

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.

Table of Contents

	Page
Revision Page	2
Section 1: References	3
Section 2: Definitions	4
Section 3: Safety and Sanitation Standards	5
Section 4: Inspections	7
Section 5: Violations	8
Section 6: Condemnation	8
Section 7: Penalties	8

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 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

As used in this chapter, the words "dwelling," "dwelling unit," "rooming unit" and "premises" shall be construed as though they were followed by the words "or any part thereof". In addition:

- a. "Basement" means a portion of a building located partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- b. "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.
- c. "Dwelling" means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, other than temporary housing.
- d. "Dwelling unit" means any room or group of 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.
- e. "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, communicating corridors, closets and storage spaces.
- f. "Infestation" means the presence, within or around a dwelling, of insects, rodents or other pests.
- g. "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.
- h. "Owner" means any person who, alone or jointly or severally with others:
 - (1) Has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
 - (2) Has 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 this chapter to the same extent as if he or she were the owner.

- i. "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.
- j. "Rubbish" means combustible and noncombustible waste materials, except garbage. "Rubbish" includes 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, plastics, mineral matter, glass, crockery, dust and such materials as may supply rodent harborage.
- k. "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: Safety and 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:

- a. Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system.
- b. Every dwelling unit, except as provided for in subsection (c) hereof, 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 in good working condition and properly connected to a water and sewer system.
- c. Whenever two dwelling units within a single building, each containing two rooms or less, are located so as to be conveniently accessible to a bathroom containing a flush water closet, lavatory, bathtub or shower, such bathroom may be shared by the occupants of the two dwelling units.
- d. Every kitchen sink, lavatory, bathtub or shower shall be properly connected with cold and hot water lines. The hot water lines shall be properly connected to a satisfactorily installed water heating facility. Maximum hot water temperatures according to State of Ohio plumbing code shall apply to individual plumbing fixtures.
- e. Every dwelling unit shall have a safe unobstructed means of egress leading to a safe and open outdoor space at ground level.

- f. Every habitable room shall have at least one functioning openable window or skylight facing directly to the outdoors, except where adequate, functioning forced ventilation is supplied, in which case the "openable" window provision is not a requirement.
- g. Every habitable room and bathroom shall be provided with adequate natural and/or artificial light and adequate ventilation.
- h. In every dwelling unit, the openings to the outdoors resulting from doors or windows customarily open when flies are prevalent, shall be properly screened.
- i. Every dwelling unit shall be supplied with adequate rubbish storage facilities, the type and location of which are approved by the Health Commissioner.
- j. The owner of every dwelling shall be responsible for the removal of garbage and rubbish.
- k. Every foundation, floor, ceiling, wall and roof shall be reasonably weathertight, watertight and rodent proof. Where excessive dampness exists, corrective measures shall be required to relieve this dampness.
- l. Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodent proof.
- m. Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use.
- n. Every bathroom floor shall be constructed and maintained so as to be reasonably impervious to water.
- o. No basement shall be used as a habitable room or dwelling unit unless:
 - 1. The floor and walls are impervious to leakage of underground and surface run-off water and are effectively insulated against dampness.
 - 2. Adequate light and ventilation are supplied.
- p. No cellar space shall be used or considered as a habitable room or dwelling unit.
- q. No owner shall occupy or let to any other occupy any vacant dwelling unit unless it is clean, sanitary and fit for human occupancy.
- r. 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, except for the shared bathroom referred to in subsection (c) hereof.
- s. Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. in all habitable rooms.
- t. Exterior property areas shall be free from health, fire and accident, uncontained garbage and vermin, insect and rodent harborage and conditions that might create a nuisance.

- u. 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 whenever his dwelling unit is the only one infested. Whenever an infestation is caused by failure of the owner to maintain a dwelling in a rodent-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever the infestation occurs in two or more of the dwelling units in a dwelling, or in the shared or public areas of a dwelling extermination shall be the responsibility of the owner.
- v. 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.
- w. 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 or she occupies and controls.

Section 4: Inspections

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. 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. 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. 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 5: Violations

Whenever the Health Commissioner determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, he or she 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.

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

After such hearing, the Health Commissioner shall sustain, modify or withdraw the notice, depending upon his or her finding as to whether this chapter has been complied with.

Section 6: Condemnation and Vacation of Unfit Dwellings

Any dwelling or dwelling unit which is 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:

1. The dwelling or dwelling unit is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
2. The dwelling or dwelling unit lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
3. The dwelling or dwelling unit because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.

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 Health Commissioner.

The dwelling or dwelling unit shall remain vacant until abatement of the problem or violation is completed and written approval is secured from the Health Commissioner.

Section 7: 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