

HOCKING COUNTY ~~LOGAN-HOCKING COUNTY HEALTH DISTRICT~~ HEALTH

DEPARTMENT SANITARY REGULATION

REGULATION 37. ~~A Regulation Controlling Hygiene, and Sanitation of Supplied Facilities, Maintenance, and Occupancy of Dwelling and Dwelling Units.~~ Housing Regulation

~~Adopted and effective January 14, 1992~~ (Added at end)

A regulation establishing minimum standards of hygiene and sanitation governing the condition, maintenance, and space occupancy of residential dwellings; establishing minimum standards governing supplied utilities and facilities and other physical things and conditions essential to make residential dwellings safe, sanitary, and fit for occupants; establishing certain responsibilities and duties of owners and occupants of residential dwellings, authorizing the inspection of residential dwellings and the condemnation of residential dwellings found to be unfit for human habitation. Hereafter, residential building, residential dwelling and residential dwelling unit will be referred to collectively as dwelling.

Whereas, in the ~~Logan-Hocking County Health District~~ Hocking County Health Department there are, or may in the future be, dwellings 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 ~~Logan-Hocking County Health District~~ Hocking County Health Department.

Be it therefore resolved by the board of health of the ~~Logan-Hocking County Health District~~ Hocking County Health Department as follows:

SECTION 1.0 DEFINITIONS

1. Accessory Structure: A building, the use of which is incidental to that of the dwelling(s) and which is located on or partially on the same lot. (RCO)

1.1 Basement: ~~means a~~ That 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 that is partly or completely below grade. (RCO)

1. Bedroom: As defined by OAC 3701-29-01 (I), a room that is designed or used as a sleeping room or any room that could reasonably be used as or finished as a sleeping room as determined by the Board of Health.

1.4 Board of Health: The Board of Health of the ~~Logan-Hocking County Health District~~ Hocking County Health Department.

~~1.3~~ 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 of the adjoining ground.

1. Dilapidated: Decayed, deteriorated, or fallen into partial ruin and no longer adequate for the purpose or use for which it was originally intended.

1.4 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 herein after defined shall be exempted from the provision of these regulations.

1.5 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.

~~1.6 Garbage means the putrescible animal and vegetable wastes resulting from the handling, processing, preparation, cooking or serving of food.~~

~~1.7 Habitable Room Space: 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.~~ A space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage, or utility spaces and similar areas are not considered habitable spaces. (RCO)

~~1.8 Health Commissioner: means the health commissioner of the Logan-Hocking County Health District or his authorized representative.~~ The Health Commissioner of the Hocking County Health Department or their authorized representative(s).

~~1.9 Infestation: means the presence, within or around a dwelling, or any insects, rodents, or other pests.~~ The presence of any insects, rodents, or other pests within or around a dwelling and accessory structures.

1.23 Meaning of Certain Words: Whenever the words "dwelling", "dwelling unit", "residential building", "premises", are used in this regulation, they shall be construed as though they are followed by the words "or any part thereof".

~~1.10 Multiple Dwelling means any dwelling containing two or more dwelling units.~~

~~1.11 Occupant: Any person over one year of age, living, sleeping, cooking, eating in, or having actual possession of a dwelling unit or rooming unit.~~

~~1.12 Operator: means any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are left.~~

~~1.13 Ordinary Minimum Winter Conditions means the temperature 15 degrees above F. above the lowest recorded temperature for the previous ten year period.~~

~~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, 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.~~ Any person, agent, firm, or corporation having a legal or equitable interest in the property. (RCO)

~~1.15 Person: means an individual partnership, association, syndicate, company, firm, trust, corporation, government corp., department, bureau, agency, or any entity recognized by law.~~ An individual, heirs, executors, administrators, or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid. (RCO) LOOK UP 1.59
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1.16 Plumbing: The practice, materials, and fixtures utilized in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances within or adjacent to any structure, in connection with sanitary drainage or storm drainage facilities; venting systems; and public or private water supply systems. (RCO)

1. **Potable Water:** Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in bacteriological and chemical quality to the requirements of the Hocking County Health Department. (RCO)

1. **Premises:** A dwelling together with its land and accessory structures. (Webster)

1. **Residential Building:** A one-family, two-family, or three-family dwelling house, and any accessory structure incidental to that dwelling house. (RCO)

1. **Residential Code of Ohio (RCO):** Chapters 4101:8-1 to 4101:8-25, 4101:8-29, 4101:8-34, and 4101:8-44 of the *Administrative Code* are designated as the "*Residential Code of Ohio* for One-, Two-, and Three-Family for which the designation "RCO" may be substituted.

~~1.17 Rooming house means any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to five or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator. (Replaced with Residential Building)~~

~~1.18 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. (Replaced with Residential Building)~~

~~1.19 Rubbish means combustible and non-combustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, plastics, glass crockery and dust. (Replace with Solid Waste)~~

1. **Safe:** As applied to a building, means free from danger or hazard to the life, safety, health, or welfare of persons occupying or frequenting it, or of the public, and from danger of settlement, movement, disintegration, or collapse, whether such danger arises from the method or materials of its construction or from equipment installed therein, for the purpose of lighting, heating, the transmission or utilization of electric current, or from its location or otherwise. (RCO)

1. **Safety Hazard:** The presence of conditions that, if left uncontrolled, can result in bodily harm or death. (OAC 3701-29-01)

1. **Sanitary:** As applied to a building, means free from danger or hazard to the health of persons occupying or frequenting it or to that of the public, if such danger arises from the method or materials of its construction or from any equipment installed therein for the purpose of lighting, heating, ventilating, or plumbing. (RCO)

1. **Shall:** The term, when used in these regulations, is construed as mandatory. (RCO)

1. **Solid Waste:** That which is defined in section 3745-27-01 of the Ohio Administrative Code including animal waste.

1.20 ~~Supplied means paid for, furnished, or provided or under the control of the owner.~~

1.21 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 (30) days.~~

~~(b) A camp as defined in Regulation 232, Ohio Sanitary Code under authority of Sections 3701.13 Revised Code.~~

(c) Any tent, trailer, 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.

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 condition of dwellings, ~~dwelling units, rooming units,~~ and premises located within the ~~Logan Hocking County Health District~~ Hocking County in order that ~~he~~ they may perform ~~his~~ 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, and rooming unit,~~ or the person in charge thereof, shall give the Health Commissioner 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.

Every occupant of a dwelling shall give the owner or operator thereof, or his agent or employee, access to any part of the dwelling 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.

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~~ they 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. Such notice shall include the following:

- a) Description of the real estate sufficient for identification
- b) Detailed description of the violation(s)
- c) Section of this regulation of which the responsible person is in violation of
- d) Reasonable time for the correction of such violation(s)
- e) Reference to section 3.2 of this regulation regarding the right of appeal

3.2 Any person affected by any notice of an alleged violation may request and shall be granted a hearing before the ~~Board of Health~~ 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 ~~Board of Health~~ Health Commissioner shall sustain, modify or withdraw the notice, depending upon their findings as to whether the provisions of the regulations 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 3.1 of this regulation shall automatically become an order if a request for a hearing with the Health Commissioner is not received pursuant to the deadlines given in Section 3.2 of this regulation.

3. The proceedings at such hearing, including the findings and decision of the Health Commissioner, shall be summarized, documented, and entered as a matter of public record in the health department. Such record shall also include all documentation, notice, or order issued in connection with the matter.

3. If after the hearing, said violations are not corrected within the required time period specified by the Health Commissioner, a hearing will be held with the Board of Health to determine if the matter should be forwarded to the Hocking County Prosecutor for legal action. Board of Health meetings are open to the public and any person affected by these findings may attend and provide evidence.

3.4 Whenever the Health Commissioner finds that an emergency exists which requires immediate action to protect the public health, ~~he~~ they may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as they deem 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 ~~Board of Health~~ Health Commissioner shall be afforded a hearing as soon as possible. After such hearing, depending upon ~~his~~ the Health Commissioner's finding as to whether the provisions of this regulation have been complied with, the ~~Board of Health~~ Health Commissioner shall continue such order if effect, or modify it or revoke it.

3. 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. If a dwelling cited under this regulation is vacant or becomes vacant prior to the time for correction given in the notice, the dwelling 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 residential building, 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 violation(s) listed within the original notice have been corrected.

3.9 Vacant dwellings and their accessory structures shall be closed up and secured so that they do not create a safety hazard or attract vermin.

SECTION 4.0 MINIMUM SANITATION STANDARDS

No person shall occupy, or let to another for occupancy, any dwelling, 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 which is properly connected to a sewer system approved by the health commissioner~~ **an approved sewage treatment or sewer system.** ~~There shall also be a potable water supply on the premises of this dwelling.~~

~~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 toilet, a lavatory handsink and a bathtub or shower, properly connected to a potable water supply and an approved sewage treatment or sewer system. approved by the health commissioner, providing, the potable water supply is accessible in the judgement of the Health Commissioner.~~

~~4.3 Every kitchen sink, lavatory handsink, bathtub or shower shall be properly connected with hot and cold water lines in sufficient volume and at adequate pressure to allow the fixtures to operate properly for their intended use.~~ The hot water lines shall be connected to a hot water heating facility unit of adequate size which provides at all times a temperature of not less than 120 De. F., ~~providing the potable water supply is accessible in the judgement of the health commissioner.~~

~~4.4 Every dwelling and dwelling unit shall be supplied with,~~ **or accessible to,** a potable water supply.

~~4.5. All plumbing 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 backflow, back siphonages, or any other method of contamination.**

~~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.~~ (For some reason this was repeated in 4.7 so suggest inserting the following:) **A gas burning water heater shall be located in accordance with ??? and properly vented. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on all non-demand water heaters.**

~~4.7 Every dwelling unit shall have adequate garbage disposal facilities, type and location of which are acceptable to the Health Commissioner and shall be disposed of in a manner acceptable to the Health Commissioner.~~

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

~~4.9 Every habitable room shall have at least one window or skylight facing directly to the outdoors, which is to be ten (10) percent of the floor area of such room. Whenever the only window in a room is a skylight type window in the top of such room, the total window area of such skylight is to equal at least fifteen (15) percent of the total floor area of such room.~~ (in conflict with RCO) **All interior spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, the safe occupancy of the space, and utilization of the appliances, equipment, and fixtures.**

~~4.10 Every habitable room shall have at least one window or skylight which can be easily opened or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least forty five (45) percent of the minimum window area size or minimum skylight type window size as required in subsection 4.9 of Section 4 of this regulation, except where there~~

~~is supplied some other device affording adequate ventilation and approved by the health commissioner. (in conflict with RCO)~~

Every habitable room shall have at least one screened window facing the outdoors. Such window shall be easy to open with the ability to stay open and properly screened to prevent intrusion of vermin and insects unless there is some other device affording adequate ventilation such as a fan or air conditioner.

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.~~ Air exhausted by mechanical ventilation shall discharge to the outdoors.

4.12 Every dwelling shall have heating facilities which 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 in every dwelling unit located therein to a temperature of at least ~~70~~ 68 De.F., under ordinary minimum winter condition. (Per RCO)

4. Clothes dryers shall be properly exhausted to the outdoors.

4.13 ~~In every dwelling unit,~~ The openings to the outdoors resulting from doors or windows customarily open when flies, mosquitoes and other insects are prevalent, shall be properly screened.

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 which might create a nuisance.~~

4.15 ~~The interior of every structure used for human habitation shall be free from insect, rodent, and vermin infestation.~~ The interior, exterior areas, and accessory structures of every dwelling shall be maintained in a safe and sanitary condition and be free from insect, rodent, and vermin infestation, or any conditions which might create a nuisance. Professional extermination may be required at the Health Commissioner's discretion.

4.16 Every foundation, floor, ceiling, wall and roof shall be reasonably weathertight and rodent proof. Where excessive dampness exists, corrective measures shall be required to relieve this dampness.

4.17 Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodent proof.

4.18 Every inside and outside stair, every porch and every appurtenance thereof shall be properly constructed and maintained as to be safe to use.

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. ASK MATT GREEN

Where there is electric service, all wiring shall be installed and maintained in accordance with the Residential Code of Ohio and the National Electric Code.

4.20 Every supplied facility, piece of equipment or utility which is required under this regulation shall be so constructed, installed, **maintained**, or operated that it will function safely and effectively. ~~and shall be maintained in satisfactory working condition.~~

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/**her** 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.

4.22 ~~Every dwelling 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 floor space in habitable rooms for each additional occupant. (In conflict w/RCO)~~

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

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 fifty (50) square feet of floor space for each additional occupant thereof. (In conflict w/RCO)~~

4.25 ~~No dwelling or dwelling unit containing two or more sleeping rooms shall have room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or bathroom or water closet compartment. (In conflict w/RCO)~~

4.26 ~~No basement shall be used as habitable room or dwelling unit unless:~~

~~—— (a) The floors and walls are impervious to leakage of underground and surface runoff water and are effectively insulated against dampness.~~

~~—— (b) Adequate light and ventilation are supplied. (In conflict w/RCO)~~

4.27 ~~No cellar space shall be used or considered as a ... (This was never completed)~~

4.28 ~~No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy. (Already addressed)~~

4.29 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 area of the dwelling and premises thereof. **Every public hall and stairway shall be adequately lighted at all times.**

4.30 ~~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. (Already addressed)~~

SECTION 5.0 — ROOMING HOUSES

~~5.1~~ No person shall operate a rooming house unless he holds a valid rooming house permit issued by the Health Commissioner in the name of the operator for the specific rooming house. This permit shall be displayed in a conspicuous place within the rooming house at all times. Every rooming house permit shall expire at the end of one year following its date of issuance.

~~5.2~~ The operator shall apply to the Health Commissioner for such permit, which shall be issued by the Health Commissioner upon compliance by the operator with the applicable provisions of these regulations.

~~5.3~~ A permit fee of \$2.50 shall be paid for each dwelling unit in a rooming house. The minimum fee shall be \$10.00 for any rooming house.

~~5.4~~ A rooming house permit is not transferable. When a person who holds a rooming house permit transfers his interest in or control of a rooming house he shall notify the Health Commissioner in writing within twenty four (24) hours. Such notice shall include the name and address of the person succeeding to the ownership or control of the rooming house.

~~5.5~~ When the Health Commissioner denies an application for a rooming house permit, he shall notify the applicant in writing. A request for hearing may be made, and a brief statement of the facts upon which the denial was based.

~~5.6~~ Any person whose application for a permit to operate a rooming house has been denied may request and shall be granted a hearing before the Board of Health under the procedure provided by **Section 3.**

~~5.7~~ Whenever upon inspection of any rooming house the Health Commissioner finds that conditions or practices exist which are in violation of any provision of these regulations, the Health Commissioner shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable period to be determined by the Health Commissioner, the operators rooming house permit will be suspended. At the end of such period the Health Commissioner shall reinspect such rooming house, and if he finds that such conditions or practices have not been corrected, he shall give notice in writing that the latter's permit has been suspended.

~~5.8~~ Any person whose permit to operate a rooming house has been suspended, or who has received a written notice that his permit is to be suspended unless an existing violation is corrected, may request and shall be granted a hearing before the Board of Health, under the procedure provided by Section 3 of this regulation. Provided that if no petition for such a hearing is filed within ten (10) days after the date such permit was suspended, such permit shall be automatically revoked. Upon receipt of notice of revocation, such operator shall immediately cease operation of such rooming house and no person shall occupy for sleeping or living purposes any rooming unit therein.

~~5.9~~ At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Health Commissioner and in good working condition, shall be provided for each five (5) persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities: Provided that in a rooming

~~house where rooms are let only to males, flush urinals may be substituted for not more than one third the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times. No such facilities shall be located in a basement except by written approval of the Health Commissioner.~~

~~5.10 The operator of every rooming house shall change supplied bed linen and towels therein at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.~~

~~5.11 Every room occupied for sleeping purposes by one person shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet for each additional occupant.~~

~~5.12 Every rooming unit shall have at least one safe, unobstructed means of egress leading to safe, open space at ground level and to a public street or alley without having to pass through any other rooming unit.~~

~~5.13 The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings; for maintenance of a sanitary condition in every other part of the rooming house; and for the sanitary maintenance of the premises of the rooming house.~~

~~5.14 Every provision of this regulation which applies to rooming houses shall also apply to hotels, motels, tourist homes, except to the extent that any such provision may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency.~~

SECTION 6.0 DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE OF CONDEMNATION

6.1 Any dwelling ~~or dwelling unit~~ which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Health Commissioner;

- (a) One which is so damaged, decayed, dilapidated, 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 which lacks illumination, ventilation, or sanitation facilities adequate to protect the health safety of the occupants or of the public.
- (c) One which because of its general condition or location is insanitary, or otherwise dangerous to the health or safety of the occupants or of the public.

6.2 Whenever the ~~Board of Health~~ **Health Commissioner** 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 their intent to placard the dwelling as unfit for human habitation.

6.3 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~~ **Health Commissioner** and shall remain vacant until written approval is secured from the ~~Board of Health~~ **Health Commissioner**.

6. All condemnation orders shall be brought before the Board of Health at the next regularly scheduled Board meeting.

6. No person shall deface or remove the placard from any dwelling that has been condemned as unfit for human habitation.

6.4 If the ~~Board of Health~~ 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 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 real estate.

6.5 Any person affected by any notice of alleged violation Under Section 6 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.

6.6 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 7.0 PENALTIES

7.1 Violation of any provision of this regulation is prohibited by Section 3707.48 ~~or 3707.50~~ 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.

7.2 ~~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.~~ (This is true for any rule or regulation the Health Department enforces)

SECTION 8.0 APPEAL

8.0 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 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 (5) days after filing with the Health Commissioner. Notice to the persons mentioned, and in the procedure set forth, in Section 3 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 tother 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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Second Reading:	
Third & Final Reading:	
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