order exceed 30 days.
4. Appeal procedure. The offending party may appeal this order within 10 days to the board of health of its' receipt. The order shall be held in abeyance until the board of health hears the appeal at the next meeting.
5. The sanitarian will make a return visit after the time limit has expired to determine if nuisance or housing violations has been corrected. The complaint shall be marked as "abated" if the offending party has corrected the problem.
6. If the offending party has made partial and substantial correction of the problem: Sanitarian may issue an extension of time for clean up and work out an agreement.
7. If the violator has made little or no progress to correcting the problem: Sanitarian may issue a citation citing the offending violator into county court. The offending party would pay the fine associated with the citation.
8. The department may utilize all means legally available to abate the nuisance or housing violations, in accordance with sections 3707.01 and 3707.02 of the Ohio Revised Code (Abatement of Nuisances).
9. The fee for a citation issued by the Board of Health shall be \$100. Regarding Nuisance and Housing Code violations.

SECTION 4.0
MINIMUM SANITATION STANDARD

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 requirements:

- 4.1 Every dwelling shall have on the premises accessible sanitary facilities for receiving wastes from kitchen sinks, water closets, lavatories, bathtub and shower, laundry facilities or such other devices as approved by then health commissioner.
- 4.2 Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary and operable condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof. Every owner of a dwelling containing three or more dwelling units shall keep all plumbing fixtures in an operable condition.
- 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 hot water heating facility of adequate size which provides at all times a temperature of not less than 100 degrees 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 shall have heating facilities which are properly installed and maintained in safe and good working condition, as follow: (a) When heating facilities for a dwelling unit are supplied by the owner or operator, the facilities are maintained in a reasonably good working condition. (b) Heat ducts, steam pipes and hot water pipes in supplied central heating systems are free from leaks. (c) 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. (d) Space heaters, if portable type, do not operate through a combustion process. (e) Space heaters and hot water heaters which operate by a combustion process are properly vented to a chimney or duct leading to the outdoors. (f) Coal-burning space heaters have a fire-resistant panel beneath them. (g) Space heaters located within two (2) feet of a wall are adequately insulated to prevent over-heating of the wall. (h) Space heaters with smoke pipes are equipped with guards, made of non-flammable material at the point where the pipe goes through a wall, ceiling or partition. (i) Every dwelling unit not having supplied heating facilities contains a sufficient number of chimney outlets to permit the occupants to furnish, and properly vent, all space heaters required to heat all habitable rooms, bathrooms and toilet rooms within the unit.
- 4.8 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. 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.
- 4.9 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.
- 4.10 The interior of every structure, used for human habitation, shall be free of fire and accident hazards, vermin, insect and rodent infestation.

- 4.11 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 subsection, 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.
- 4.12 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.
- 4.13 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 wastes accumulation. Animal wastes on such premises shall be stored and disposed and handled the same as garbage.
- 4.14 Every foundation, floor, ceiling, wall, roof, window, exterior door, and basement hatchway shall be rodent-proof.
- 4.15 No basement or cellar 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 and are effectively insulated against dampness.
- 4.16 No owner shall occupy or let any other occupant any vacant dwelling unit unless it is clean, sanitary, and fit for human occupancy.
- 4.17 Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared, or public areas of the dwelling and premises thereof.
- 4.18 Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.

- 4.19 Every supplied facility, piece of equipment, or utility which is required under this regulation shall be constructed, installed, or operated that it will function safely and effectively and shall be maintained in satisfactory working condition.
- 4.20 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 interruption as may be necessary while actual repairs or alterations are in process, or during a temporary emergencies when discontinuance of service is approved by the health commissioner.
- 4.21 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 compliant 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.
- 4.22 An owner of a dwelling who is a party to a rental agreement shall: When he is party to any rental agreements that cover two or more dwelling units in the same structure, provide and maintain appropriate receptacles for the removal of ashes, garbage, rubbish and other wastes incidental to the occupancy of the dwelling units, and arrange for their removal.

This regulation shall be effective on and after the fifteenth day of January 1978.

**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 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 as 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 so designated and placarded by the health commissioner. (a) One which is so unsanitary, unsafe or vermin 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 and 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. (d) One which lacks the facilities required by Section 4.1 hereof.
- 6.2 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 prescribed in Section 3.1 hereof of such condemnation and of his order to placard the dwelling or dwelling units 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 shall order it vacated within the time stated in the order which shall not be sooner than five (5) days. Service of the order 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 commissioner 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 as to comply with the provisions of these regulations and that the same is unsafe or unfit for human habitation, he 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 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, occupant or other person in charge of any dwelling or dwelling uninfected by any order of the health commissioner pursuant to Section 6 hereof 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 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 of 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 on 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 3707.48 of the Ohio Revised Code and as set forth therein shall be subject to the penalties provided by Section 3707.99 of the Revised Code of Ohio.

SECTION 8.0 EFFECT OF PARTIAL INVALIDITY

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

SECTION 9.0 EFFECTIVE DATE

9.1 This regulation shall be effective on and after the First day of August 1972.

Adopted by the Board of Health of the Kenton-Hardin General Health District this twenty-seventh day of June, 1972.



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