

ENVIRONMENTAL SANITATION REGULATION NO. 1-67

A REGULATION CONTROLLING HYGIENE AND SANITATION OF SUPPLIED FACILITIES, MAINTENANCE, AND OCCUPANCY OF DWELLING AND DWELLING UNITS.

HAMILTON COUNTY DISTRICT BOARD OF HEALTH
325 East Central parkway
Cincinnati, Ohio 45202

A regulation establishing minimum standards of hygiene and sanitation governing the condition, maintenance, and space occupancy of dwellings; establishing minimum standards governing supplied utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary, and fit for occupants of dwellings; establishing minimum standards governing the condition of dwellings offered for rent; fixing certain responsibilities and duties of owners and occupants of dwellings; authorizing the inspection of dwellings and the condemnation of dwellings found to be unfit for human habitation.

Whereas, in the Hamilton County Health District there are, or may in the future be, dwelling structures which are so dilapidated, unsafe, dangerous, unhygienic, or insanitary as to constitute a menace to the health and safety of the occupants thereof and of the people of the Hamilton County Health District.

Be it therefore resolved by the Board of Health of Hamilton County Health District as follows:

SECTION 1.0 - DEFINITIONS

- 1.1 Basement means a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 1.2 Board of Health means the Board of Health of the Hamilton Health District.
- 1.3 Cellar means a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 1.4 Dwelling means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided that temporary housing as herein after defined shall be exempted from the provision of these regulations.
- 1.5 Dwelling Unit 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.
- 1.6 Garbage means the putrescible animal and vegetable wastes resulting from the handling, processing, preparation, cooking or serving of food.
- 1.7 Habitable Room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage spaces and any other room designated by the health commissioner.
- 1.8 Health Commissioner means the health commissioner of the Hamilton County health district or his authorized representative.
- 1.9 Infestation means the presence, within or around a dwelling, of any insects, rodents, or other pests.
- 1.10 Multiple Dwelling means any dwelling containing more than two dwelling units.
- 1.11 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.
- 1.12 Operator means any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let.
- 1.13 Ordinary Minimum Winter Conditions means the temperature 15° F above the lowest recorded temperature for the previous ten year period.
- 1.14 Owner means any person who, alone or jointly or severally with others:
 - (a) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(b) Shall have charge, care, or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this regulation.

- 1.15 Person means an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency, or any entity recognized by law.
- 1.16 Plumbing means and 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 similar supplied fixtures, together with all connections to water, sewer, or gas lines.
- 1.17 Rooming House means any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to five or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.
- 1.18 Rooming Unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- 1.19 Rubbish means combustible and non-combustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, plastics, glass crockery, and dust.
- 1.20 Supplied means paid for, furnished, or provided by or under the control of the owner.
- 1.21 Temporary Housing means:
- (a) House trailers and travel trailers as defined in Section 4501.01, Revised Code, when occupied for periods of less than thirty (30) days.
 - (b) A camp as defined in Regulation 232, Ohio Sanitary Code under authority of Sections 3701.13 and 3701.34 Revised Code.
 - (c) Any 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 consecutive days.
- 1.22 Premises means a lot, plot, or parcel of land including the buildings, or structures thereon.
- 1.23 Meaning of Certain Words -Whenever the words "dwelling", "dwelling unit", "rooming house", "rooming unit", "premises" are used in this regulation, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 2.0 -- OF DWELLINGS, DWELLING UNITS, ROOMING UNITS AND PREMISES

- 2.1 The health commissioner is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, rooming units, and premises located within the Hamilton County Health District, in order that he may perform his 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 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 agent or employee, access to any part of the dwelling or dwelling unit or its premises, at all reason-able times for the purpose of making such repairs or alterations as are necessary to affect compliance with the provisions of this regulation or any lawful order issued pursuant to the provisions of this regulation.

SECTION 3.0 – ENFORCEMENT-- SERVICE OF AND ORDERS

- 3.1 Whenever the health commissioner determines that there are reasonable grounds to believe that there has been a violation of any provision of this regulation, he 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.

EXPLANATION

- 3.1 Such notice is to
- (a) Be put in writing;
 - (b) Include a statement of the reasons why it is being issued;
 - (c) Allow a reasonable time for the performance of any act it requires;
 - (d) Be served upon the owner or his agent, or the occupant, as the case may require. Such notice is to be deemed to be served upon the owner or agent, or upon the occupant, if a copy thereof is sent by registered mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice.
- 3.2 Any person affected by any notice of an alleged violation may request and shall be granted a hearing before the health commissioner provided the request for such hearing is made within the number of days specified in the notice.
- 3.3 After such hearing the health commissioner shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of the regulations have been complied with.
- 3.4 Whenever the health commissioner finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this regulation, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the health commissioner shall be afforded a hearing as soon as possible. After such hearing, depending upon his finding as to whether the provisions of this regulation have been complied with, the Health Commissioner shall continue such order in effect, or modify it or revoke it.

SECTION 4.0 - 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:

- 4.1 Every dwelling unit shall contain a kitchen sink which is properly connected to a water and sewer system approved by the Health Commissioner.
- 4.2 Every dwelling unit shall contain a room which affords privacy to a person within such room and which is equipped with a flush water closet, a lavatory and a bathtub or shower, connected to a water and sewer system approved by the Health Commissioner.
- 4.3 In certain areas because of undersized lots, ground water conditions or other conditions which make it unsatisfactory for the installation of individual sewage units, privies may be allowed with the discretion of the Health Commissioner.
- 4.4 Every kitchen sink, lavatory, bathtub or shower shall be properly connected with hot and cold water lines. The hot water lines shall be connected to a hot water heating facility of adequate size which provides at times a temperature of not less than 120°F.
- 4.5 Every dwelling and dwelling unit shall be supplied with a potable water supply. There shall be adequate water supply and pressure at all installed hot and cold water outlets.
- 4.6 All plumbing shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.
- 4.7 Every dwelling unit shall be supplied with adequate rubbish storage facilities, type and location of which are acceptable to the Health Commissioner and shall be disposed of in a manner acceptable to the Health Commissioner.
- 4.8 Every dwelling unit shall have adequate garbage disposal facilities, type and location of which are acceptable to the health commissioner and shall be disposed of in a manner acceptable to the health commissioner.
- 4.9 Every dwelling shall have a safe unobstructed means of egress leading to a safe and open outdoor space at ground level.

- 4.10 Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, for every habitable room, is to be ten (10) percent of the floor area of such room.

EXPLANATION

Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight is to equal at least fifteen (15) percent of the total floor area of such room.

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- 4.11 Every habitable room shall have at least one window or skylight which can be easily opened or such other device as will adequately ventilate the room.
The total of window area in every habitable room shall be equal to at least 45 percent of the minimum window area size or minimum skylight-type window size as required in subsection 4.10 of Section 4 of this regulation, except where there is supplied some other device affording adequate ventilation and approved by the health commissioner.
- 4.12 Every bathroom and water closet compartment shall be lighted and ventilated. Every bathroom floor shall be constructed and maintained so as to be reasonably impervious to water.
- 4.13 Every dwelling shall have heating facilities which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of at least 70°F under ordinary minimum winter conditions.
- 4.14 In every dwelling unit, the openings to the outdoors resulting from doors or windows customarily open when flies, mosquitoes and other insects are prevalent, shall be properly screened.
- 4.15 Exterior property areas and accessory structures shall be free from health, fire, and accident hazards, and vermin, insect and rodent harborage and conditions which might create a nuisance.
- 4.16 The interior of every structure used for human habitation shall be free from insect, rodent, and vermin infestation.
- 4.17 Every foundation floor, ceiling, wall and roof shall be reasonably weathertight and rodent proof. Where excessive dampness exists, corrective measures shall be required to relieve this dampness.
- 4.18 Every window, exterior door and basement shall be reasonably weathertight, watertight and rodent proof.
- 4.19 Every inside and outside stair, every porch and every appurtenance thereto shall be constructed as to be safe to use.
- 4.20 Where there is electric service available from power lines which are not more than 300 feet away from a dwelling, every habitable room of such dwelling shall contain at least two separate floor or wall-type electric convenience outlets or one such convenience outlet and one supplied ceiling-type electric light fixture; and every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling-or-wall-type electric light fixture. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.
- 4.21 Every supplied facility, piece of equipment, or utility which is required under this regulation shall be so constructed, installed or operated that it will function safely and effectively and shall be maintained in satisfactory working condition.
- 4.22 No owner or operator shall cause any service, facility, equipment, or utility which is required under this regulation to be removed from or shut off from or discontinued for occupied dwelling let or occupied by him, except for such temporary interruption as may be necessary while actual repair or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the health commissioner.
- 4.23 Every dwelling unit shall contain a minimum gross floor area of at least one hundred (150) square feet of space in habitable rooms for the first occupant and at least one hundred thirty (130) square feet of space in habitable rooms for each additional occupant.

- 4.24 Every habitable room shall have a minimum ceiling height of seven (7) feet over fifty (50) percent of the floor area; and the floor area where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing minimum gross floor area.
- 4.25 In every dwelling unit of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.
- 4.26 No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.
- 4.27 No basement shall be used as a habitable room or dwelling unit unless:
- (a) The floors and walls are impervious to leakage of underground and surface runoff water and are effectively insulated against dampness.
 - (b) Adequate light and ventilation are supplied.
- 4.28 No cellar space shall be used or considered as a habitable room or dwelling unit.
- 4.29 No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary, and fit for human occupancy.
- 4.30 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.
- 4.31 Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.

SECTION 5.0 - ROOMING HOUSES

- No persons shall operate a rooming house or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the applicable provisions of every section of these regulations.
- 5.1 No person shall operate a rooming house unless he holds a valid rooming house permit issued by the health commissioner in the name of the operator for the specific rooming house. This permit shall be displayed in a conspicuous place within the rooming house at all times. Every rooming house permit shall expire at the end of one year following its date of issuance.
- 5.2 The operator shall apply to the health commissioner for such permit, which shall be issued by the health commissioner upon compliance by the operator with the applicable provisions of these regulations.
- 5.3 A permit fee of NONE shall be paid for each rooming unit in a rooming house. The minimum fee shall be NONE for any rooming house.
- 5.4 A rooming house permit is not transferable. When a person who holds a rooming house permit transfers his interest in or control of a rooming house he shall notify the health commissioner in writing within 24 hours. Such notice shall include the name and address of the person succeeding to the ownership or control of the rooming house.
- 5.5 When the health commissioner denies an application for a rooming house permit, he shall notify the applicant in writing. A notice of denial shall include the date of denial, the time within which a request for hearing may be made and a brief statement the facts upon which the denial was based.
- 5.6 Any person whose application for a permit to operate a rooming house has been denied may request and shall be granted a hearing before the health commissioner under the procedure provided by Section 3.
- 5.7 Whenever upon inspection of any rooming house the health commissioner finds that conditions or practices exist which are in violation of any provision of these regulations, the health commissioner shall give notice in writing to the operator of such rooming house that unless such conditions or practices are corrected within a reasonable period to be determined by the health commissioner, the rooming house permit will be suspended. At the end of such period the health commissioner shall re-inspect such rooming house, and if he finds that such conditions or practices have not been corrected, he shall give notice in writing that the latter's permit has been suspended. Upon receipt of notice of suspension, such

operator shall immediately cease operation of such rooming house and no person shall occupy for sleeping or living purposes any rooming unit therein.

- 5.8 Any person whose permit to operate a rooming house has been or who has received a written notice that his permit is to be suspended unless an existing violation is corrected, may request and shall be granted a hearing before the health commissioner, under the procedure provided by Section 3 of this regulation: Provided that if no petition for such a hearing is filed within 10 days after the date such permit suspended, such permit shall be automatically revoked.
- 5.9 At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system approved by the health commissioner and in good working condition, shall be provided for each 10 persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities: Provided that in a rooming house rooms are let only to males, flush urinals may be substituted for not more than one-third the required number of water closets. All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shall be with hot water at all times. No such facilities shall be located in a basement except by written approval of the health commissioner.
- 5.10 The operator of every rooming shall change supplied bed linen and towels therein at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
- 5.11 Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet for each occupant.
- 5.12 Every rooming unit shall have at least one safe, unobstructed means of egress leading to safe, open space at ground level and to a public street or alley without having to pass through any other rooming unit.
- 5.13 The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings; for maintenance of a sanitary condition in every other part of the rooming house, and for the sanitary maintenance of the premises of the rooming house.
- 5.14 Every provision of this regulation which applies to rooming houses shall also apply to hotels, motels and tourist homes, except to the extent that any such provision may be found in conflict with the laws of this state or with the lawful regulations of any state board or agency.

SECTION 6.0 – DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE OF CONDEMNATION

- 6.1 Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the health commissioner.
- (a) One which is so damaged, decayed, dilapidated, insanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public.
 - (b) One which lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - (c) One which because of its general condition or location is insanitary, or otherwise dangerous to the health or safety of the occupants or of the public.
- 6.2 Any dwelling or dwelling unit condemned as unfit, for human habitation, and so designated and placarded by the health commissioner, shall be vacated within a reasonable time as ordered by the board of health and shall remain vacant until written approval is secured from the board of health.
- 6.3 If the board of health determines that the structure cannot be improved so as to comply with provisions of these regulations and that the same is unsafe, the board of health may order and direct the owners to demolish said structure as a hazard. In the event that the owners fail to comply with said order the board of health may order the demolition of said structure and shall certify the cost and expense of demolition as set forth herein to the county auditor and the same shall become a lien upon real estate.

- 6.4 Any person by any notice of an alleged violation under Section 6 may request and shall be granted a hearing before the board of health provided the request for such hearing is made within the number of days specified in the notice.
- 6.5 After such hearing the board of health shall sustain, modify, or withdraw the notice, depending upon its findings as to whether the provisions of the regulations have been complied with.

EXPLANATION

- 6.5 The proceedings at such hearing, including the findings and decision of the board of health is to 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. Any person aggrieved by the decision of the board of health may seek relief therefrom in any court of competent jurisdiction.

SECTION 7.0 - PENALTIES

- 7.1 Violation of any provision of this regulation is prohibited by Section 3707.48 or 3707.50 of the Revised Code and subject to the penalties provided by Section 3707.99 of the Revised Code. Each and every violation shall constitute a separate offense and each day's continued violation shall constitute a separate offense.
- 7.2 The board of health may grant a hearing to a person and authorize, in specific cases, such variance from the requirements of these regulations as will not be contrary to the public interest, where the person shows that because of practical difficulties or other special conditions their application will cause unusual and unnecessary hardship. However, no variance shall be granted that will defeat the spirit and general intent of these regulations, or otherwise not be in the public interest.

SECTION 8.0 - REPEAL AND DATE OF EFFECT

- 8.1 All regulations and parts of regulations in conflict with this *regulation are hereby repealed and this regulation shall be in full force immediately upon its adoption*, as provided by law.

SECTION 9.0 - EFFECT OF PARTIAL INVALIDITY

- 9.1 Should any part of this regulation be declared unconstitutional for any reason, the remainder of this regulation shall not be affected thereby.

Edwin A. Wesselman,
President of Board

CERTIFICATION AND ATTEST:

J. Edwin Reed, M.D.
Health Commissioner and Secretary to the Board