

**Sandusky County General Health District
2018 Public Health Nuisance Regulation
Resolution 18- 07**

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Section 1 – Definitions

A. Accessory Structure means a detached structure which is not used or not intended to be used for living or sleeping by human occupants and which is located on or partially on any premise.

B. “Board of Health” means the Board of Health of the Sandusky County General Health District, as authorized by Section 3709.07 of the Ohio Revised Code or authorized representative of such a board or authority.

C. Clean means free of dirt, impurities (food, soil, human wastes, garbage, etc.) and solid waste.

D. “Dwelling” means any building, structure, or part thereof used as a habitable place of abode or home by one or more families. Any house, manufactured home, or recreation vehicle used as a place of abode shall be considered a dwelling for the purposes of this regulation. Multiple dwelling means any structure containing 2 or more dwelling units.

E. “Dwelling Unit” means any structure, apartment, room, or rooms used as a place of abode by a family.

F. “Family” means a person or group of persons occupying a room or group of rooms as a place of abode.

G. “Health Commissioner” means the person occupying the office in the Sandusky County General Health District which is created by Sections 3709.01 and 3709.11 of the Ohio Revised Code, or an authorized representative.

H. “Occupant” means the person residing in or having use of a dwelling, who is the head of a family, or such person or persons other than the owner determined by the Health Commissioner, or authorized representative, to be the occupant. The same person or persons can be owner and occupant.

I. “Owner” means any person, partnership, firm, or corporation who alone or jointly with others shall be in possession of, or have control of, any property, dwelling, or dwelling unit, within the Sandusky County General Health District as owner, employee or agent of the owner, or as executor, administrator, 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.

J. “Person” means any political subdivision, special district, public or private corporation, individual, firm, partnership, association, or any other entity.

K. “Pollution” means an undesirable change in the physical, chemical, or biological characteristics of air, land, or water which may result in conditions harmful to the public health, or affected resources.

L. "Potable" means free from contamination and safe for human consumption as determined by laboratory analysis and sanitary survey.

M. "Property" means thing or things owned, real or personal.

N. "Provided" means furnished, supplied, and paid for or under control of the owner.

O. "Public Health Nuisance" means any condition which is injurious or potentially injurious to the health and safety of the public, or which pollutes the air, land, or water.

P. "Solid Waste" means such residual solid or semisolid material, including but not limited to, garbage, scrap tires, combustible and noncombustible material, refuse, demolition wastes, junk, and appliances.

Q. "Vermin" means any invertebrate or vertebrate animals which may act as carriers or agents of infection or disease transmission.

Section 2 – General Authority

The Board of Health of the Sandusky County General Health District is granted authority under the Ohio Revised Code Section 3709.21 to make such orders and regulations as are necessary for the public health, the prevention or restriction of disease, and the prevention, abatement, or suppression of nuisances. The Health Commissioner, or authorized representative, upon receipt of a written complaint or when personal knowledge of a public health hazard exists, is hereby authorized to make inspections to determine the condition of the dwellings, dwelling units, rooming units, and premises located within Sandusky County General Health District, in order that he or she may perform the duty of safeguarding the health 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 authorized representative, free access to such dwelling and its premises, at all reasonable times for the purpose of such inspection, examination and survey. If free access is denied, a search warrant may be sought.

Section 3 – Enforcement – Service of Notices and Orders

A. Whenever the Health Commissioner, or authorized representative, determines that there is probable cause to believe that there has been a violation of any provision of this regulation, he/she shall give notice of violation to the owner, occupant, or other person in charge thereof, specifying the violation claimed and the provision of this regulation defining said violation. The owner, occupant, or other person in charge thereof shall be allowed such time to correct the alleged violation as the Health Commissioner, or authorized representative, determines necessary, giving due consideration to the immediacy of the threat by reason of the alleged violation,. The time allowed for the correction of such violation shall be stated in the notice. The notice provided herein shall be served personally or by certified mailing. Service by certified mailing is deemed sufficient if mailed to the occupant or other person in charge thereof at the address where the violation exists and if mailed to the owner at the tax mailing address shown on the books of the County Auditor for

the parcel of real estate where said violation exists. In the event that service is not possible by certified mailing, or personal service has not succeeded after diligent attempts, notice may be served by posting a copy of the notice of violation upon the exterior of the building in a conspicuous place where the violation exists. The manner in which said service was made shall be attached to a copy of the complaint and retained in the records of the Board of Health.

B. 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 5 days from the receipt of the notice of violation. After such hearing, the Health Commissioner shall sustain, modify, or withdraw the notice of violation depending upon his/her findings as to whether the provisions of this regulation have been complied with. Notice of the decision of the Health Commissioner shall be served upon the persons in the manner as provided in Section 3 A.

C. Any person affected by the decision of the Health Commissioner, as provided in Section 3 B. hereof, shall be entitled to appeal the decision of the Health Commissioner to the Board of Health. Written notice of appeal must be filed with the secretary of the Board of Health within 5 days of the personal service, certified mailing, or date of posting the decision upon the premises. Said notice shall state the order appealed and the address to which notice of the hearing shall be mailed. The Board of Health shall hear the appeal at the next regular meeting of the Board of Health provided that no hearing shall be had sooner than 5 days from the date of the filing of said notice of appeal. Notice of the meeting for the Board of Health at which said appeal is to be heard shall be given to the appellant by regular mail at the address shown in the notice of appeal. Said appellant shall be entitled to appear personally and with counsel at said meeting of the Board of Health. The Board of Health may in its discretion, continue the hearing on said appeal from time to time until said hearing is completed. The Board of Health shall modify, withdraw, or sustain the order of the Health Commissioner made pursuant to section 3 B. The copy of the decision of the Board of Health shall be mailed to the appellant at the address shown in the notice of appeal, and to his/her counsel of record.

Section 4 – Penalties

This Regulation shall be enforced in accordance with Chapter 3709 of the Ohio Revised Code. A violation of this regulation is punishable in accordance with Section 3709.99 of the Ohio Revised Code.

Section 5 – Water Supply

A. The owner shall provide an adequate supply of potable water. When made available to occupants through plumbing, the water will be continuously maintained in good condition. The owner shall not shut off or cause to be shut off a water supply except when occupants are notified in advance of such shut off for needed repair work. The owner shall not rent a dwelling or dwelling units unless they are provided with an adequate supply of potable water from a municipal source or from an approved private water system.

B. When a private water system (well, hauled water tank, cistern...) is utilized as the dwelling or dwelling units potable water supply, the owner shall maintain such

private water system and its appurtenances so as to prevent contamination of the water supply.

C. When the water in any private water system becomes polluted and cannot be corrected to meet the quality standards for potable water, or when such private water system is no longer intended for use, the owner shall properly abandon the private water system per the requirements of the Ohio Administrative Code 3701-28.

Section 6 – Plumbing and Sewage

A. Where provided, toilets must be readily accessible to the occupants.

B. The owner shall maintain all plumbing fixtures (toilets, kitchen, sinks, bathtubs, and showers), water supplies to fixtures, waste pipes from fixtures, sump crocks, sewer lines or other containers or conductors of water or sewage in good operating condition free from obstruction or leakage.

C. The owner of any property not connected to a municipal sanitary sewer, semipublic sewage treatment system, and using instead a private household sewage treatment system shall be responsible for properly maintaining that system.

D. The owner of a property shall not dump or allow to be dumped any kind of material in such a manner as to interfere with existing drains, sewers, or natural drainage courses when such action creates a public health nuisance condition.

E. No person shall place or drain the contents of a privy vault, cesspool, or septic tank to the ground surface, street catch basin, street gutter, or storm sewer.

F. No person shall create a nuisance through the improper operation or maintenance of household plumbing, or private household sewage treatment system, or a semi-public sewage treatment system.

G. It shall be unlawful for any person to discharge, throw, or pour any sink waste, laundry water, or other household waste water onto the surface of the ground.

H. Whenever a public sewer becomes available to a property having a privy, water flushed toilets shall be installed, the household plumbing shall be connected to the public sewer, and the privy vault shall be properly abandoned.

Section 7 – Solid Wastes

A. Garbage shall be removed from a property and disposed of in an approved manner at least once a week to prevent the development of odors and the attraction of insects and other vermin.

B. No garbage shall be allowed to remain exposed in any building or on any premises for a longer time than shall be reasonably necessary to deposit the garbage in proper waste containers with tight fitting lids.

C. It shall be unlawful for any person to throw, deposit, or permit to accumulate solid waste on any lot, yard, shed, porch, or other place that creates a public health nuisance.

D. The owner of a lot, yard or other property that is not a licensed solid waste facility, and where solid waste is creating a public health nuisance, shall have the solid waste removed and disposed of in an approved manner, or shall otherwise abate the nuisance by means determined to be acceptable by the Sandusky County General Health District.

E. No solid waste shall be burned or buried on any property except as authorized by the Ohio Environmental Protection Agency rules and regulations.

Section 8 – Housing

A. In all buildings used or intended to be used for human occupancy, except one-family dwellings, the owner shall maintain the yard, sheds, and other portions of the property free from accumulations of solid waste when such waste creates a public health nuisance. In all one-family dwellings, the occupants shall keep the property clean and free from accumulations of solid wastes when such wastes create a public health nuisance.

B. The owner of any property shall keep the below-grade areas of the dwelling free from accumulations of sewage and shall have any sewage pumped out immediately, and have conditions altered so that further accumulations will be prevented.

Section 9 – Miscellaneous

A. No dogs, cats, fowl, hogs, goats, cows, horses, or other animals shall be kept in a manner which creates a public health nuisance.

B. The owner of any dwelling, or other structure located on unoccupied property shall keep the dwelling or structure secured at all times against unauthorized entry, when such a dwelling or structure creates a public health nuisance. Unsafe structures shall be removed or repaired to render them safe when such structure creates a public health nuisance.

C. The owner of any lot in a developed residential area on which pooled or contained water has stagnated and become a breeding place for mosquitoes shall eliminate the stagnant water or otherwise abate the nuisance condition.

Section 10 – Procedure of Condemnation

A. Any dwelling, dwelling units, or structures 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 Board of Health: (1) one which is so unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health of the occupants or to the public. (2) one which lacks sanitation facilities adequate to protect the health of the occupants or of the public.

(3) one which because of its general condition or location is dangerous to the health of the occupants or of the public. (4) one which lacks the facilities required by sections 5, 6, 7, 8, and 9 hereof.

B. Whenever the Board of Health has condemned a dwelling, dwelling units or structures as unfit for human habitation, they shall order the same to be placarded. They shall give notice to those persons mentioned and prescribed in Section 3 hereof of such condemnation and of their order to placard the dwelling, dwelling units or structure as unfit for human habitation on or after a certain date which shall not be sooner than 5 days from the service of the notice subject to the right of the owner, occupant, or other person in charge thereof to a hearing as set forth in Section 3 hereof.

C. Whenever any dwelling, dwelling units, or structures have been condemned as unfit for human habitation and so designated and placarded by the Board of Health, they shall order it vacated within the time stated in the order which shall not be sooner than 5 days. Service of the order of vacancy shall be upon the persons and in the manner prescribed in Section 3 hereof. The dwelling, dwelling units, or structures so condemned shall remain vacant until written approval is secured from the Health Commissioner, or authorized representative, for its re-occupancy subject to the right of appeal as provided in Section 3 hereof.

D. If the Board of Health determines that the dwelling, dwelling units, or structures cannot be improved so as to comply with the provisions of these regulations and that the same is unsafe or unfit for human habitation, the Board of Health may order the owner to demolish the same and shall notify the owner, occupant, or other person in charge thereof, which notice shall set forth the date on which said demolition is to take place, which shall not be sooner than 10 days from the date of said notice subject to the right of the owner, occupant, or other person in charge thereof to appeal to the Board of Health as provided in Section 3 hereof. Service of the notice of demolition shall be upon the persons and in the manner provided in Section 3 hereof.

E. The owner, occupant or other person in charge of any dwelling, dwelling units, or structures affected by any order of the Board of Health pursuant to Section 3 thereof may appeal said order and shall be granted a hearing of appeal before the Board of Health which shall review the order. Said notice of appeal shall be in writing and filed with the secretary of the Board of Health within the time stated in the order from which the appeal is taken. The Board of Health shall hold said hearing of appeal at its next regular or special meeting after the filing of a notice of said appeal with its secretary provided that the same shall not be heard sooner than 5 days from the filing of said notice of appeal. Notice of the next meeting of the Board of Health of which said appeal is to be heard shall be given to the persons named and in the manner prescribed in Section 3 hereof. No action shall be taken by the Health Commissioner, or authorized representative, to placard, vacate, demolish, or otherwise enforce Section 3 hereof until after the hearing of appeal before the Board of Health if the same has been requested.

F. At the hearing of appeal, all interested parties may appear in person and with counsel, and after full hearing, the Board of Health shall sustain, modify, or withdraw the order and shall set forth in the minutes its findings. A copy of the decision of the Board of Health shall be mailed by certified mail or given by personal service.

G. Decisions of the Board of Health may be appealed in accordance with the law.

Section 11 – Effect of Partial Invalidity

Each section of this regulation and each part thereof is independent, and the holding of any section or part thereof to be unconstitutional, void, or not effective for any cause will not affect the validity or constitutionality of any other section or part thereof.

Section 12 – Duty to Comply

Compliance with this regulation or any portion thereof shall not relieve any person of the duty to comply with other Municipal, State, or Federal laws and regulations.

PREAMBLE: An emergency resolution of the Sandusky County Board of Health to adopt specific terms and conditions for any person, partnership, firm, corporation, or entity of government to prevent a public health nuisance condition.

WHEREAS, the Sandusky County General Health District has in effect Regulation 88-54 concerning "Hygiene, Sanitation and Maintenance of Dwelling, Dwelling Units and Premises Regulation", and

WHEREAS, there is need is rescind these Regulation 88-54 and adopt Resolution _____

BE IT RESOLVED:

By the Sandusky County Board of Health for the reasons stated in the Preamble and body of this Regulation that the following safety and health standards shall apply to all premises in the Sandusky County General Health District for the prevention of public health nuisances.

READING AND EFFECTIVE DATE: _____

VOTING THEREON:

Auxter	_____	_____
Chudzinski	_____	Steve Gruner, President, Board of Health
Gross	_____	
Gruner	_____	_____
Fought	_____	Bethany Brown, Secretary, Board of Health
Mason	_____	
Yuhas	_____	
Zimmerman	_____	

DEV 3/30/18