

HOUSING MAINTENANCE REGULATION OF THE CHAMPAIGN HEALTH DISTRICT

REGULATION C-1000

PREFACE

With the Champaign Health District there is evidenced that some dwellings, dwelling units and accessory structures on premises are unfit for human habitation and use due to the fact that they are unsafe, unsanitary, and /or detrimental to the health, safety, and general welfare of the people in our Health district.

Therefore, by authority of Section 3709.21 of the Ohio Revised Code, Be It Resolved by the Board of Health of the Champaign Health District that this housing regulation, numbered C-1000, be adopted.

Reviewed 7/6/98

First Reading: August 10, 1998

Second Reading: September 14, 1998

Third Reading: October 5, 1998

Contents

Preface

Section 1001 General Provisions

Section 1002 Definitions

Section 1003 Responsibilities of Owners and Occupants

Section 1004 Minimum Standards for Basic Equipment and Facilities

Section 1005 Minimum Requirements for Electrical Systems

Section 1006 General Requirements for the Exterior and Interior of Structures

Section 1007 Minimum Fire Safety Standards

Section 1008 Discontinuance of Utilities

Section 1009 Responsibility of Health commissioner

Section 1010 Penalties and Appeals

Section 1011 Effect of Partial Invalidity

Section 1012 Designation of Unfit Dwellings

SECTION 1001 GENERAL PROVISIONS

1001.1 The purpose of this regulation is to insure the quality of housing is adequate for protection and preservation of public health, safety, and general welfare.

1001.2 The provisions of this regulation shall apply uniformly to the construction, maintenance, use and occupancy of all residential buildings and structures within the jurisdiction of the Champaign Health District.

1001.3 This regulation shall be known and may be cited as the Housing Maintenance Code of the Champaign Health District, hereinafter referred to as “this regulation”.

SECTION 1002 DEFINITIONS

1002.1 Building shall mean any structure built for the support, shelter, or enclosure of persons or property of any kind.

1002.2 Dwelling shall mean any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

1002.3 Dwelling Unit shall mean 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.

1002.4 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 service as their food, by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the Champaign Health District.

1002.5 Habitable Room shall mean the room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closets, compartments, laundries, pantries, foyers, or communicating corridors, closets and storage spaces.

1002.6 "He" shall mean he or she, whichever happens to be the case, and the use solely of "he" is not intended to insinuate which gender should occupy the position being referred to in the context.

1002.7 Health Commissioner shall mean the legally designated Health Commissioner of the Champaign Health District, or his authorized representative.

1002.8 Infestation shall mean the presence, within or around a dwelling of any insects, rodents, or other pests and vermin.

1002.9 Owner shall mean any person who, alone or jointly or severally with others; (a) shall have legal title to any dwelling or dwelling units, 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 and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

1002.10 Person shall mean and include any individual firm, corporation, association, or partnership.

1002.11 Plumbing may include all or some 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, sewage, or gas lines.

1002.12 Premises shall mean a lot or parcel of land or plot of land including the buildings or structures thereon.

1002.13 Solid Waste shall mean unwanted residual solid or semisolid material and includes, but is not limited to garbage, tires, combustible and noncombustible material, street dirt and debris.

1002.14 Structure shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

1002.15 Meaning of Certain Words. Whenever the words “dwelling”, “dwelling unit”, “building”, or “structure” are used in this regulation, they shall be construed as though they were followed by the words “or any part thereof”.

SECTION 1003 RESPONSIBILITIES OF OWNERS AND OCCUPANTS

1003.1 Every owner of premises containing more than one dwelling unit shall maintain any shared or public area in a clean, sanitary, and safe condition.

1003.2 Every occupant of a dwelling unit shall store and dispose of all solid waste in a clean, sanitary, and safe manner.

1003.4 Every owner of premises containing four or more dwelling units shall supply sufficient solid waste containers and arrange for their disposal at least weekly.

1003.5 All solid waste containers shall be rat-proof, insect-proof, water tight and cleanable; and shall be maintained in a safe and sanitary manner.

1003.6 Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects and/or rats on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his or her dwelling unit is the only one infected. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonable insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

1003.7 Neither an occupant of a dwelling unit on a premises containing three or fewer dwelling units, nor an owner of a premises containing four or more dwelling units shall accumulate solid waste, lumber, scrap metal, or any material in such a manner that may provide a rat harborage in or about the dwelling unit. Stored materials shall be stacked neatly in piles.

1003.8 No owner or occupant of any dwelling unit shall store or accumulate any material which may serve as food for rats, including but not limited to pet food or solid waste, unless made inaccessible to rats.

SECTION 1004 MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

1004.1 A lavatory, tub, or shower, and a water closet all in proper working condition and properly connected to an approved hot/cold potable water and sewage disposal system shall be accessible at all times to every dwelling unit. Every plumbing fixture and water and waste pipe shall be properly installed and maintained in proper sanitary working condition, free from defects, leaks, and obstructions. In certain circumstances, existing vault privies (outhouses) may be approved.

1004.2 The water closet, tub or shower and lavatory shall be located in a room affording privacy to the user.

1004.3 Every dwelling shall have water heating facilities which are properly installed and maintained in a safe and proper working condition 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, not to exceed 110 degrees Fahrenheit.

1004.4 Every dwelling unit shall have heating facilities installed and maintained in safe and proper working conditions, and are capable of safely and adequately heating all habitable rooms and bathrooms. Where a gas or electric central heating system is not provided, each dwelling unit shall be provided with sufficient fireplaces, chimneys, flues, or gas vents for connecting approved heating appliances.

SECTION 1005 MINIMUM REQUIREMENTS FOR ELECTRICAL SYSTEMS

1005.1 All fixtures, receptacles, equipment and wiring shall be maintained in a state of good repair, safe, capable of being used and installed and connected to the source of electric power in accordance with the adopted code of the Champaign County Building Department.

SECTION 1006 GENERAL REQUIREMENTS FOR THE EXTERIOR AND INTERIOR STRUCTURES

1006.1 The foundation walls, piers, or other structural elements shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon.

1006.2 The exterior walls shall be substantially weather tight and water tight.

1006.3 Roofs shall be maintained in a safe manner and have not defects which admit rain or cause dampness in the walls or interior portion of the building.

1006.4 Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and proper repair.

1006.5 Protective railings shall be required on any un-enclosed structure over five feet from the ground level or on any steps containing four risers or more. (See Section 315 Champaign County Building Regulations).

1006.6 Window panes or any approved substitute shall be maintained without holes or covered and sealed.

1006.7 Every exterior door shall fit reasonable well within its frame.

1006.8 Garages, storage buildings and other accessory structures shall be maintained and kept in proper repair and sound structural condition.

SECTION 1007 MINIMUM FIRE SAFETY STANDARDS

1007.1 The owner of every dwelling unit shall have a minimum of one UL listed smoke detector on each floor used for living or sleeping. If the means for heating the dwelling unit is located on a different floor, that floor shall have a smoke detector. The occupant of the dwelling unit shall maintain the smoke detector(s) in good working order. The location of the smoke detector(s) shall be located according to the manufacturer's recommendations.

1007.2 Every dwelling unit shall contain a minimum of one UL listed fire extinguisher with a rating of 2A20BC. The occupant of the dwelling unit shall supply the fire extinguisher and mount it in accordance with the manufacturer's instructions and shall be mounted between the cooking appliance and an exit. The fire extinguisher shall be maintained in proper working order.

1007.3 Every room used for sleeping shall have a secondary emergency egress route.

- A. Every sleeping room shall have at least one openable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside to a full clear opening without the use of a key or tool. Where windows are provided as a means of egress, they shall have a sill height of not more than 44 inches above the floor.
- B. All egress or rescue windows from sleeping rooms must have a net clear opening of 5.7 square feet. The minimum net clear opening height shall be 22 inches. The minimum net clear opening width shall be 20 inches.

SECTION 1008 DISCONTINUANCE OF UTILITIES

1008.1 No owner, operator, or occupant of a dwelling unit shall cause any service, facility, equipment or utility which is required under this regulation, to be removed or shut off or discontinued for any occupied dwelling or dwelling unit let or occupied by that person; except for such Temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Champaign Health District or Champaign County Building Department or other appropriate authority.

1008.2 Notification shall be given to the Champaign Health District at any time a utility which is required under this regulation is discontinued for non-emergency purposed by any person. Such notification shall be given no later than the seventh working day following the discontinuance by the person authorized to order the discontinuance. No further notification shall be required of said authorized person; it shall be the responsibility of the Health District to confirm that the utility is still discontinued prior to any legal action.

1008.3 A dwelling unit shall be considered to be condemnable by the Champaign County Board of Health whenever a utility which is required under this regulation is discontinued for non-emergency or non-repair purposes.

SECTION 1009 RESPONSIBILITY OF THE HEALTH COMMISSIONER

1009.1 The Health Commissioner shall enforce the provisions of this regulation upon receipt of a valid complaint from owner, occupant, neighbor, or any agency official. Upon receiving verbal consent of the owner and/or occupant to inspect subject to constitutional restrictions on Unreasonable searches and seizures, if entry is refused or not obtained, an authorized representative is authorized to pursue recourse as provided by law, i.e. a warrant.

1009.2 All dwelling units or buildings or structures which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress; or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are severally in contemplation of this section, unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair, rehabilitation or demolition in accordance with the following procedures.

(A) Whenever the Health Commissioner determines that there are reasonable grounds to believe there has been a violation of any provision of this regulation or of any rule or law adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefore and such alleged violation shall constitute a nuisance. Such notice shall:

- (1) Be in writing;
- (2) Include a statement of the reasons why it is being issued;
- (3) Allow a minimum of 20 days for the performance of any act it requires;
- (4) Said notice shall further 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 shall present the case to the Board of Health for resolution. The responsible person shall be notified of date and time of presentation and advised of their right to appeal.

(B) Service of notice shall be as follows:

- (1) By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
- (2) By depositing the notice in the United States Post Office addressed to the owner at his last known address with postage prepaid thereon; or
- (3) By posting and keeping posted for twenty-four hours a copy of the notice in a conspicuous place on the premises to be repaired.

SECTION 1010 PENALTIES AND APPEALS

1010.1 Any person who continues in violation of any provision of this regulation after the time allowed to him for the correction of an alleged violation in the notice provided in section 1009 shall be deemed in violation of this regulation adopted pursuant to Ohio Revised Code 3709.21. As set forth therein the person shall be subject to the penalties provided by 3709.99 of the Ohio Revised Code.

1010.2 Any person notified by the Board of Health of a violation of any section of the regulation may file an action for declaratory judgment pursuant to sections 2721.01 to 2721.15, inclusive, of the Ohio Revised Code, to have determined whether such regulation is unreasonable or unlawful. No such prosecution shall be commenced when, within such twenty-day period, the violation has been corrected. No such prosecution shall be commenced until such a declaratory judgment has been given.

SECTION 1011 CONFLICT OF REGULATIONS: EFFECT OF PARTIAL INVALIDITY

1011.1 In any case where a provision of this regulation is found to be in conflict with a provision of any zoning, building, fire, safety, or health regulation or code of any political subdivision having authority and existing on the effective date of this regulation, the provision which established the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this regulation is found to be in conflict with a provision of any other regulation or code of any political subdivision having authority and existing on the effective date of this regulation which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this regulation shall be deemed to prevail.

1011.2 If any section, subsection, paragraph, clause, or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation, which shall remain in full force and effect; and to this end the provisions of this regulation are hereby declared to be severable.

SECTION 1012 DESIGNATION OF UNFIT DWELLINGS

1012.1 Dangerous Structures

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 declared to be a nuisance and shall be so designated and placarded by the Health District.

- A. One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health and safety of the occupants or of the public.
- B. One which lacks ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public.

1012.2 Form of Notice

Whenever the Health District has declared a dwelling or multi-family dwelling as unfit for human habitation and constituting a nuisance he shall give notice to the owner of such declaration and placarding of the dwelling or multi-family dwelling as unfit for human habitation. Such notice shall:

- (1) Be in writing; and
- (2) Include a description of the real estate sufficient for identification; and
- (3) State the time occupants must vacate the dwelling units; and
- (4) Said notice shall further 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 District shall institute such legal proceedings charging the person or persons, firm, corporation or agent with a violation of this regulation.

1012.3 Service of Notice

Service of notice to vacate shall be as follows:

- (1) By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion; or
- (2) By depositing the notice in the US Post Office addressed to the owner at his last known address with postage prepaid thereon; or
- (3) By posting and keeping posted for twenty-four hours a copy of the notice in placard form in a conspicuous place on the premises to be vacated.

1012.4 Vacating of Building Declared condemned

Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Health District, shall be vacated with a minimum of 48 hours to a maximum of thirty days after notice of such condemnation has been given by the Health District to the owner and or occupant of the building.

1012.5 Occupancy of Building

No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until approval is secured from and the placard is removed by the Health District. The Health District shall remove such placard whenever the defect or defects upon which condemnation and placarding action were based have been eliminated.

1012.6 Removal of Placard or Notice

No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in Section 1012.5.

REFERENCE

SECTION 1002

1002.1	OBBC	4101:2-3-10	Section 310.1
1002.2	OBBC	4101:2-3-10	Section 310.1
1002.3	OBBC	4101:2-3-10	Section 310.1
1002.4	ORC	3707.01	

SECTION 1003

1003.1	ORC	5321.04, 5321.05
1003.2	ORC	5321.04, 5321.05
1003.3	BOCA	PM 306.3
1003.4	BOCA	PM 306.3
1003.5	ORC	3707.01
1003.6	ORC	5321.04
1003.7	ORC	3707.01
1003.8	ORC	3707.01

SECTION 1004

1004.1	OBBC	4101:2-56-01 – 4101:2-69, Section 311
1004.2	OBBC	4101.2
1004.3	OBBC	4101:2-13-08

SECTION 1005

County Adopted	1996 National Electrical Code	90.4
----------------	-------------------------------	------

SECTION 1006

1006.1	OBBC	4101:2-16	Section 1602
1006.2	OBBC	4101:2-14	
1006.3	OBBC	4101:2-15	
1006.4	OBBC	309.1	Section 314
1006.5	OBBC	4101.2	Section 1021.0
1006.6	OBBC	4101.2	Section 1403
1006.7	BOCA	PM 304.17	
1006.8	OBBC	4101:2-24	Section 3401.1

BOCA PM 305.7

SECTION 1007

CABO 310.2 310.2.1

SECTION 1008

ORC 5321.02

SECTION 1009

1009.1	ORC	Title 37				
	ORC	3709.	ORC	3707.01		
1009.2	ORC	Title 37	ORC	3709.	ORC	3707.01
1009.2(A) – (B)		ORC	1923.04			

SECTION 1012

1012.3 ORC 3707.01 Title 37

OBBC	OHIO BASIC BUILDERS CODE
ORC	OHIO REVISED CODE
BOCA	BUILDING OFFICIALS AND CODE ADMINISTRATORS INTERNATIONAL
CABO	COUNCIL OF AMERICAN BUILDING OFFICIALS

