



Public Health
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Board of Health *Sidney-Shelby County*

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Resolution 11-3

Sidney-Shelby County Health District Housing Regulation

A regulation establishing minimum standards of hygiene and sanitation governing the condition, maintenance, and space occupancy of a dwelling; 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; authorizing the inspection of dwellings and the condemnation of dwellings found to be unfit for human habitation.

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

Be it therefore resolved by the Board of Health of the Sidney-Shelby County Health District as follows:

SECTION 1.0 DEFINITIONS

1.01 Accessory Structure: A detached structure which is not used nor intended to be used for living or sleeping by human occupants and which is located on or partially on any premises.

1.02 Basement: A portion of a building located partly underground.

1.03 Bedroom: A habitable room within a dwelling unit which is used or intended to be used primarily for the purpose of sleeping, but shall not include any kitchen or dining area.

1.04 Board of Health: The Board of Health of the Sidney-Shelby County Health District.

1.05 Dilapidated: No longer adequate for the purpose or use for which it was originally intended.

1.06 Dwelling: Any building or structure that 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.

1.07 Dwelling Unit: Any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single habitable unit with facilities that are used or intended to be used for living, sleeping, cooking, and eating of meals.

1.08 Extermination: 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 other recognized and legal pest elimination methods approved by the Health Commissioner.

1.09 Habitable Room: 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, hallways, closets, and storage space, and any other room designated by the Health Commissioner.

1.10 Health Commissioner: The Health Commissioner of the Sidney-Shelby County Health District or His or Her authorized representative.

1.11 Infestation: The presence of a large number of pest organisms in a given area.

1.12 Occupant: Any person living, sleeping, cooking, eating in, or having actual possession of a dwelling or dwelling unit.

1.13 Owner: 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, administrator, 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 Person: An individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency, or any entity recognized by law.

1.15 Plumbing: Includes, but is not limited to, all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, waste pipes, flush toilets, sinks, showers, bathtubs, catch basins, drains, and vents.

1.16 Potable water: Water which is deemed satisfactory for drinking, culinary, and domestic purposes by the Health Commissioner.

1.17 Premises: A lot, plot, or parcel of land including the buildings or structures thereon.

1.18 Sanitary Condition: Free from elements, such as filth or pathogens, that endanger health; hygienic.

1.19 Solid Waste: That which is defined in section 3745-27-01 of the Ohio Administrative Code (includes animal waste).

1.20 Temporary Housing: 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 more than thirty (30) consecutive days.

1.21 Water Closet Compartment: A room which contains only a flush toilet and a handsink.

SECTION 2.0 INSPECTION OF DWELLING, DWELLING UNITS, AND PREMISES

2.01 The Health Commissioner is hereby authorized to make inspections to determine the conditions of dwellings, dwelling units, and premises located within the Sidney-Shelby County Health District, in order that He or She may perform their 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, or the person in charge thereof, shall give the Health Commissioner access, upon reasonable demand, to such dwelling, dwelling 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 or her 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.

SECTION 3.0 ENFORCEMENT - SERVICE OF NOTICES AND ORDERS

3.01 Whenever the Health Commissioner determines that there are reasonable grounds to believe that there has been a violation of any provision of this regulation, He or She shall give written notice of such alleged violation to the person or persons responsible. Such notice shall:

- a) Include a description of the real estate sufficient for identification
- b) Provide a detailed description of the violation
- c) Cite the section of this regulation of which the responsible person is in violation
- d) Give a reasonable time for the correction of such violation
- e) Include reference to section 3.02 of this regulation regarding the right of appeal
- f) Be served upon the owner, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or upon such occupant if a copy thereof is served upon him or her personally; or if a copy thereof is sent by regular mail to his or her last known address; or if it is sent via electronic mail (e-mail) or facsimile (fax). A written report stating the manner in which said service was made shall be attached to a copy of the notice and retained in the official records.

3.02 Any person affected by any notice of an alleged violation may request, and shall be granted, a hearing before the Health Commissioner provided a written petition requesting such hearing and setting forth a brief statement of the grounds therefore is submitted prior to the deadline for correction given in the notice or within ten (10) days of the notice being served (whichever comes first). Upon receipt of such petition, the Health Commissioner shall set a time and place for such hearing (not to be greater than ten (10) days after the petition was filed) and shall give the petitioner written notice thereof as provided in 3.01(f) of this regulation. The failure of the petitioner or his representative to appear and state his case at such hearing shall be grounds for dismissal of such petition.

3.03 After such hearing the Health Commissioner shall sustain, modify or withdraw the notice, depending upon his finding as to whether the provisions of this regulation have been complied with. If the Health Commissioner sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to Section 3.01 of this regulation shall automatically become an order if a written petition for a hearing is not filed in the office of the Health Commissioner pursuant to the deadlines given in Section 3.02 of this regulation.

3.04 The proceedings at such hearing, including the findings and decision of the Health Commissioner, 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.

3.05 Whenever the Health Commissioner finds that an emergency exists which requires immediate action to protect the public health, the Health Commissioner may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as He or She deems necessary to meet the emergency. Notwithstanding the other provisions of this regulation, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Health Commissioner shall be afforded a hearing as soon as possible. After such hearing, depending upon the Health Commissioner's finding as to whether the provisions of this regulation have been complied with, the Commissioner shall continue such order in effect, or modify it or revoke it.

3.06 Any outstanding orders or notices of violations of this regulation are transferable to subsequent owners of a property that is subject to these regulations.

3.07 If a dwelling or dwelling unit cited under this regulation is vacant or becomes vacant prior to the time for correction given in the notice, the dwelling or dwelling unit will be placarded as "To Remain Vacant". The timeline for the correction of all outstanding violations given in the original notice will be voided, except for violations that affect the public health and safety. No such dwelling or dwelling unit shall again be used for human habitation until written approval is secured from, and such placard is removed by, the Health Commissioner. The Health Commissioner shall remove such placard whenever the violations listed within the original notice have been corrected.

3.08 Vacant dwellings and their accessory structures shall be closed up and secured so that they do not become an attractive nuisance to the public.

SECTION 4.0 MINIMUM SANITATION STANDARDS

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

4.01 Every dwelling unit shall contain a kitchen sink that is properly connected to a water and sewer system acceptable to the Health Commissioner.

4.02 Every dwelling unit shall contain a room which affords privacy to a person within such room and which is equipped with a flush toilet, a handsink, and a bathtub or shower, properly connected to a water and sewer system acceptable to the Health Commissioner.

4.03 Every kitchen sink, handsink, bathtub or shower shall be supplied at all times with hot and cold potable water in sufficient volume and at adequate pressure to allow the fixtures to operate properly for their intended use.

4.04 All plumbing and plumbing fixtures shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions. All plumbing shall be installed and maintained to prevent contamination of the potable water supply through back flow, back siphonages, or any other method of contamination. Any plumbing work (except for minor repairs) must be done by a registered plumber if not an owner occupied dwelling or dwelling unit.

4.05 A gas burning water heater shall not be located in any bedroom. A gas burning water heater shall not be located in any bathroom or water closet compartment unless it is operated behind a sealed door and adequate combustion air is provided from an area outside of the bathroom or water closet compartment. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters. Gas burning water heaters shall be properly vented.

4.06 Every dwelling unit shall be supplied with adequate solid waste storage facilities, type and location which are acceptable to the Health Commissioner. No person shall store, place, burn or dispose on his premises or the premises of another or permit to accumulate on his or her premises any solid waste in such a manner whereby it will become a rodent or insect harborage or breeding place, or create a health menace, insanitary condition, or nuisance.

4.07 At least one safe, continuous and unobstructed path of travel shall be provided from any point in a dwelling or dwelling unit to the outdoors.

4.08 All interior spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment, and fixtures.

4.09 Every habitable room shall have at least one window facing the outdoors. Such window shall be easy to open and be capable of being held in an open position by window hardware unless there is supplied some other device affording adequate ventilation approved by the Health Commissioner.

4.10 Every bathroom shall be adequately ventilated. Air exhausted by mechanical ventilation shall discharge to the outdoors.

4.11 Clothes dryers shall be properly exhausted to the outdoors.

4.12 Every bathroom, water closet compartment, kitchen, laundry room, and utility room floor shall be constructed and maintained so as to be reasonably impervious to water, nonabsorbent and easily cleanable. This does not preclude owner occupied dwellings from having carpet in these areas as long as the carpet is maintained in a sanitary condition.

4.13 Every dwelling unit shall have heating facilities that are properly installed, are maintained in safe and good working condition, and are capable of adequately heating all habitable rooms, bathrooms and water closet compartments. All gas burning heaters shall be properly vented unless they are labeled for unvented operation. A gas burning heater shall not be installed in any bedroom. A gas burning heater shall not be located in any bathroom or water closet compartment unless it is operated behind a sealed door and adequate combustion air is provided from an area outside of the bathroom or water closet compartment. Unvented gas burning type heaters shall not be used as the sole source of comfort heating in a dwelling unit.

Adequate insulation and/or clearances from a heater to combustible materials shall be maintained.

4.14 Exterior property areas and accessory structures shall be maintained in a safe and sanitary condition. Exterior property areas and accessory structures shall be free from insect, rodent, and vermin infestation and conditions that might create a nuisance. Professional extermination may be required at the Health Commissioner's discretion.

4.15 The exterior of a dwelling shall be maintained in good repair, structurally sound, and sanitary so as not to pose a threat to the health and safety of the occupants and public.

4.16 The interior of every dwelling shall be maintained in a safe and sanitary condition. The interior of every dwelling shall be free from insect, rodent, and vermin infestation. Professional extermination may be required at the Health Commissioner's discretion.

4.17 Every foundation, floor, ceiling, interior and exterior wall and roof shall be reasonably weathertight and vermin proof. Where excessive dampness exists, corrective measures shall be required to relieve this dampness. Every wall, floor and ceiling shall be capable of affording privacy and kept in a good state of repair to enable maintenance in a clean and sanitary condition. Plaster, paint or other surface materials shall be cleanable, reasonably smooth, clean and tight. Cosmetic damage caused by water leaks shall be repaired to allow for future monitoring of the site.

4.18 Every window, exterior door and basement hatchway shall be reasonably weathertight and vermin proof. Windows shall be fully supplied with window panes that are free from open cracks and/or holes and fit reasonably tight within its frame.

4.19 In every dwelling unit, the openings to the outdoors, resulting from doors and windows customarily open when flies, mosquitoes, and other insects are prevalent, as required by this regulation for ventilation, shall be properly screened, unless the unit has air conditioning. For basements used as habitable rooms, such openings shall be supplied with adequate protection against the entry of rodents.

4.20 Every inside and outside stair, every porch and every appurtenance thereto shall be properly constructed, capable of supporting the intended load, and maintained as to be safe to use. On dwelling units supplied with porches, stoops, stairs and other appurtenances, there shall be supplied a conveniently located light fixture, emitting adequate light and in proper working order.

4.21 Every habitable room of a 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; every bathroom shall contain at least one convenience outlet; 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. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.

4.22 Electric wiring and facilities shall be properly installed and maintained in a good and safe state of repair observing the following requirements:

- a) Every exposed electric wire shall have insulation which is in good condition.
- b) Every switch plate and outlet plate shall be properly fastened in place.
- c) No short circuit or break shall exist in any electric line.
- d) No obvious shock hazard shall exist.
- e) No temporary wiring shall be used except extension cords which run directly from portable electric fixtures to convenience outlets and which do not lie underneath floor covering materials or extend through doorways, transoms, or other similar apertures, or through structural elements.

4.23 The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the Health Commissioner, endanger the life, health, safety, or welfare of the occupants.

4.24 Every public hall and stairway in every 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 that may be turned on when needed, instead of full-time lighting.

4.25 If present, rain gutters and downspouts shall be constructed and maintained to ensure rain water is conveyed away from the roof, exterior walls and foundations.

4.26 Accessory structures and/or fences that exist on any premises shall be maintained in a reasonably good state of repair. Premises shall be graded and maintained so no stagnant water will accumulate on the premises or within the buildings or structures on the premises.

SECTION 5.0 DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE FOR CONDEMNATION

5.01 Any dwelling or dwelling unit that 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 that is so damaged, decayed, dilapidated, insanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public;
- b) one that lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public; and
- c) one that because of its general condition or location is insanitary, or otherwise dangerous to the health or safety of the occupants or of the public.

5.02 Whenever the Health Commissioner has condemned a dwelling or dwelling unit as unfit for human habitation, and has placarded it as such, the Health Commissioner shall give notice of such order to those persons mentioned, and under the procedure set forth, in Section 3.01 of this regulation.

5.03 Any dwelling or dwelling unit unfit for human habitation and so designated and placarded by the Health Commissioner shall be vacated in a reasonable time as ordered by the Health Commissioner. No such dwelling or dwelling unit shall again be used for human habitation until written approval is secured from, and such placard 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, plus any additional violations of this regulation, have been corrected.

5.04 No person shall deface or remove the placard from any dwelling or dwelling unit that has been condemned as unfit for human habitation and placarded as such, except as provided in Section 5.03.

5.05 If the Health Commissioner determines that the structure cannot be improved so as to comply with provisions of these regulations and that the same is unsafe, the Health Commissioner may order and direct the owners to demolish said structure as a hazard. Service of such order shall be made to those persons mentioned, and under the procedure set forth, in Section 3.01 of this regulation. In the event that the owners fail to comply with said order, the Health Commissioner may order the demolition of said structure and shall certify the cost and expense of demolition as set forth herein to the county auditor and the same shall become a lien upon the real estate.

5.06 Any person affected by any notice of an alleged violation under Section 5 may request and shall be granted a hearing on the matter before the Health Commissioner under the procedure set forth in Section 3.02 of this regulation.

5.07 All condemnation orders shall be brought before the Board of Health at the next regularly scheduled Board meeting for confirmation. The Board shall sustain, modify or withdraw the notice, depending upon its finding as to whether the provisions of this regulation have been complied with.

SECTION 6.0 PENALTIES

6.01 Violation of any provision of this regulation is prohibited by Section 3707.48 of the Revised Code and subject to the penalties provided by Section 3707.99 of the Revised Code. Each and every violation shall constitute a separate offense and each day's continued violation shall constitute a separate offense.

SECTION 7.0 REPEAL, DATE OF EFFECT, AND EFFECT OF PARTIAL INVALIDITY

7.01 All rules and regulations and parts of rules and regulations in conflict herewith are hereby repealed, to the extent of such conflict only, and this regulation shall be in full force immediately upon its adoption, as provided by law. Should any part of this regulation be declared unconstitutional, void, or invalid for any reason, the remainder of this regulation shall not be affected.

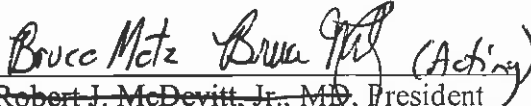
SECTION 8.0 APPEAL

8.01 Any person aggrieved by any decision which has been issued by the Health Commissioner in connection with the enforcement of any provision of this regulation may request and be granted a hearing on the matter before the Board of Health provided that such person shall file in the office of the Health Commissioner a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the notice of such decision was served. Upon receipt of such petition, the aggrieved shall be heard before the Board of Health at the next regular meeting of the Board of Health provided that the Board of Health shall not consider such petition sooner than five (five) days after filing with the Health Commissioner. Notice to the persons mentioned, and in the procedure set forth, in Section 3.01(f) of this regulation shall be given stating the time and place of such hearing.

8.02 The Board of Health may authorize, in specific cases, such variance from the requirements of these regulations as will not be contrary to the public interest, or 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.

8.03 Any person aggrieved by a decision of the Board of Health may seek relief therefore in any court of competent jurisdiction.

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~~Robert J. McDevitt, Jr., MD, President~~
Sidney-Shelby County Board of Health


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