



## **REGULATION NUMBER 8 HYGIENE, SANITATION AND MAINTENANCE OF DWELLINGS, DWELLING UNITS AND PREMISES REGULATION PASSED AUGUST 14, 1972**

A regulation establishing minimum standards of hygiene and sanitation governing the condition and maintenance of dwellings; establishing minimum standards governing supplies 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 London City - Madison County 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 London City-Madison County Health District.

By Authority of Section 3709.21, Ohio Revised Code, be it therefore resolved by the board of health of the London City Madison County 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 London City - Madison County 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 herein after 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 London City - Madison County Health District or his authorized representative.

**1.9 Infestation** means the troublesome spreading of swarming presence of insects, rodents, or other pests within or around dwellings

**1.10 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 the words "or any part thereof",

**1.11 Multiple dwelling** means any dwelling containing three or more dwelling units

**1.12 Occupant** means any person over one year of age, living and sleeping, cooking, eating in, or having actual possession of a dwelling unit

**1.13 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.

**1.14. 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, administration, 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.

**1.15. Ordinary Minimum Winter Conditions** means the temperature 15°F above the lowest recorded temperature for the previous ten year period

**1.16 Person** means an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency, or any entity recognized by law.

**1.17 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.



**1.18. Potable Water** means drinkable; safe from harmful bacteria and chemical impurities; from an approved source.

**1.19 Premises** means a lot, plot, or parcel of land including the building, or structures thereon.

**1.20 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

**1.21 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 not harmful or inimical to public health, and includes garbage, combustible and non-combustible material, street dirt, and debris.

**1.22 Supplied** means paid for, furnished, or provided by or under the control of the owner.

**1. 23 Temporary Housing means:**

(a) House trailer and travel trailers as defined in Section 4501.01 Revised Code, When Occupied for periods of less than 30 days.

(b) A camp as defined in Regulations 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**

**INSPECTION OF DWELLINGS, DWELLING UNITS, ROOMING UNITS AND PREMISES**

**2.1** The health commissioner or his appointed representative is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, rooming units, and premises located within the London City - Madison 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 or occupant of every dwelling, dwelling unit, and rooming unit, or the person in charge thereof, shall give the health commissioner or his appointed representative free access to such dwelling unit, or rooming unit, and its premises, at all reasonable times 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 or his appointed representative to the premises upon request, the health commissioner or his appointed representative may 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 or his appointed representative for purposes of inspection. Upon service of a copy of the order to permit inspection and proper identification displayed by the health commissioner or his appointed representative, he shall be admitted to the premise for purposes of such inspection.



If, after the Board of Health has issued said order, the health commissioner or his appointed representative 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 NOTICE AND ORDERS**

**3.1** Whenever the health commissioner or his appointed representative determines that there is probable cause to believe 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 defining 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 or his appointed representative 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 corrections 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 returned receipt or date of posting and decision upon the premises. Said notice shall state the order appealed from the address to which notice the hearing notice 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 five (5) days from the date of 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 applicant by regular mail at the address shown in his notice or 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 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 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 there in, 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 or shower, laundry facilities, or such other devices as approved by the health commissioner or his appointed representative.

**4.2** Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition, shall be responsible for the exercise of reasonable care in the proper use and operation thereof. Every owner of a dwelling unit 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 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 conditions, 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.

**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 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 room 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. 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 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 wherever 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 or 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 wastes accumulation. Animal wastes 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; the floors and walls are impervious to leakage or underground and surface runoff water and are effectively insulated against dampness.

**4.19** No owner shall occupy or let to any other occupy any vacant dwelling unit unless it is clean, 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 clean and 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 clean and 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 shall be constructed, installed, or operated that it will function safely and effectively and shall be maintained in satisfactory working condition by the owner.

**4.23** 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 commissioner.

**4.24** 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 compliance 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.

## **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 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 condemned as unfit for human habitation and shall be so designated and placarded by the health commissioner or his appointed representative.

- (a) One which is so insanitary, unsafe, or vermin infested that it created 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 or safety of the occupants or of the public
- (c) One which because of its general condition or location insanitary, or otherwise dangerous to the health or safety of the occupants or of the public.

**6.2** Whenever the health commissioner or his appointed representative 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 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 or his appointed representative 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 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 commissioner or his appointed representative for its reoccupancy subject to the right or appeal as provided in Section 6.5 hereof.

**6.4** If the health commissioner or his appointed representative 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 may order demolition of the same and shall notify the owner, occupant, or other persons 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, occupant, or other person in charge of any dwelling or dwelling unit affected by any order of the health commissioner or his appointed representative 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 or his appointed representative to placard, vacate, demolished, 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 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 or 3707.50 of the Revised Code of Ohio 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 REPEAL AND DATE OF EFFECT**

**8.1** All regulations and parts of regulation 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.

These regulations passed and adopted by the Board of Health of the London City - Madison County general Health District at its regular meeting on August 14, 1972