

Sidney-Shelby County Health District Housing Regulation

A regulation establishing minimum standard 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; 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 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

- 1.1 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.
- 1.2 Board of Health means the board of health of the Sidney-Shelby County Health District.
- 1.3 Cellar means a portion of a building located partly or wholly underground, and having half or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 1.4 Dwelling means 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.
- 1.5 Dwelling Unit means 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.
- 1.6 Extermination means the act of destroying completely an infestation of insects or vermin.

- 1.7 Garbage means the putrescible animal and vegetable wastes resulting from the handling, processing, preparation, cooking or serving of food.
- 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 Sidney-Shelby County Health District or his authorized representative.
- 1.10 An infestation means the presence, within or around a dwelling, of any insects, rodents, or other pests.
- 1.11 Multiple Dwelling means any dwelling containing three or more dwelling units.
- 1.12 Non-Dwelling Structure means a structure or the part of a structure that is not used as a dwelling.
- 1.13 Nuisance means anything that endangers life or health, gives offense to the senses, violates the laws of decency, or obstructs the reasonable and comfortable use of property.
- 1.14 Occupant means any person living, sleeping, cooking, eating in, or having actual possession of a dwelling unit or rooming 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 Ordinary Minimum Winter Conditions means the temperature 15° F. above the lowest recorded temperature for the previous ten year period.
- 1.17 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.
- 1.18 Person means an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency, or any entity recognized by law.
- 1.19 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.

- 1.20 Premises means a lot, plot, or parcel of land including the buildings or structures thereon.
- 1.21 Rubbish means any 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 trimming, tin cans, metals, mineral matter, plastics, glass crockery, and dust.
- 1.22 Sanitary Condition means the state of being absent of a source of infection or disease.
- 1.23 Sanitation means the formulation and application of measures designed to protect public health.
- 1.24 Supplied means paid for, furnished, or provided by or under the control of the owner.
- 1.25 Temporary Housing means: (a) Recreational vehicles and travel trailers as defined in Section 4501.01, Revised Code, when occupied for periods of less than thirty (30) days. (b) A camp as defined in Section 3733.01, 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 (30) consecutive days.
- 1.26 Meaning of certain Words - Whenever the words “dwelling”, “dwelling unit”, “rooming house”, “rooming unit”, “premises”, 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 DWELLING, DWELLING UNITS, ROOMING UNITS AND PREMISES

2.1 The health commissioner is hereby authorized to make inspections to determine the conditions of dwellings, dwelling units, rooming units, and premises located within the Sidney-Shelby County 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, operator or occupant of every dwelling, dwelling unit, and rooming unit, or the person in charge thereof, shall give the health commissioner 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.

SECTION 3.0 ENFORCEMENT - SERVICE OF NOTICES AND ORDERS

3.1 Whenever the health commissioner determines that there are reasonable grounds to believe that there has been a violation of any provision of this regulation, he shall give written notice of such alleged violation to the person or persons responsible, therefore allowing a reasonable time for the correction of the alleged violation.

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 number of days specified in the notice.

3.3 After such hearing the health commissioner shall sustain, modify or withdraw the notice, depending upon its finding as to whether the provisions of the regulations have been complied with.

3.4 Whenever the health commissioner finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he 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 his finding as to whether the provisions of this regulation have been complied with, the health commissioner shall continue such order in effect, or modify it or revoke it.

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 requirements:

4.1 Every dwelling unit shall contain a kitchen sink that 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.

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. Any repairs made must meet Ohio Plumbing Code. 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. Any repairs must be made by a registered plumber if not an owner occupied dwelling or dwelling unit.

4.6 Every dwelling unit shall be supplied with adequate rubbish storage 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. Every occupant is required to use the rubbish storage facilities.

4.7 Every dwelling unit shall be supplied with adequate garbage disposal storage 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. Every occupant is required to use the garbage disposal storage facilities.

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

4.9 Every habitable room shall be capable of being illuminated to a minimum of 20-foot candles by natural light or a combination of natural and artificial lighting.

4.10 Every habitable room shall have at least one window or skylight which can be easily opened and held open by window hardware or such other device as will

adequately ventilate the room, except where there is supplied some other device affording adequate ventilation and approved by the health commissioner.

4.11 Every bathroom and water closet compartment shall be adequately lighted and ventilated. Every bathroom floor shall be constructed and maintained so as to be reasonably impervious to water and easily cleanable.

4.12 Every dwelling shall have heating facilities that are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments. All gas plumbing and heating equipment shall be properly installed. All combustion type water heaters and space heaters shall be properly vented. Portable space heaters, which operate through a combustion process, can only be used to heat a dwelling if proper ventilation is provided.

4.13 In every dwelling unit, the openings to the outdoors resulting from doors or windows customarily open when flies, mosquitoes and insects are prevalent, shall be properly screened unless the unit has air conditioning or as otherwise approved by the Health Commissioner. Screening must be rodent proof when screening basement or cellar windows or other openings used for ventilation.

4.14 Exterior property areas and accessory structures shall be free from health, fire and accident hazards, and vermin, insect and rodent harborage and conditions that might create a nuisance. Professional extermination may be required, at the Health Commissioner's discretion. Responsibility of extermination may be determined by the Health Department.

4.15 The interior of every structure used for human habitation shall be free from insect, rodent, and vermin infestation. Professional extermination may be required, at the Health Commissioner's discretion. Responsibility of extermination may be determined by the Health Department.

4.16 Every foundation, floor, ceiling, interior and exterior wall and roof shall be reasonably weathertight and rodent 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.

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

4.18 Every inside and outside stair, every porch and every appurtenance thereto shall be constructed 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.

4.19 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. 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.

4.20 Every supplied facility, piece of equipment, or utility that 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. Electric wiring and facilities shall be maintained in a good and safe state of repair and used in a correct and safe manner.

4.21 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 temporary emergencies when discontinuance of service is approved by the Health Department.

4.22 Every dwelling unit shall contain a minimum gross floor area of at least one hundred fifty (150) square feet of space in habitable rooms for the first occupant and at least one hundred (100) square feet of space in habitable rooms for each additional occupant.

4.23 Every habitable room shall have a minimum ceiling height of seven (7) feet over fifty (50) percent of the floor area, and the floor area where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing minimum gross floor area.

4.24 In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least twenty (20) square feet of floor space for each additional occupant thereof.

4.25 No basement or cellar space shall be used as a habitable room or dwelling unit unless: (a) the floors and walls are impervious to leakage or underground and surface runoff water and are effectively insulated against dampness; (b) adequate light and ventilation are supplied. (c) Any fuel consuming heating equipment that may be located therein shall be completely enclosed by fireproof partitions and any entrance to the

habitable area shall not be through the room containing heating equipment, excluding hallways.

4.26 No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy and in compliance with these regulations.

4.27 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 that may be turned on when needed, instead of full-time lighting. The owner of a multiple dwelling (2 or more units) shall keep shared public areas clean and repaired.

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

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

4.30 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 wastes on such premises shall be stored, disposed and handled the same as garbage.

4.31 Non-dwelling structures and/or fences that exist on any premises shall be maintained in a reasonably good state of repair. Structures shall be maintained as to prevent the structure from becoming a harborage for rodents and insects. 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 OR CONDEMNATION

5.1 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.

5.2 Whenever the Board Of Health has condemned a dwelling or dwelling unit as unfit for human habitation, the Health Commissioner shall give notice to the owner of such condemnation and of his intent to placard the dwelling or dwelling unit as unfit for human habitation.

5.3 The Health Commissioner shall furnish a copy of all unsafe building orders to the Public Utilities serving that building or structure which may be affected by the condition responsible for said order, and shall mark thereon a request that service being furnished the building or structure by said utility will constitute a hazard to the public. Upon receipt of said copy of notice and the request, thereon, any person, firm, association and the like supplying such service shall promptly discontinue its supply at the meter in the designated portion of the building or structure. It shall be unlawful for such person, firm, association and the like, thereafter to continue such service or to restore the same until furnished with a copy of certificate of approval from the Health Commissioner certifying that an inspection has been made, that the hazardous conditions have been corrected and that the affected service installation has been brought into substantial compliance with the requirements of this code.

5.4 Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Health Commissioner, shall be vacated within a reasonable time as ordered by the Board of Health and shall remain vacant until written approval is secured from the Board of Health and the placard is removed by the health commissioner. All current plumbing, building, electrical and fire safety and sanitation codes must be met, and written approval given, before approval for re-occupation can be given.

5.5 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 5.3 and 5.4.

5.6 If the Board of Health determines that the structure cannot be improved so as to Comply with provisions of these regulations and that the same is unsafe, the Board of Health may order and direct the owners to demolish said structure as a hazard. In the event that the owners fail to comply with said order the Board of Health 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.

5.7 Any person affected by any notice of an alleged violation under Section 5 may request and shall be granted a hearing before the Board of Health provided the request for such hearing is made within the number of days specified in the notice.

5.8 After such hearing the Board of Health shall sustain, modify, or withdraw the notice, depending upon its findings as to whether the provisions of the regulations have been complied with.

SECTION 6.0 PENALTIES

6.1 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.

6.2 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.

SECTION 7.0 REPEAL AND DATE OF EFFECT

7.1 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 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.

Originally Adopted: October 27, 1970

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President

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