



**JACKSON COUNTY HEALTH DEPARTMENT**  
**HOUSING, BUILDING AND PREMISES MAINTENANCE REGULATIONS**

Regulations establishing minimum standards governing utilities, facilities, dwellings, dwelling units, and other physical things and conditions essential to making dwellings, and dwelling units safe, sanitary, and fit for human habitation and use; establishing minimum standards governing the conditions and maintenance of dwellings, dwelling units, rooming houses, rooming units, buildings, structures, and the premises thereof; fixing certain responsibilities and duties of owners and occupants of dwellings, dwelling units, rooming houses, rooming units, buildings, structures, and the premises thereof; fixing the powers and duties of the health commissioner for administration and enforcement of these regulations; authorizing the inspection of dwellings, dwelling units, rooming houses, rooming units, buildings, structures, and the premises thereof; establishing an appeal process; establishing criteria and authorizing the condemnation, vacation, and removal of dwellings, dwelling units, rooming houses, rooming units, buildings, and structures determined to be unfit for human habitation and/or use; and, providing penalties for violation of these regulations.

**WHEREAS**, within the jurisdiction of the Jackson County Health Department there are or may be dwellings, dwelling units, rooming houses, rooming units, structures, buildings, and the premises thereof which are either unfit for human habitation or use; or represent a health and/or safety risk to the occupants or to the public due to inadequate maintenance, obsolescence, or abandonment; contain defects which increase the hazard of fire, accident, or other calamities; and, which by reason of the lack of maintenance, inadequate ventilation, inadequate lighting, the lack of sanitary facilities, or other such conditions render such dwellings, dwelling units, rooming houses, rooming units, structures, buildings, and the premises thereof unsafe, unsanitary, dangerous or detrimental to the health, safety, and welfare of the people of Jackson County.

By authority of Section 3709.21 of the Ohio Revised Code, be it therefore resolved and ordered by the Jackson County Board of Health as follows:

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## CHAPTER 1 – GENERAL PROVISIONS

Chapter 1 applies to all structures and premises located within Jackson County regardless of their use. Chapter 1 pertains to the title and scope of these regulations, definitions established for these regulations, the authorization and directive to conduct inspections to determine compliance with the provisions of these regulations, procedures for notification of responsible parties found to be in violation of these regulations, establishing a general provision for unforeseen health or safety problems not identified by these regulations, establishing an emergency provision for dealing with immediate threat situations, and establishing due process for parties affected by these regulations.

### SECTION 1 - TITLE AND SCOPE

**1.1** - The provisions of the following chapters and sections shall constitute and be known as the “Jackson County Health Department Housing, Building and Premises Maintenance Regulations”, hereafter referred to as “these regulations”.

**1.2** - These regulations are hereby declared to be remedial, and have been adopted as such to secure the beneficial interests and purposes thereof -which are public safety, health, and general welfare -through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards

incident to the construction, alteration, repair, removal, demolition, use and occupancy of dwellings, dwelling units, rooming units, rooming houses, buildings, structures or the premises thereof.

**1.3** - Every dwelling, dwelling unit, rooming unit, rooming house, building, structure, or the premises thereof, shall conform to the respective requirements of these regulations irrespective of the primary use of such building, and irrespective of when such building may have been constructed, altered or repaired. These regulations establish minimum standards for occupancy and use, and do not replace or modify standards otherwise established for construction, replacement or repair of buildings, or facilities, which may be enacted or enforced by other agencies.

**1.4** - All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by these regulations in a building when erected, altered, or repaired, shall be maintained in good working order. The owner shall be responsible for the maintenance of buildings, structures and premises to the extent such responsibility is assigned to such owner in these regulations. The occupant shall be responsible for the maintenance of buildings, structures and premises to the extent such responsibility is assigned to such occupant in these regulations. The owner of the premises may be charged for failure to assure that its occupants maintain compliance with these regulations.

### SECTION 2 - DEFINITIONS

**2.1** - Alter or Alteration shall mean any change or modification in construction or occupancy.

**2.2** - Approved shall mean approved by the Health Commissioner in accordance with the rules and regulations established herein.

**2.3** - Basement or Cellar shall mean that portion of a building which is partly underground and which has one- half or more of its clear floor-to-ceiling height below the average finish grade of the adjoining ground.

**2.4** - Bath shall mean a bathtub or shower stall.

**2.5** - Bedroom shall mean a habitable room within a dwelling, dwelling unit, or rooming unit which is used or

intended to be used primarily for the purpose of sleeping, but shall not include any kitchen, dining area, hallway, bathroom, closet, or foyer.

- 2.6 - Building shall mean any structure built for the support, shelter, use or enclosure of persons, animals, equipment, etc., or the premises thereof, whether occupied or unoccupied. The term “building” shall be construed to mean as if followed by the words “or part thereof”.
- 2.7 - Closed Storage shall mean a physical structure or enclosure which obscures the view of the contents contained therein, such as a shed, barn, garage, a privacy fence, or a tarpaulin or opaque cover acceptable to the Health Commissioner.
- 2.8 - Dining Area shall mean a habitable room used or intended to be used for the purpose of eating, but not for cooking or the preparation of meals.
- 2.9 - Dwelling shall mean any residential building, structure, or enclosure which is wholly or partly used or intended to be used for living or sleeping by human occupants, including mobile homes, recreational vehicles, and “temporary housing” as hereinafter defined by these regulations, whether or not such building, structure, etc. is occupied or vacant.
- 2.10 - Dwelling Unit shall mean a room or group of rooms located within a multi-family dwelling and forming a single habitable unit with living, sleeping, cooking, eating, and sanitary facilities, used or intended to be used by one family, whether or not such unit is occupied or vacant.
- 2.11 - Extermination shall mean 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, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the Health Commissioner or designee.
- 2.12- Garbage shall mean all putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food; as well as all putrescible organic matter associated with pet and wild animal carcasses or the accumulation of feces and urine from pets.
- 2.13 - Health Commissioner means the Health Commissioner of the Jackson County Health Department or his/her designee. Health Commissioner, for the purposes of these regulations, shall also apply to the registered sanitarian or sanitarian-in-training, employed by the Jackson County Health Department and duly designated as the Health Commissioner’s representative in enforcing these regulations.
- 2.14 - Infestation shall mean the presence, within or around, a dwelling, dwelling unit, multi-family dwelling, rooming unit, or the premises thereof, of any insects, rodents, or other pests suspected of or having public health significance including but not limited to cockroaches, flies, fleas, mice, rats, bats, etc.
- 2.15 - Multiple Dwelling shall mean any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of two (2) or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.
- 2.16 - Occupant shall mean any person living, sleeping, or eating in, or having actual possession of a dwelling unit or rooming unit, with or without the written permission of the owner.
- 2.17 - Operator shall mean any person who has charge, care, management, or control, whether as owner, manager, executor, administrator, trustee, guardian, receiver, or otherwise, of a building, dwelling, structure, rooming house, or parts thereof in which dwelling units, rooming units, or rooms are let.

- 2.18** - Owner shall mean any person who, alone or jointly, or severally with others; (a) shall have legal title to any dwelling, dwelling units, multi-family dwelling, rooming unit, building, structure, or property with or without accompanying actual possession thereof; or (b) shall have charge, care, or control of any property and the structures thereon, as agent of a person having legal title, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of a person having legal title.
- 2.19** - Person shall mean and include any individual, firm, corporation, association, or partnership.
- 2.20** - Plumbing shall mean the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of the following supply 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, sewage, or gas lines.
- 2.21** - Premises shall mean a platted lot or parts thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or structure, and including any dwelling or structure thereon, being either residential, agricultural, business, commercial, or industrial in nature.
- 2.22** - Public Areas shall mean an unoccupied open space or area, within or adjoining a building, that is freely accessible to all the occupants of the dwelling, dwelling unit, multi-family dwelling, rooming unit, building, or structure.
- 2.23** - Rubbish or Refuse shall mean combustible and non-combustible waste materials except garbage, and the term shall include, but not be limited to the residue from the burning of wood, coal, coke, and other combustible material; paper; rags; cartons; boxes; rubber; leather; tree branches; glass; crockery; dust; scrap metal; junk; material to be recycled; scrap building materials; tires, tire rims, etc.
- 2.24** - Stairway shall mean one or more flights of stairs and the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one story (level) to another in a dwelling, dwelling unit, multi-family dwelling, or rooming unit.
- 2.25** - Structure shall mean any building, either residential, agricultural, business, commercial or industrial in nature, occupied or unoccupied, or any part thereof.
- 2.26** - Temporary Housing shall mean 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 utilities system on the same premises for more than thirty (30) consecutive days.
- 2.27** - Use of Adjectives All adjectives and adverbs such as adequate, approved, clean, convenient, effectively, good, sanitary, satisfactory, sufficient, safe, or suitable, used in these regulations to qualify a person, utensils, equipment, or structure, shall be determined by the Health Commissioner.
- 2.28** - Ventilation shall mean the process of supplying and removing air by natural or mechanical means to or from any space.
- 2.29** - Words, Meaning of Certain When the words “Dwelling”, “Dwelling Unit”, “Rooming House”, “Rooming Unit”, “Building”, “Structure”, “Premises”, etc. are used in these regulations, they shall be construed as though they were followed by the words “or any part thereof”.

### SECTION 3 - AUTHORIZATION FOR INSPECTIONS

**3.1** - The Health Commissioner or his/her designated representative is hereby authorized and directed to, upon receipt of a complaint, make inspections to determine the condition of dwellings, dwelling units, rooming houses,

rooming units, buildings, structures and premises located within Jackson County in order that he may perform his/her duty of safeguarding the health and safety of the occupants of dwellings, structures, or premises, and of the general public.

**3.2** - For the purpose of making such inspections, the Health Commissioner or his/her designated representative is hereby authorized to enter, examine and survey at any reasonable time all dwellings, dwelling units, multi-family dwellings, rooming units, structures, buildings, non-dwelling structures, and premises. The owner or occupant shall give the Health Commissioner or his/her designated representative free access for the purpose of such inspection, examination, or survey to determine the validity of the complaint.

**3.3** - Every occupant of a dwelling, dwelling unit, rooming unit, building, structure, or premises shall give the owner thereof, or his/her agent or employee, access at any reasonable times for the purpose of making such repairs or alterations as are necessary to affect compliance with the provisions of these regulations, or with any lawful order issued pursuant to the provisions of these regulations.

**3.4** - The owner or his/her designated agent shall provide written notice to the occupant of his/her intent to enter the dwelling, dwelling unit, rooming unit, building, structure, or premises at least 24 hours in advance of entering, unless the occupant authorizes earlier entry.

#### SECTION 4 - NOTIFICATION OF VIOLATION

**4.1** - Whenever the Health Commissioner determines that there are reasonable grounds to believe that there has been a violation of any provision of these regulations or of any rule or law adopted pursuant thereto, he/she shall give notice of such alleged violation to the owner and/or occupant. Such violation shall constitute a nuisance. Such notice shall:

- (1) Be put in writing;
- (2) Include a statement of the reasons why it is being issued;
- (3) Allow a reasonable time for the performance of any act it requires;
  - (4) State that, if such repairs, reconstruction, alterations, removal or demolition are not voluntarily completed within the stated time as set forth in the notice, the Health Commissioner may institute legal proceedings charging the person or persons, firm, corporation, or agent with a violation of these regulations.

**4.2** - Service of notice shall be as follows:

- (1) By personal service upon the owner and/or occupant, or by leaving the notice at the usual place of residence of the owner/or occupant; or
- (2) By mailing the notice with the United States Postal Service by ordinary mail addressed to the owner and/or occupant at the last known address; or
- (3) By posting a copy of the notice in a conspicuous place on the premises found to be in violation of these regulations.

#### SECTION 5 - UNFORSEEN HEALTH OR SAFETY ISSUES

**5.1** - The Health Commissioner may require any corrective measure, not specifically covered by these regulations, when it is found to be necessary to protect the safety, health, or general welfare of the occupant of any dwelling, dwelling unit, multi-family dwelling, rooming unit, structure, building or premises; or of the general public. Any such requirement is subject to the appeal process of Section 7 of these regulations.

#### SECTION 6 - EMERGENCY PROVISION

**6.1** - Whenever the Health Commissioner finds that an emergency exists which requires immediate action to protect

the public health, he/she may, without notice or hearing, issue an order describing the nature of such an emergency and requiring that such action be taken as he/she deems necessary to meet the emergency. Such order shall be identified on its face as an emergency order issued pursuant to Section 6 of these regulations. Notwithstanding the other provisions of these regulations, such order shall be effective immediately. Any person to whom such order is directed must comply therewith immediately, but upon petition to the Health Commissioner shall be afforded a hearing as soon as possible. After such hearing, depending upon his/her findings as to whether the provisions of these regulations and of the rules and regulations adopted pursuant thereto have been complied with, the Health Commissioner shall continue such order in effect, modify it, or revoke it.

## SECTION 7 - RIGHT OF APPEAL

**7.1** - Any person affected by any notice which has been issued in connection with the enforcement of any provision of these regulations, or of any rule or regulation adopted pursuant thereto, may request and shall be

granted a hearing on the matter before the Health Commissioner 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 10 days after the day the notice was served. Upon receipt of such petition the Health Commissioner shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 10 days after the date on which the petition was filed; provided that upon application of the petitioner the Health Commissioner may postpone the date of the hearing for a reasonable time beyond such 10 day period, if in his/her judgment the petitioner has submitted a good and sufficient reason for such postponement.

**7.2** - After such hearing the Health Commissioner shall sustain, modify, or withdraw the notice, depending upon his/her finding as to whether the provisions of these regulations and the rules and regulations adopted pursuant thereto have been complied with. Notice of the decision of the Health Commissioner shall be provided to the affected person in writing.

**7.3** - After receipt of notice of the Health Commissioner's decision, the petitioner may be granted an appeal before the Board of Health at its next regular meeting if such request is submitted in writing within thirty days after service of the decision of the Health Commissioner.

**7.4** - The proceedings at a hearing before the Health Commissioner or an appeal before the Board of Health, including the findings and decision of the Health Commissioner, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Health Commissioner. Such record shall also include a copy of every notice or order issued in connection with the matter.

## CHAPTER 2 – RESIDENTIAL PROPERTIES

Chapter 2 shall apply to all dwellings, dwelling units, multi-family dwellings, rooming units, and the premises thereof. It establishes minimum housing standards, but does not apply to business, commercial, agricultural or industrial properties. It establishes minimum housing standards for sanitary facilities and plumbing, heating and ventilation, gas piping and appliances, lighting and electrical, interior and exterior structure, insect and rodent control, refuse and garbage disposal, and sets forth the responsibilities of the owner and of the tenant or occupant.

### SECTION 1 – SANITARY FACILITIES AND PLUMBING STANDARDS

**1.1** - All sanitary fixtures and plumbing shall be properly trapped and vented.

**1.2** - The waste line of every water-using fixture shall drain freely without obstruction or leaks. Said waste line shall be properly connected to a public sewer or to a properly functioning private sewage treatment system.

**1.3** - All plumbing shall be so designed and installed as to prevent contamination of the water supply through back flow, back siphonage and any other method of contamination.

**1.4** - All plumbing shall be designed and installed so that:

- (a) No potable water supply line or plumbing fixture is directly connected to a non-potable water supply; and there is no possibility of a cross connection between a potable and non-potable water supply.

**1.5** - All dwellings, dwelling units, multi-family dwellings, and rooming units shall be connected to an approved private, non-community, transient, or public water supply and a sufficient supply of potable water must be available at each fixture at all times.

**1.6** - Every water supply inlet shall be located above the flood level of any installed sink, lavatory, basin, bathtub or automatic washing machine and similar water-using device or fixture, and above the unobstructible overflow thereof. No inlets shall be submerged unless installed with a vacuum breaker of a type in compliance with the Ohio Plumbing Code.

**1.7** - Every water supply line and every valve therein shall be in good working condition.



**1.8** - All plumbing and plumbing fixtures shall be maintained in good working condition and all plumbing fixtures shall be kept clean.

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

**1.10** - Every dwelling or dwelling unit shall contain not less than a kitchen sink, lavatory, bathtub or shower and a flush water closet all in good working condition.

**1.11** - Every dwelling and dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the Health Commissioner.

**1.12** - Every dwelling and dwelling unit shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the Health Commissioner.

**1.13** - Every dwelling and dwelling unit shall have supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of these regulations and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees F (+ or -3 degrees F).

**1.14** - Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of these regulations shall be properly connected with both hot and cold-water lines.

**1.15** - Water pressure shall be adequate to permit a continuous flow of water from all open water faucets at all times, except when water is not available due to cause beyond the owner's control.

## SECTION 2 – HEATING AND VENTILATION STANDARDS

**2.1** - The owner, operator or agent in charge of a multi-family dwelling or rooming house who rents or leases any dwelling unit or rooming unit therein under an agreement to supply or furnish heat to the occupants thereof, shall supply heat adequate to maintain an inside temperature of not less than 70 degrees F in all habitable rooms. The provisions of this section shall not apply in the event of a general fuel shortage or other cause beyond the owner's control.

**2.2** - Every dwelling and dwelling unit shall have heating facilities which are properly installed and are maintained in a safe and good working condition. Said heating system shall be capable of heating all habitable rooms to an inside temperature of not less than 70 degrees F.

**2.3** - When the dwelling or dwelling unit is heated by a central heating system:

1. The central heating unit shall be in good operating condition.
2. Every heat duct, steam pipe, and hot water pipe shall be free of leaks and function so that adequate heat is delivered where intended.

**2.4** - When the dwelling or dwelling units are heated by space heaters:

1. Every space heater burning solid, liquid, or gaseous fuels shall be properly vented to a chimney, or to an approved duct leading to an outdoor space with the exception of vent free gas heaters that have been

- tested and approved by a recognized testing agency.
2. Every solid fuel burning space heater shall have a fire-resistant panel beneath it.
  3. Every space heater located close to a wall shall be equipped with insulation sufficient to prevent overheating of the wall.
  4. Every space heater smoke exhaust pipe shall be equipped with guards made of metal or other fire-resistant material at the point where the pipe goes through the wall, ceiling, or partition.

**2.5** - Every smoke exhaust pipe and every chimney shall be adequately constructed and supported, cleaned and maintained in such condition that there will be no leakage or accumulation of noxious gases inside of the structure.

### SECTION 3 - LIGHTING AND ELECTRICAL STANDARDS

**3.1** - Electric wiring and facilities shall be maintained in a safe state of repair in accordance with the following requirements:

1. Every electric wire shall have insulation which is in good condition.
2. Every switch and outlet shall be provided with a cover plate which shall be properly fastened in place.
3. No short circuit or break shall exist in any electric line.
4. Every fixture and outlet shall function properly and shall be properly fastened in place.
5. No shock hazard shall exist.
6. No temporary wiring shall be used with the exception of extension cords which run directly from portable electric devices to outlets and which do not lie underneath floor covering materials or extend through doorways, transoms, or other structural elements and are not permanently fastened in place.
7. No more than one electrical device shall be connected to an extension cord.
8. No electric circuit shall be overloaded as a result of connecting appliances which operate at high wattage to outlets supplied with wire of inadequate capacity.
9. All components of the electrical system shall be of sufficient capacity to prevent an electrical hazard.
10. Breaker boxes shall be located in an easily accessible area away from combustible material and water hazards. A cover is required.

**3.2** - Every habitable room of a dwelling shall contain at least two separate wall-type electrical outlets or one such outlet and one supplied ceiling-type electric light fixture and every water closet compartment, bathroom, laundry room, and furnace room shall contain at least one supplied outlet and one light fixture which 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.

**3.3** - Every public hallway and stairway in every multiple-family dwelling containing two or more dwelling units shall be adequately lighted at all times. Said lighting system may be supplied with conveniently located light switches, controlling adequate light which may be turned on when needed, instead of full-time lighting. On dwelling units supplied with porches, stoops, or other appurtenances (used in the manner of porches and stoops) there shall be supplied a conveniently located light fixture.

**3.4** - There shall be available an electrical breaker box in each dwelling unit, accessible to the occupant.

### SECTION 4 - INTERIOR AND EXTERIOR STRUCTURE STANDARDS

**4.1** - Every foundation, floor, exterior wall, window frame, door frame and roof shall be reasonably weather tight, watertight, rodent proof, and insect proof, and shall be kept in a reasonably good state of maintenance and repair. Every interior partition, wall, floor, floor covering, and ceiling shall be capable of

affording privacy, kept in a reasonably good state of repair and maintained in a clean, safe, and sanitary condition. Plaster, paint, and other surface materials shall be of such character as to be easily cleanable and reasonably smooth, clean, and tight. All floor coverings shall be kept in good repair.

**4.2** - Every structural element shall be structurally sound and show no evidence of deterioration which would render it incapable of carrying loads which normal use may cause to be placed thereon.

**4.3** - Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed and so maintained in sound condition and good repair as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon. Every stairwell shall be so constructed and maintained as to minimize possible accident hazards.

**4.4** - Protective railings shall be required on any un-enclosed structure over five (5) feet from the ground level or on any steps containing four (4) risers or more.

**4.5** - Interior stairs and stairwells more than four (4) risers high shall have handrails. Handrails or protective railing shall be capable of bearing normally imposed loads and be maintained in good condition.

**4.6** - Every water closet compartment floor and bathroom floor shall be constructed and provided with a surface which is reasonably impervious to water and is easily cleanable.

**4.7** - All sleeping room doorways shall be supplied with proper fitting doors which are in good repair and are capable of being opened and closed. Sleeping rooms that are structurally designed to be open are exempt from this provision, including but not limited to lofts, living rooms, etc.

**4.8** - Every dwelling unit shall have a safe, unobstructed means of egress leading to a safe and open space at ground level. Access and egress to every dwelling unit within a multiple dwelling shall be provided without passing through any part of any other dwelling unit.

**4.9** - Every dwelling unit shall have a minimum of two working smoke detectors per floor.

**4.10** - Every window, exterior door, and basement hatchway shall be reasonably weather tight, watertight, and rodent proof; and shall be kept in sound working condition and good repair. Windows shall be fully supplied with window panes which are free from cracks or holes. The window sash shall be in good condition and fit reasonably tight within its frame.

**4.11** - Every exterior door shall be provided with proper hardware to secure and lock the door, and such hardware shall be maintained in good repair.

**4.12** - Every window other than fixed windows shall be capable of being easily opened and held in open position by window hardware.

**4.13** - No paint shall be used for interior painting of any dwelling unit unless the paint is free of any lead pigment. Any existing paint which is found to contain lead must be either maintained in good repair or removed in accordance with established safety and environmental protocols. "Good Repair" shall mean free from flaking, peeling, chipping, etc.

**4.14** - All exterior wood surfaces shall be reasonably protected from the elements and decay by paint or other suitable protective coating. Paint used on the exterior shall be free of lead pigments. Any existing paint which is found to contain lead must be either maintained in good repair or removed in accordance with established safety and environmental protocols. "Good Repair" shall mean free from flaking, peeling, chipping, etc.

**4.15** - Roofs, eaves, and gutters shall be maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.

**4.16** - Drain gutters and downspouts shall be so constructed and maintained so that rain water shall be conveyed away from the roof, exterior walls, and foundation. The sanitary sewer or sewer line to a septic tank shall not be used for this purpose.

**4.17** - No basement or cellar space shall be used as a 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) Adequate light and ventilation are supplied.
- c) Any solid, liquid or gaseous fuel consuming heating equipment that may be located therein shall be completely enclosed by fire resistant partition and any ingress or egress to the habitable area shall not be through the room containing said heating equipment.
- d) All other applicable requirements of these regulations are complied with.

## SECTION 5 - INSECT AND RODENT CONTROL STANDARDS

**5.1** - Every foundation, exterior wall, roof, window, exterior door, basement, hatchway and every other entrance way shall be so maintained as to prevent the structure from becoming a harborage for rats and mice and shall be kept in a reasonably good state of repair.

**5.2** - Every basement cellar window or foundation opening used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with a heavy wire screen or such other device as will effectively prevent their entrance.

**5.3** - Every owner shall be responsible for providing all screen doors and window screens whenever the same are required under the provisions of these regulations or of any rule or regulation adopted pursuant thereto.

**5.4** - During that portion of each year when the Health Commissioner deems it necessary for protection against mosquitoes, flies, and other insects, every door opening directly to an outdoor space, and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens.

**5.5** - Dwellings containing central heating furnaces and air conditioning equipment for mechanically ventilating the building year around are not required to have screens on doors or window openings. Window type air-conditioning units are not included in this exception.

**5.6** - Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises. Whenever the infestation exists in one or more of the dwelling units in any multi-family dwelling, or in the shared or public parts of any multi-family dwelling, extermination thereof shall be the responsibility of the owner. All pest control will be carried out following the applicable laws for pesticide application in the State of Ohio. The time period for pesticide application to continue shall be determined by the Health Commissioner, based on the seriousness of the infestation, the life-cycle of the pest, and the results of the previous application. Pests subject to these regulations shall include, but shall not be limited to, mosquitoes, cockroaches, flies, fleas, bedbugs, etc.

## SECTION 6 - REFUSE AND GARBAGE DISPOSAL STANDARDS

**6.1** - Adequate rubbish and garbage storage containers, type and location of which are subject to approval by

the Health Commissioner or his/her designated representative, shall be provided.

**6.2** - Every occupant of a dwelling, dwelling unit or rooming unit shall dispose of all his/her rubbish and garbage by placing it in the rubbish and garbage storage containers required by these regulations.

**6.3** - It shall be the responsibility of the owner to supply adequate rubbish and garbage storage containers for any multi-family dwellings containing four or more dwelling units per building. In all other cases it shall be the responsibility of the occupant to furnish such containers.

**6.4** - All rubbish and garbage shall be picked up or transported to an approved solid waste disposal facility at least once every seven (7) days.

## SECTION 7 – HAZARDOUS MATERIALS

**7.1** – Dwellings, dwelling units, multi-family dwellings, rooming units, and the premises thereof shall be free from contamination from clandestine drug labs, carbon monoxide, mercury, biological hazards, hazardous wastes and other hazardous materials.

**7.2** – When there is reason to believe that contamination may exist, the Health Commissioner may require that qualified personnel conduct an inspection and collect and analyze samples, at the owner’s expense, in order to demonstrate that the dwellings, dwelling units, multi-family dwellings, rooming units, and the premises thereof are free from the materials listed in Section 7.1.

**7.3** – When no applicable standard for acceptable contamination exists, the Health Commissioner may use guidelines adopted by other federal, state or local government agencies to determine the need for decontamination and cleanup.

## SECTION 8 – RESPONSIBILITIES OF THE OWNER AND THE OCCUPANT

**8.1** - No owner shall occupy or let to another for occupancy or allow any other person to occupy any vacant dwelling, dwelling unit, or rooming unit unless it is reasonably clean, sanitary and in compliance with all provisions of these regulations and all rules and regulations adopted pursuant thereto.

**8.2** - No owner, operator, tenant, or occupant shall cause any service, facility, equipment, or utility, which is required under these regulations, to be removed from, or shut off from, or discontinued from any occupied dwelling, dwelling unit, or rooming unit, let or occupied by him, except for such temporary interruptions 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 or designee.

**8.3** - Every owner of a multi-family dwelling containing two or more dwelling units shall be responsible for maintaining in a clean, safe, and sanitary condition the shared or public areas of the dwelling and premises thereof.

**8.4** - Every occupant of a dwelling, dwelling unit, or rooming unit shall keep in a clean, safe, and sanitary condition that part of the dwelling, dwelling unit, rooming unit, and premises thereof which he/she occupies and controls.

**8.5** - Every supplied facility, piece of equipment, or utility which is required under these regulations shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition by the owner. The owner shall not, however, be held responsible for accidental or malicious damage done by the tenant or occupant.

**8.6** - All appliances for cooking, refrigeration, garbage disposal, and dishwashing shall be maintained in a safe

and good working condition. If the appliance is provided by the owner, repair and maintenance of the appliance shall be the responsibility of the owner. If the appliance is provided by the tenant, repair and maintenance of the appliance shall be the responsibility of the tenant. The owners shall not be held responsible for accidental or malicious damage done by the tenant or occupant.

**8.7** - The Jackson County Health Department shall not act on any complaint regarding maintenance problems unless and until the tenant or occupant has reported the maintenance problem to the owner or the designated manager and afforded the owner a reasonable time period to correct the problem.

## CHAPTER 3 – ALL PROPERTIES

Chapter 3 applies to all structures and premises located within Jackson County regardless of their use. The sections within Chapter 3 shall apply to residential, commercial, business, agricultural, or industrial properties. Chapter 3 establishes minimum standards for premises and lot maintenance, criteria for the condemnation of dwellings, buildings, and structures as unfit for human habitation and/or use, procedures for notification of responsible parties when condemnation action is taken, the time period for condemned structures to be vacated, placarding requirements for condemned structures, a directive for pursuing legal action and through due process the authorization for the demolition and removal of dilapidated structures deemed to present a threat to the public's health or safety, a penalty provision for failing to comply with these regulations, a reaffirmation of the right of appeal and due process available to any person affected or aggrieved by these regulations, repeal provisions, and an unconstitutionality clause.

### SECTION 1 -PREMISES AND LOT MAINTENANCE STANDARDS

**1.1** – All premises and lots shall be graded and maintained so that no water will accumulate or stand on the premises or within any building or structure located on the premises, such that said open water-holding container, abandoned pool or ponding surface water becomes a nuisance or insect harborage area. This provision excludes ponds constructed on properties for aesthetics, recreation, or storm water retention.

**1.2** - All exterior wood surfaces of all buildings, structures and non-dwelling structures shall be properly protected from the elements and against decay by paint or other suitable protective coating. Said buildings, structures and non-dwelling structures shall be maintained in a reasonably good state of maintenance and repair.

**1.3** - No person shall abandon, discard, or knowingly permit to remain on his/her premises any abandoned or discarded refrigerator, freezer, clothes dryer, or other airtight or semi-airtight container without rendering said container harmless to human life by removing such hinges, latches, or other hardware which may cause a person to be confined therein.

**1.4** - No person shall maintain any open excavation, open foundation, pit, well, or tank on their premises which represents a safety or entrapment hazard to any person.

**1.5** - No person shall intentionally throw or dump petroleum products or their synthetic alternatives, or paint onto the surface of the ground, into a ditch, or stream, nor into a drainage tile, or a public storm sewer drainage system.

**1.6** - No person shall place or allow to remain on their premises, a carcass of a dead animal or any parts thereof. This provision excludes wild game animals or agricultural animals undergoing processing for consumption by the owner/occupant, but only during a reasonable processing period.

**1.7** - No person shall maintain a compost pile on their premises that is not properly managed, whereby noxious odors or offensive smells are generated or whereby the compost pile becomes a rodent harborage area.

**1.8** - No person shall allow the feces of domestic animals to collect or remain on their premises whereby noxious odors or offensive smells are generated.

**1.9** - It shall be unlawful for the owner, tenant, or occupant of any lot, premises or property to utilize the property for the open storage of any scrap tires, refuse, garbage, demolition materials, or similar items, unless otherwise permitted by the Ohio Revised Code. It shall be the duty and responsibility of such owner, tenant, or occupant to keep the premises of such property clean and to remove from the property all such items listed above.

**1.10** - Every property, whether residential, commercial, agricultural, business, or industrial, that generates rubbish, refuse, or garbage, shall have adequate solid waste receptacles to contain all of the generated rubbish, refuse, or garbage between scheduled pick-ups, without creating a nuisance.

## SECTION 2 – HAZARDOUS MATERIALS

**2.1** – All structures and premises shall be free from contamination from clandestine drug labs, carbon monoxide, mercury, biological hazards, hazardous wastes and other hazardous materials.

**2.2** – When there is reason to believe that contamination may exist, the Health Commissioner may require that qualified personnel conduct an inspection and collect and analyze samples, at the owner’s expense, in order to demonstrate that the dwellings, dwelling units, multi-family dwellings, rooming units, and the premises thereof are free from the materials listed in Section 2.1.

**2.3** – When no applicable standard for acceptable contamination exists, the Health Commissioner may use guidelines adopted by other federal, state or local government agencies to determine the need for decontamination and cleanup.

## SECTION 3 - CRITERIA AND AUTHORIZATION FOR CONDEMNATION

**3.1** - Any dwelling, dwelling unit, multi-family dwelling, rooming unit, building or structure which shall be found to have any of the following defects may be condemned as unfit for human habitation and use, and may be so designated and placarded by the Health Commissioner or designee.

- a.) One which is so damaged, decayed, dilapidated, deteriorated, unsanitary, 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 or safety of the occupants or of the public.
- c.) One which because of its general condition or location is unsanitary, or otherwise dangerous to the health or safety of the occupants or of the public.



## SECTION 4 - LEGAL PROCEDURES FOR CONDEMNATION/NOTIFICATION OF RESPONSIBLE PARTIES

**4.1** - Whenever the Health Commissioner or designee has declared that a dwelling, dwelling unit, rooming unit, multifamily dwelling, building or structure constitutes a nuisance, he/she shall give notice to the owner of such declaration and of placarding of the dwelling, dwelling unit, rooming unit, multi-family dwelling, building or structure as unfit for human habitation or use. Such notice shall:

- a.) Be in writing;
- b.) Include a description of the real estate sufficient for identification;
- c.) State the time occupants must vacate the dwelling unit;
- d.) State that if such repairs, reconstruction, alterations, removal, or demolition are not voluntarily completed within the stated time as set forth in the notice, the Health Commissioner may institute legal proceedings charging the owner and /or occupants with a violation of these regulations.

**4.2** - Service of notice to vacate shall be as follows:

- a.) By delivery to the owner personally, or by leaving the notice at the usual place of residence of the owner; or
- b.) By U.S. Mail addressed to the owner at his/her last known address; or
- c.) By posting a copy of the notice to vacate on the premises to be vacated.

**4.3** - Any dwelling, dwelling unit, multi-family dwelling, building, or structure condemned as unfit for human habitation or use and so designated, shall be vacated within the time frame established.

## SECTION 5 - REMOVAL OF PLACARDS

**5.1** - No dwelling, dwelling unit, rooming unit, multi-family dwelling, building or structure which has been condemned and placarded as unfit for human habitation or use shall again be used for human habitation or use until approval is secured from and such placarding is removed by the Health Commissioner or designee. The Health Commissioner or designee shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

**5.2** - No person shall deface or remove the placard from any dwelling, dwelling unit, rooming unit, multi-family dwelling, building or structure which has been condemned as unfit for human habitation and placarded as such, except as provided above.

## SECTION 6 - DEMOLITION AND REMOVAL OF DILAPIDATED STRUCTURES

**6.1** - Any dwelling, dwelling unit, multi-family dwelling, rooming unit, building or structure that has been condemned and has been determined to represent a threat to the public's health or safety may be subject to an order for demolition. Failure on the part of the owner to demolish said dwelling or structure in compliance with this order may result in a referral to the Jackson County Prosecutor's Office to seek the legal authorization to compel the owner to demolish the structure. The Jackson County Health Department may also demolish the structure and assess the full cost thereof against the property in the manner authorized by Ohio Revised Code Section 3707.01.

## SECTION 7 - PENALTIES

**7.1** - Any person who continues in violation of any requirement of these regulations after the time allowed to him for the correction in the notice provided for in Chapter 3, Section 3.1 shall be deemed to be in violation of Ohio



Revised Code Section 3707.48 and subject to the penalties provided by Ohio Revised Code Section 3707.99.

## SECTION 8 - ADMINISTRATIVE HEARING AND APPEALS

**8.1** -The Jackson County Health Commissioner shall grant an administrative hearing to any person adversely affected or aggrieved by these regulations. Said hearing shall be scheduled as early as possible, but no later than ten (10) days from the date of petition for such hearing. Any person wishing to appeal the decision of the Health Commissioner may petition for and be granted an administrative appeal before the Jackson County Board of

Health. Said appeal shall be heard at the next regularly scheduled Board of Health meeting for which an agenda has not yet been published. Any person aggrieved by a decision of the Jackson County Board of Health may seek relief there from in any court of competent jurisdiction.

## CHAPTER 4 – OTHER PROVISIONS

### SECTION 1 -CONFLICTS OF LAW

**1.1** - The Jackson County Sanitary Housing Regulations adopted on April 8, 2009 are hereby repealed.

### SECTION 2 - SEVERABILITY CLAUSE

**2.1** - If any provision of these regulations is found to be unenforceable by a court of competent jurisdiction, the remainder of these regulations shall remain in full force and effect, and shall be construed to effectuate the intent of these regulations to the maximum possible extent.