

Tuscarawas County Health Department

Dwelling Unit Code

Regulations of the Board of Health of the Tuscarawas County
General Health District



Public Health
Prevent. Promote. Protect.

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Revision Page

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Section 1: References

Ohio Revised Code 3707.01 Powers of the Board

The board of health of a city or general health district shall abate and remove all nuisances within its jurisdiction. It may, by order, compel the owners, agents, assignees, occupants, or tenants of any lot, property, building, or structure to abate and remove any nuisance therein, and prosecute such persons for neglect or refusal to obey such orders. Except in cities having a building department, or otherwise exercising the power to regulate the erection of buildings, the board may regulate the location, construction, and repair of water closets, privies, cesspools, sinks, plumbing, and drains. In cities having such departments or exercising such power, the legislative authority, by ordinance, shall prescribe such rules and regulations as are approved by the board and shall provide for their enforcement.

The board may regulate the location, construction, and repair of yards, pens, and stables, and the use, emptying, and cleaning of such yards, pens, and stables and of water closets, privies, cesspools, sinks, plumbing, drains, or other places where offensive or dangerous substances or liquids are or may accumulate.

When a building, erection, excavation, premises, business, pursuit, matter, or thing, or the sewerage, drainage, plumbing, or ventilation thereof is, in the opinion of the board, in a condition dangerous to life or health, and when a building or structure is occupied or rented for living or business purposes and sanitary plumbing and sewerage are feasible and necessary, but neglected or refused, the board may declare it a public nuisance and order it to be removed, abated, suspended, altered, or otherwise improved or purified by the owner, agent, or other person having control thereof or responsible for such condition, and may prosecute him for the refusal or neglect to obey such order. The board may, by its officers and employees, remove, abate, suspend, alter, or otherwise improve or purify such nuisance and certify the costs and expense thereof to the county auditor, to be assessed against the property and thereby made a lien upon it and collected as other taxes.

Effective Date: 10-01-1953

Ohio Revised Code Chapter 3735

Ohio Revised Code Chapter 3734.01

Ohio Revised Code 751.01 Compensation for Housing Indigents

The legislative authority of any municipal corporation may authorize the fiscal officer of such municipal corporation to enter into agreements with the owners of premises in such municipal corporation occupied by one or more indigent persons upon the relief rolls of the municipal corporation, providing for compensation for the housing of such indigents through the issuance, in the manner provided by sections 751.02 to 751.04, inclusive, of the Revised Code, of monthly housing certificates applicable to the payment of real estate taxes.

Section 2: Definitions

1. "Basement" means a portion of the building located underground but having less than half its clear floor to ceiling height below the average grade of the adjoining ground.
2. "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.
3. "Dwelling" shall include any dwelling unit, building, structure, rooming house, rooming unit or other living quarters used or intended to be used in whole or in part for living or sleeping by human occupants.
4. "Dwelling unit" means any room or group of 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.
5. "Extermination" means 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, fumigating, spraying, trapping; or by any other recognized legal pest elimination methods approved by the Department of Health.
6. "Family" means one or more persons related by blood, adoption or marriage, living together as a single housekeeping unit, exclusive of household servants; several persons but not exceeding two, living together as a single housekeeping unit though not related by blood, adoption or marriage.
8. "Garbage" means all discarded putrescible materials including, but not limited to, animal, vegetable or fruit wastes resulting from the handling, storage, preparation or eating of food and handling and disposal of small dead animals.

9. "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 communication corridors, closets and storage spaces.

10. "Health Commissioner" means that individual as defined by Ohio R.C. 3709.14 or his authorized representative.

11. "Infestation" means the presence within or around a dwelling of any insects, rodents or other pests.

12. "Multiple use structure" means any dwelling containing three or more dwelling units or rooming units or any combination of three or more dwelling or rooming units, except individually owned condominium units; or, any dwelling, dwelling unit or rooming unit, including individually owned condominium units, with four or more unrelated occupants.

13. "Occupant" means any person over one year of age living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit.

14. "Operator" means any person who has or has been designated by the owner to have charge, care or control of a building or part thereof in which the dwelling units or rooming units are let.

15. "Owner" means any person who alone or jointly or severally with others has legal title to any dwelling or dwelling unit with or without accompanying actual possession thereof or has charge, care or control of any dwelling or dwelling unit as owner or agent of the owner or as buyer under land contract, 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 Housing Code and of rules and regulations adopted pursuant thereto. to the same extent as if he were the owner.

16. "Permissible occupancy" means the maximum number of persons permitted to reside in a multiple use structure.

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

18. "Plumbing" 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 connections installed or connected to water, sewer or gas lines.

19. "Premises" whenever used in this Housing Code means not only the dwelling and other buildings of whatever nature located on the lot, but also the entire parcel of land surrounding such buildings including but not limited to fences, walkways, walls and appurtenances.

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.

21. "Solid waste" has the same meaning as in Ohio Revised Code 3734.01

22. "Supplied" means paid for, furnished or provided by or under the control of the owner or operator.

23. "Unrelated" means persons not related by blood, adoption or marriage.

24. Whenever the words "dwelling", "dwelling unit", "rooming unit", "premise" or "multiple use structures" are used in this Housing Code, they shall be construed as though they were followed by the words "or any part thereof".

25. "Net floor area" means the actual occupied area, not including accessory unoccupied areas or thickness of walls.

26. "Temporary housing" means 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 utility system on the same premises for more than thirty consecutive days.

Section 3: Minimum Standards and Requirements

All dwellings must meet the below minimum standards and requirements unless omissions must be made due to religious convictions.

1. Kitchen Sink. Each dwelling unit shall contain a kitchen sink in working condition and connected to a potable water supply and sewer system in an approved manner.
2. Bathrooms. All dwellings shall be provided with a room affording privacy and equipped with a flush water closet, a lavatory basin, and a bathtub or shower in

good working condition and connected to a potable water supply and sewer system in an approved manner. A minimum of one bathroom for six individuals shall be required.

3. Water Lines. Each kitchen sink, lavatory basin, bathtub or shower required by the provisions of subsection (b) hereof shall be connected with both hot and cold-water lines in an approved manner.
4. Water Supply. Each dwelling shall have an approvable, safe and adequate water supply with no more than two dwellings sharing a water well.
5. Sewage or Septic System. Each dwelling shall have its own sewage connection or septic system that follows State code and is in proper working condition.
6. Ceiling, Wall and Floor Conditions. Each dwelling shall have safe ceiling, wall and floor conditions in each room of the dwelling, that are safe structurally, free from holes or other damage and in clean and good repair.
7. Solid Waste Storage. The owner of each multiple use structure shall provide adequate solid waste storage receptacles on the premises for the disposition of litter and solid waste. Such receptacles shall be maintained in a sanitary manner as to prevent the contents from being scattered upon such premises. Receptacles of sufficient size and number shall be of rigid plastic or metal, watertight and equipped with tight fitting lids. Any solid waste receptacle spillage which may occur upon the ground, sidewalk, street or alley shall be promptly cleaned up within twenty-four hours after spillage.
8. Solid Waste Collection. The owner of each multiple use structure shall provide solid waste collection for the licensed dwelling by hiring a solid waste collector who is licensed by the County. The frequency of such solid waste collection shall be not less than once per week during those instances when solid waste is being generated on the premises. The owner shall provide written proof of such collection service if requested by the Health Commissioner.
9. Water Heating. Each dwelling shall be supplied with water heating facilities installed in an approved manner and maintained in good working condition and capable of heating water to a temperature of not less than 120°F. No combustibles shall be stored within 18 inches of the water heating device.
10. Means of Egress. All dwellings shall have a safe, unobstructed means of egress with a minimum headroom of six feet, six inches leading to safe and open space at ground level. All means of egress openings shall be readily openable from the side from which egress is to be made without the need for keys or special knowledge. All pathways and aisle ways shall be unobstructed. All means of egress shall be properly installed and maintained. All multiple use structures

having sleeping rooms located on floors greater than fourteen feet from the ground shall be equipped with a second means of egress in the form of an approved fire ladder, fire stairs, or emergency exit.

11. Exterior Locks. All exterior doors within a multiple use structure shall be equipped with safe and functioning locking devices.
12. Bathroom Ventilation. Every bathroom shall have adequate ventilation.
13. Electric Requirements. The owner or operator in charge of a dwelling shall provide a properly installed and maintained electric light fixture in order to supply adequate light in all common areas including stairways, hallways, entranceways, laundry rooms, furnace rooms, kitchens, bathrooms, exterior porches, and similar common areas.
14. Heating Facilities. The owner or operator in charge of a dwelling shall provide a heating facility installed in an approved manner and maintained in good working condition capable of maintaining a temperature of at least 68°F for any 24-hour period in all habitable rooms, bathrooms, water closet compartments and kitchens. The temperature inside a dwelling shall be measured in the approximate center of each room and approximately three feet above the floor. No combustibles shall be stored within 18 inches of the furnace or heating facilities. Heating facilities designed with filters shall maintain the filters per the manufacturer's recommendations.
15. Windows. All windows are in proper working condition.
16. Screening. All windows or other devices used or intended to be used for ventilation shall be supplied with screens.
17. Pest Protection. Every window and every other opening which might provide an entry for pests shall be supplied with a screen or other device as will effectively prevent entry by such pests into the building. Proper precautions shall be taken to secure the building and prevent pest infestation.
18. Floor Space Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof, and at least 100 additional square feet of floor space for every additional occupant thereof. The floor space to be calculated on the basis of net floor area.
19. Sleeping Areas. In all dwellings, every room occupied for sleeping purposes by one occupant shall contain at least seventy square feet of floor space. Every room occupied for sleeping purposes by more than one occupant shall contain at least fifty square feet of floor space for each occupant thereof.
20. Basement and Cellars. No basement or cellar space shall be used as a habitable room or dwelling unit unless:

- a. The floor and walls are impervious to leakage of underground and surface run-off water and are insulated against dampness;
 - b. A basement or cellar space, when occupied for living, shall meet all minimum standards and requirements of this Code;
 - c. Furnace and hot water tank areas are to be completely separated from habitable areas by the installation of fire rated materials in an approved manner
21. Exterior Maintenance. All exterior parts of every dwelling including exterior walls, additions, chimneys, porches, steps, ramps and other such structures either above or below the roof line shall be maintained in a safe condition and in good repair and capable of performing the function for which such structure or part of any feature thereof was designed or intended to be used.
22. Temporary housing may not be used for dwelling purposes outside of a licensed park camp.

Section 4: Maintaining Sanitary Living Conditions

1. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling or dwelling unit which he occupies or controls.
2. Every occupant of a dwelling or dwelling unit shall store and dispose of all solid waste in a clean and sanitary manner by placing it in receptacles, as required by the Tuscarawas County Health Department's Solid Waste Code
3. 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.

Section 5: Inspections

1. The Health Commissioner is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the Health District, in order that he or she may perform his or her duty of safeguarding the health and safety of the occupants of dwellings and of the general public.
2. 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 or her designee 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.

3. Inspections should be documented on the Tuscarawas County Health Department's Housing Inspection Report Form.
4. Every occupant of a dwelling or dwelling unit shall give the owner 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 effect compliance with this chapter or any lawful order issued pursuant to this chapter.
5. If entry is refused or if the inspection so authorized is refused or hindered the Health Commissioner may apply for and obtain a search warrant.

Section 6: Extermination and Infestation

1. Pest Infestation. All structures shall be kept free from insect and rodent infestation and all potential points of entry shall be properly maintained as to prevent pest migration. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.
2. Owner. The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure. Proper precautions shall be taken to prevent infestation. Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination. Whenever infestation exists in two or more dwelling units in any dwelling or in the common parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
3. Occupant. The occupants of any structure shall be responsible for the continued pest free condition of the structure. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for pest elimination.
4. Every occupant of a dwelling unit shall be responsible for the extermination of insects, rodents and other pests therein, whenever their dwelling unit is the only dwelling unit within a dwelling that is infested.

Section 7: Notice of Violation

Whenever the Health Commissioner or his agent determines there has been a violation of any provision of this Housing Code, he shall give notice of such violation to the

owner, occupant, operator or responsible person that such violations must be corrected. The notice and order shall:

- (a) Be put in writing on the appropriate form;
- (b) Include a list of violations, refer to the chapter or section violated, and order remedial action which will affect compliance with the provisions of this Code;
- (c) Specify a reasonable period of time within which to comply;
- (d) Be served upon the owner, occupant, agent or person in charge, or sent via mail to the last known address, or in the event of a failure to establish notice by any means of mail, a copy posted in a conspicuous place in or on the building affected.
- (e) If service is refused or unclaimed, and the certified mail receipt shows that service has been refused or unclaimed, the Health Department shall send by ordinary mail a copy of the order or other document to be served to the individual at the address set forth on the original certified mail envelope. Service shall be deemed complete when the fact of mailing is entered on record by the Health Department.

Section 8: Condemnation; Placard

1. Any multiple use structure or premise shall be designated as unfit for human habitation if any of the following deficiencies or conditions are found and when, in the judgment of the Health Commissioner, these defects create a hazard to the health or safety of the occupants or the public:
 - a. Is damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested.
 - b. Lacks illumination, ventilation, required sanitation facilities or any other minimum requirements as established in this Code.
 - c. The general condition of the occupied multiple use structure, outbuildings and surrounding property is unsanitary, unsafe or unhealthful.
2. Whenever a multiple use structure or premise has been designated as unfit for human habitation, the Health Commissioner may placard the structure or premise by placing a placard thereon or in a location which is readily noticeable
3. Any multiple use structure or premise which has been condemned and/or placarded as unfit for human habitation or use, shall not again be so used until written approval is secured from and such placard removed by the Health Commissioner. The Health Commissioner shall remove such placard and give

written notice whenever the defect from which the condemnation and placarding action resulted has been eliminated.

Section 9: Vacant Dwellings

When a dwelling is vacant, or has no legal tenants, with multiple Dwelling Code violations that are evident, the Health Department may require the owner of the property to adequately secure the property to ensure safety.

Section 10: Penalties

Any person who continues to violate any provision of this regulation after the time allowed for correction of a violation shall be subject to penalties provided by section 3709.99 of the Ohio Revised Code.

3709.99 Ohio Revised Code Penalty

A) Whoever violates section 3709.20, 3709.21, or 3709.22 of the Revised Code or any order or regulation of the board of health of a city or general health district adopted in pursuance of those sections, or whoever interferes with the execution of an order or regulation of that nature by a member of the board or person authorized by the board, shall be fined not more than one hundred dollars or imprisoned not more than ninety days, or both. No person shall be imprisoned for the first offense, and the prosecution shall always be for a first offense unless the affidavit upon which the prosecution is instituted contains the allegation that the offense is a subsequent offense.

(B) Except in case of an emergency endangering the public health caused by an epidemic, an infectious or a communicable disease, or a disaster emergency condition or event, no prosecution for a violation of any regulation or order adopted pursuant to section 3709.20, 3709.21, or 3709.22 of the Revised Code shall take place until twenty days after the board of health of a city or general health district has notified the person subject to the regulation or order of the specific violation alleged. Any person notified by the board of a violation of any regulation or order of that nature may file an action for declaratory judgment pursuant to Chapter 2721 of the Revised Code to have determined whether the regulation or order is unreasonable or unlawful. No prosecution of that nature shall be commenced when, within the twenty-day period described in this division, the violation has been corrected. No prosecution of that nature shall be commenced until a declaratory judgment of that nature has been given.

Effective Date: 09-24-1999