

Tuscarawas County Health Department

# Nuisance Code

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



**Public Health**  
Prevent. Promote. Protect.

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## **Section 1: References**

### **Ohio Revised Code 3707.01 Powers of the Board Abatement of Nuisances**

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

## **Section 2: Notice to Owners or Occupants**

Where a nuisance is found in any building or upon any ground or premises within the Health District, notice in writing shall be given by the Board of Health to the owner or

occupant of such building or premises to abate such nuisance. The time for complying with the order shall be specified in such notice.

### **Section 3: Noncompliance**

No person to whom a notice is given pursuant to Section 1 of the TCHD Nuisance Code shall neglect, refuse or otherwise fail to comply with the same within the period set forth therein. In the event of such noncompliance, in whole or in part, the Board of Health may elect to cause the arrest and prosecution of all persons offending, or to perform by its officers and employees, what the offending parties should have done. If the latter course is chosen, before the execution of the order is begun, the Board shall cause a citation to issue and be served upon the persons responsible, if residing within the jurisdiction of the Board, but if not, such citation shall be mailed to such persons by registered letter, if the address is known or can be found by ordinary diligence. If the address cannot be found, the Board shall cause the citation to be left upon the premises, in charge of any person residing thereon; otherwise the citation shall be posted conspicuously thereon. The citation shall briefly recite the cause of complaint and require the owner or other persons responsible to appear before the Board at a time and place stated, or as soon thereafter as a hearing can be had, and show cause why the Board should not proceed and furnish the material and labor necessary and remove the cause of complaint.

If the persons cited appear, they shall be fully apprised of the cause of complaint and given a fair hearing. The Board shall then make such order as it deems proper, and if material or labor is necessary to satisfy the order, and the persons cited promise, within a definite and reasonable time, to furnish them, the Board shall grant such time. If no promise is made or kept, the Board shall furnish the material and labor, cause the work to be done and certify the cost and expense to the County Auditor. If the material and labor are itemized and the statement is accompanied by the certificate of the President of the Board, attested by the Secretary, reciting the order of the Board and that the amount is correct, the Auditor has no discretion, but shall place such sum against the property upon which the material and labor were expended, which shall, from the date of entry, be a lien upon the property and be paid as other taxes are paid.