

***Miami County Health District***  
**Housing Regulations**

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## **MIAMI COUNTY HEALTH DISTRICT HOUSING REGULATIONS**

A REGULATION ESTABLISHING MINIMUM STANDARDS OF HYGIENE AND SANITATION GOVERNING THE CONDITION AND MAINTENANCE OF DWELLINGS; ESTABLISHING MINIMUM STANDARDS GOVERNING SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO MAKING DWELLINGS SAFE, SANITARY, AND FIT FOR OCCUPANTS OF DWELLINGS; AUTHORIZING THE INSPECTION OF DWELLINGS AND THE CONDEMNATION OF DWELLINGS FOUND TO BE UNFIT FOR HUMAN HABITATION.

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

### **SECTION 1 - DEFINITIONS**

The following definitions shall apply in the interpretation and enforcement of this regulation:

- 1-1 **APPROVED** shall mean approved by the Commissioner of Health in accordance with rules or regulations established herein.
- 1-2 **BASEMENT** shall mean that portion of a building which is partly underground and which has one half or more of its ceiling height below the average finish grade of the ground adjoining the building.
- 1-3 **BATH** shall mean a bathtub or shower stall.
- 1-4 **BEDROOM** shall mean a habitable room within a dwelling unit which is used or intended to be used primarily for the purpose of sleeping but shall not include any kitchen or dining room.
- 1-5 **COMMISSIONER** shall mean the legally designated Commissioner of Health of the Miami County Health District, or his authorized representative.
- 1-6 **DINING AREA** shall mean a habitable room used or intended to be used for purpose of eating but not for cooking or the preparation of meals.
- 1-7 **DWELLING** shall mean building which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing as hereinafter defined shall be regarded as a dwelling.
- 1-8 **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.
- 1-9 **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 Commissioner.
- 1-10 **FAMILY** shall mean one adult occupant plus one or more persons who are legally related to said occupant.
- 1-11 **GARBAGE** shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

- 1-12 **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.
- 1-13 **INFESTATION** shall mean the presence within or around a dwelling of any insects, rodents, or other pests.
- 1-14 **MULTIPLE DWELLING** shall mean any dwelling containing two or more dwelling units.
- 1-15 **NON-DWELLING STRUCTURE** shall mean any structure used or intended to be used for the shelter or enclosure of any animal or property of any kind.
- 1-16 **OCCUPANT** shall mean any person, over one (1) year of age, living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or rooming unit.
- 1-17 **OPERATOR** shall mean any person who has charge, care, or control of a building, or part thereof in which dwelling units or rooming units are let.
- 1-18 **ORDINARY MINIMUM WINTER CONDITIONS** shall mean the temperature 15 degrees F., above the lowest recorded temperature for the previous ten (10) year period in Miami County.
- 1-19 **OWNER** shall mean 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 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.
- 1-20 **PERSON** shall mean and include any individual, firm, corporation, association, or partnership.
- 1-21 **PLUMBING** shall mean and include all of the following supplies 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.
- 1-22 **PREMISES** shall mean a platted lot or part thereof or unplatted lot or parcel of land or plot of land either occupied or unoccupied by any dwelling or non-dwelling structure.
- 1-23 **ROOMER** shall mean an occupant of a rooming or dwelling unit who is not family or owner.
- 1-24 **ROOMING HOUSE** shall mean 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 three or more persons who are not family of owner for living or sleeping, but not for cooking or eating purposes.
- 1-25 **RUBBISH** shall mean combustible and noncombustible waste materials except garbage, and the term shall include the residue for the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust.
- 1-26 **SUPPLIED** shall mean paid for, furnished or provided by, or under the control of the owner or operator.

- 1-27 **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.
- 1-28 **WATER CLOSET (TOILET)** shall mean a bowl and trap made in one piece which is of such shape and form and which holds a sufficient quantity of water so that no human wastes will collect on the surface of the bowl and which is equipped with flushing rims which permit the bowl to be properly flushed and scoured when water is discharged through the flushing rims.
- 1-29 **WORDS, MEANING OR CERTAIN.** When the words “dwelling”, “dwelling unit”, “rooming house”, “rooming unit”, “hotel”, “motel”, “premises”, are used in this regulation, they shall be construed as though they were followed by the words “or any part thereof”.

## **SECTION 2 - INSPECTION OF DWELLINGS, DWELLING UNITS, ROOMING UNITS HOTEL/MOTEL UNITS AND PREMISES**

- 2-1 Commissioner is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units, hotel/motel units and premises located within Miami County, in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the commissioner is hereby authorized to enter, examine, and survey at all reasonable times all dwellings, dwelling units, rooming units, hotel/motel units and premises. The person in charge thereof shall give the commissioner free access to such dwelling, dwelling unit, rooming unit, or hotel/motel 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 such dwelling unit, or its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this regulation or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this regulation.

## **SECTION 3 - ENFORCEMENT, SERVICE OF NOTICES AND ORDERS, AND HEARINGS**

- 3-1 When the commissioner determines that there are reasonable grounds to believe that there has been a violation of any provision of this regulation or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefor, as hereinafter provided. Such notice shall:
- a) be put in writing and include a description of the real estate sufficient for identification
  - 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 the occupant, as the case may require provided that such notice shall be deemed to be properly served upon such owner or upon such occupant, if a copy thereof is served upon him personally; or if a copy thereof is sent by regular 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; or if a notice is sent via electronic mail (e-mail) or facsimile (fax).
- 3-2 Any person affected by any notice which has been issued in connection with the enforcement of any provision of this regulation, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the commissioner provided that such person shall file in the office of the commissioner a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the day the notice was served. Upon receipt of such petition, the 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. The commissioner

may postpone the date of the hearing for a reasonable time beyond such 10 day period, if in his judgment the petitioner has submitted a good and sufficient reason for such postponement.

- 3-3 After such hearing, the commissioner shall sustain, modify, or withdraw the notice depending upon his finding as to whether the provisions of this regulation and of the rules and regulations adopted pursuant thereto have been complied with. If the commissioner sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to subsection 3-1 of this regulation shall automatically become an order if a written petition for a hearing is not filed in the office of the commissioner within 10 days after such notice is served.
- 3-4 The proceedings at such hearing, including the findings and decision of the commissioner, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the commissioner. Such record shall also include a copy of every notice or order issued in connection with the matter.
- 3-5 Wherever the commissioner finds that an emergency exists which requires immediate action to protect the public health, he may without notice of hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the 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 and of the rules and regulations adopted pursuant thereto have been complied with, the commissioner shall continue such order in effect, or modify it, or revoke it.
- 3-6 Any outstanding notices of violations of this regulation are transferable to subsequent owners of a property that is the subject of these regulations

#### **SECTION 4 - MINIMUM STANDARDS FOR BASIC EQUIPMENT AND FACILITIES**

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 minimum requirements:

- 4-1 Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the commissioner.
- 4-2 Every dwelling unit except as otherwise permitted under subsection 4-4 of this Section 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 commissioner.
- 4-3 Every dwelling unit, except as otherwise permitted under Subsection 4-4 of this Section, 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 commissioner.
- 4.4 The occupants of not more than two dwelling units may share a single flush water closet, a single lavatory basin, and a single bathtub or shower; if:
  - a) neither of the two dwelling units contains more than two rooms; provided that, for the purpose of this subsection, a kitchenette or an efficiency kitchen with not more than 60 square feet of floor area shall not be counted as a room; and that
  - b) the habitable area of each dwelling unit shall equal not more than 250 feet of floor area; and that
  - c) such water closet, lavatory basin, and bathtub or shower shall be in good working condition and properly connected to a water and sewer system approved by the commissioner.

- 4-5 Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of subsection 4-1, 4-2, 4-3, and 4-4 of Section 4 of this regulation shall be properly connected with both hot and cold water lines.
- 4-6 Every dwelling unit shall be supplied with adequate rubbish storage facilities, type and location of which are approved by the commissioner.
- 4-7 Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers, type and location of which are approved by the commissioner.
- 4.8 Every dwelling 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 Subsection 4-5 of Section 4 of this regulation and are capable of heating water to such 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.
- 4-9 Every dwelling unit shall have a safe, unobstructed means of egress leading to safe and open space at ground level.
- 4-10 All plumbing shall be so designed and installed as to prevent contamination of the water supply through back flow, back siphonages and any other method of contamination.
- 4-11 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
  - b) there is no possibility of a cross connection between a potable and a non-potable water supply.
- 4-12 Every water supply line and every valve therein shall be in a good working condition, properly installed and free from leaks, defects, and obstructions.
- 4-13 Every water supply inlet shall be located above the flood level of any installed sink, lavatory, bathtub or automatic washing machine and similar water using device or fixture, or above some unobstructible overflow thereof. No inlets shall be submerged unless installed with a vacuum breaker of the type approved by the commissioner.
- 4-14 The waste line of every water using fixture shall:
- a) be trapped and vented, and
  - b) drain freely without obstruction or leaks.
- 4-15 All plumbing and plumbing fixtures shall be maintained in good working condition and all plumbing fixtures shall be kept clean.
- 4-16 Water pressure shall be adequate to permit a continuous flow of water from all open water faucets at all times.
- 4-17 Every water closet shall be of the trap type with facilities for safe and clean flushing.
- 4.18 No water closet shall be of the so-called "flush hopper", "frost-proof hopper", or similar type.

#### **SECTION 5 - STANDARDS FOR GAS FACILITIES**

No dwelling shall be deemed to comply with the requirements of this regulation relating to gas facilities which does not comply with the following:

- 5-1 Every gas pipe shall be sound and tightly put together with no leaks.
- 5-2 All gas burning water heaters and space heaters shall be properly vented to a chimney or approved duct leading to outdoor space.
- 5-3 No gas pipe shall be corroded or obstructed so as to reduce gas pressure or volume.
- 5-4 Every gas appliance shall be connected to a gas line with approved metal piping.
- 5-5 Gas pressure shall be adequate to permit a proper flow of gas from all open gas valves at all times.

## **SECTION 6 - MINIMUM STANDARDS FOR LIGHT, VENTILATION, AND HEATING**

No person shall occupy as owner-occupant or let to another for occupancy any dwelling for the purpose of living therein which does not comply with the following requirements:

- 6-1 Every habitable room shall have at least one window facing to the outdoors. The total openable window area in every habitable room shall be equal to 40% of the window area except where there is some other device affording ventilation that is approved by the commissioner. For determining the maximum permissible occupancy of a dwelling unit and/or sleeping room, only those floor areas adequately served by a required window shall be included for making such determination.
- 6.2 Every bathroom and water closet compartment shall be adequately lighted and ventilated.
- 6.3 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 electric convenience outlets. 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. Each 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.
- 6-4 Every public hall and stairway in every multiple dwelling containing five or more dwelling units shall be adequately lighted at all times. Every public hall and stairway in structures devoted solely to dwelling occupancy and containing not more than three dwelling units may be supplied with conveniently located light switches, controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.
- 6-5 Electric wiring and facilities shall be maintained in a good and safe state of repair observing the following requirements:
  - a) Every exposed electric wire shall have insulation which is in good condition.
  - b) Every switch plate and outlet plate shall be properly fastened in place.
  - c) No short circuit or break shall exist in any electric line.
  - d) Every fixture and outlet shall function properly and should be properly fastened in place.
  - e) No obvious shock hazard shall exist.
  - f) No temporary wiring shall be used except extension cords which run directly from portable electric fixtures to convenience outlets and which do not lie underneath floor covering materials or extend through doorways, transoms, or other similar apertures, or through structural elements.
  - g) No electric circuit shall be overloaded as a result of connecting appliances which operate at high wattages to outlets supplied with wire of inadequate size.
- 6-6 Every dwelling shall have heating facilities which are properly installed maintained in a safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments in every dwelling or dwelling unit located therein.



- a) When the dwelling or dwelling unit is heated by a central heating system:
  - 1. The central heating unit shall be properly maintained.
  - 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.
  - 3. Every seal between the sections of a hot air furnace shall be in good repair.
- b) When the dwelling or dwelling unit is 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 outdoor space.
  - 2. Every coal 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 wall.
  - 4. Every space heater smoke pipe shall be equipped with guards made of metal or other non-flammable material at the point where the pipe goes through the wall, ceiling, or partition.
- c) Only electric portable heaters shall be used.
- d) Every smoke pipe and every chimney shall be adequately supported, reasonably clean, and maintained in such condition that there will be no leakage or backing up of noxious gases.

6-7 In every dwelling unit, the opening to the outdoors resulting from doors or windows customarily open when flies, mosquitoes, and insects are prevalent shall be properly screened unless the unit has air conditioning. Screening must be rodent proof when screening basement windows or other openings used for ventilation.

**SECTION 7 - GENERAL REQUIREMENTS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLINGS AND DWELLING UNITS.**

No person shall occupy as owner/occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:

- 7-1 Every foundation, floor, exterior wall, and roof shall be reasonably weathertight, watertight, rodent proof and insect proof, and shall be kept in a reasonably good state of maintenance and repair. Every interior partition, wall, floor, and ceiling shall be capable of affording privacy, kept in a reasonably good state of repair, and maintained so as to permit them to be kept in a clean 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.
- 7-2 Every window, exterior door, and basement hatchway shall be reasonably weathertight, 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 open cracks and holes. Window sash shall be in good condition and fit reasonably tight within its frame.
- 7-3 Every inside and outside stair, every porch, and every appurtenance thereto shall be 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. Each dwelling unit, above or below the first floor, shall be provided with secondary means of egress in accordance with existing State and Local Codes and Ordinances. Every stairwell shall be so constructed and maintained as to minimize possible accident hazards.
- 7-4 Every window other than fixed windows shall be capable of being easily opened and held in open position by window hardware.
- 7-5 Every water closet compartment floor and bathroom floor shall be provided with a surface which is reasonably impervious to water and is easily cleanable.
- 7-6 Every supplied facility, piece of equipment, or utility which is required under this regulation shall be so constructed or installed that it will function safely and effectively, and shall be maintained in satisfactory working condition.

- 7-7 No owner, operator, or occupant shall cause any service, facility, equipment, or utility which is required under this regulation to be furnished and which is required under the regulation to be removed from or shut off from or discontinued for any occupied dwelling 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 commissioner.
- 7-8 No owner shall occupy or let to another for occupancy or allow any other person to occupy any vacant dwelling unit unless it is reasonably clean, sanitary and in compliance with all provisions of this regulation and all rules and regulations adopted pursuant thereto.
- 7-9 All exterior wood surfaces shall be reasonably protected from the elements and against decay by paint or other approved protective coating. Exterior wood surfaces that are naturally resistant to decay, such as cedar redwood do not require an additional protective coating.
- 7-10 No paint shall be used for interior painting of any dwelling unless the paint is free of any lead pigment.
- 7-11 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.

## **SECTION 8 - MINIMUM SPACE, USE, AND LOCATION REQUIREMENTS**

No person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- 8-1 Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for each of the next two occupants, and seventy-five (75) square feet of floor area for each occupant thereafter. The floor space is to be calculated on the basis of total habitable room area.
- 8-2 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 additional floor space for each additional occupant thereof.
- 8-3 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 accessed 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.
- 8-4 At least 50% of the floor area of every habitable room in any existing building shall have a minimum ceiling height of 7 feet, and the floor area of that part of such a room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy.
- 8-5 No basement 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 fireproof partition and any ingress or egress to the habitable area shall not be through the room containing said heating equipment.

## **SECTION 9 - RESPONSIBILITIES OF OWNERS AND OCCUPANTS**

- 9-1 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.
- 9-2 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.
- 9-3 Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by Section 4-6 of this regulation.
- 9-4 Every occupant of a dwelling or dwelling unit shall dispose of all his garbage and any other organic waste which might provide food for rodents in a clean and sanitary manner by placing it in the garbage disposal facilities or garbage storage containers required by Section 4-7 of this regulation. It shall be the responsibility of the owner to supply such facilities or containers for all dwelling units in a dwelling containing more than four dwelling units and for all dwelling units located on premises where more than four dwelling units share the same premises. In all other cases, it shall be the responsibility of the occupant to furnish such facilities or containers.
- 9-5 Every occupant of a dwelling or dwelling unit shall be responsible for hanging all screen doors and window screens, except where the owner has agreed to supply such service.
- 9-6 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; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. 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 reasonably insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
- 9-7 Every occupant of a dwelling unit 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.

## **SECTION 10 - ROOMING HOUSES**

No person shall operate a rooming house or shall occupy or let to another for occupancy any room unit in any rooming house, except in compliance with the provisions of every section of this regulation.

- 10-1 At least one flush water closet, lavatory basin, and bath tub or shower properly connected to a water and sewer system approved by the commissioner and in good working condition shall be supplied for each eight 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 where rooms are let only to males, flush urinals may be substituted for not more than one-half 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 shower shall be supplied with hot water and cold water at all times. No such facilities shall be located in a basement except by written approval of the commissioner.
- 10-2 The operator of every rooming house 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.

- 10-3 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 of additional floor space for each additional occupant thereof.
- 10-4 Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level.
- 10-5 The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, ceilings, and every other part of the rooming house. He shall be further responsible for the sanitary maintenance of the entire premises where the entire structure is leased or occupied by the operator.
- 10-6 Every dwelling unit located within a rooming house shall comply with all the requirements for dwelling unit as established by the provisions of Section 4 of this regulation.
- 10-7 Every rooming unit and every dwelling unit in every rooming house shall be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door to such rooming unit or dwelling unit. No two doors may bear the same number. No number on any door of any rooming unit or dwelling unit shall be changed to any other number without first securing a written approval of the commissioner.
- 10-8 If the owner or operator of a rooming house permits the keeping of pets, said pets shall not create a nuisance.
- 10-9 No occupant of a rooming house shall cook or prepare meals in a rooming house unless such meals are prepared in a kitchen or kitchenette.
- 10-10 The operator shall post in every rooming unit a sign on which shall be written or printed in letters not less than 3/8th of an inch in height the following words "NO COOKING IN THIS ROOM". Such sign shall remain so posted at all times.
- 10-11 Every window of every room used for sleeping shall be supplied with shades, draw drapes, or other devices or materials which when properly used will afford privacy to the occupant of the room.
- 10-12 Adequate rubbish storage containers which type and location are approved shall be supplied by the rooming house operator. The operator shall be responsible for the disposal of all rubbish in a clean and sanitary manner by placing it in the required containers.
- 10-13 In rooming houses having one or more dwelling units, adequate garbage disposal facilities or garbage storage containers which type and location are approved shall be supplied by the rooming house operator. The operator shall be responsible for the disposal of all garbage in a clean and sanitary manner through the use of approved mechanical equipment or by placing it in the required containers.
- 10-14 The operator of a rooming house shall be responsible for hanging all screen doors and window screens whenever the same are required under the provisions of this regulation or of any rule or regulation adopted pursuant thereto.
- 10-15 The operator of a rooming house shall be responsible for the extermination of any insects, rodents, or other pests therein, and shall be further responsible for such extermination of the entire premises where the entire building within which the rooming house is contained is leased or occupied by the operator.
- 10-16 Every exit shall be easily accessible from every rooming unit and dwelling unit by passage through a public passageway and without passing through any part of any other rooming unit or dwelling unit. Exits shall be unobstructed at all times.

- 10-17 It shall be the duty of the operator of a rooming house to report to the commissioner within twenty-four(24) hours the name of any persons living in the rooming house whenever the operator has reason to believe or suspect that such person may be afflicted with any communicable disease.
- 10-18 No person shall operate a rooming house unless all of the requirements of this regulation are complied with. Every dwelling unit located within a rooming house shall comply with all of the requirements for dwelling units as established in accordance with the provisions of this regulation
- 10-19 Every provision of this regulation which applies to rooming houses shall also apply to hotels and motels, except to the extent that any such provision may be found to be in conflict with the city or county laws and regulations.

#### **SECTION 11 - RESPONSIBILITIES OF OWNERS RELATING TO THE MAINTENANCE OF NON-DWELLING STRUCTURES, FENCES, AND PREMISES**

No owner shall permit any non-dwelling structure or fence to exist on any premises which does not comply with the following requirements:

- 11.1 Non-dwelling structures and/or fences that exist on any premises shall be maintained in a reasonably good state of repair. Non-dwelling structures shall be maintained as to prevent the structures from becoming a harborage for rodents and insects.
- 11.2 Premises shall be graded and maintained so no stagnant water will accumulate on the premises or within the buildings or structures on the premises.

#### **SECTION 12 - DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE OF CONDEMNATION.**

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

- 12-1 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 commissioner:
- a) One which is so damaged, decayed, dilapidated, 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.
- 12-2 Any dwelling or dwelling unit condemned as unfit for human habitation and so designated and placarded by the commissioner shall be vacated within a reasonable time as ordered by the commissioner.
- 12-3 No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the commissioner. The commissioner shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.
- 12-4 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 12-3.

12-5 Any person affected by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the commissioner under the procedure set forth in Section 3 of this regulation.

### **SECTION 13 - REPEAL CLAUSE**

All rules and regulations or parts of rules and regulations in conflict herewith are hereby repealed to the extent of such conflict only.

### **SECTION 14 - EFFECT OF PARTIAL INVALIDITY CLAUSE**

If any section, sub-section, sentence, clause, or phrase of this rule and regulation is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this rule and regulation shall not be affected thereby.

### **SECTION 15 - ENFORCEMENT**

This regulation shall be enforced by the commissioner in accordance with Section 3707.48 of the Revised Code of the State of Ohio which reads: "No person shall violate Sections 3707.01 to 3707.53 inclusive of the Revised Code or any order or regulation of the Board of Health of a city or general health district made in pursuance thereof, obstruct or interfere with the execution of such order, or willfully or illegally omit to obey such order".

### **SECTION 16 - PENALTIES**

Any person who violates any provision of this regulation shall be subject to the penalties provided by Section 3709.99 of the Ohio Revised Code. Each and every violation shall constitute a separate offense.

### **SECTION 17 - APPEAL**

Any person aggrieved by any decision which has been issued by the health commissioner in connection with the enforcement of any provision of this regulation may request and shall be granted a hearing on the matter before the Miami County Board of Health provided that such person shall file in the office of the commissioner a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the day the notice of such decision was served.

Upon receipt of such petition, the commissioner shall set a date and place for such hearing within a reasonable period of time and shall give the petitioner written notice thereof.

Any person aggrieved by a decision of the Miami County Board of Health may seek relief therefore in any court of competent jurisdiction.

### **Adoption:**

Adopted by the Board of Health of the Miami County Health District this 15<sup>th</sup> day of July, 1999.

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Shirley C. Davies, President  
Miami County Board of Health

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James A. Luken, M.P.H., Secretary  
Miami County Board of Health

**Certification of Publication:**

I, James A. Luken, Secretary of the Board of Health of the Miami County Health District, hereby certify that the above regulation was published in the Troy Daily News on July 24, 1999, and July 31, 1999, as required by section 731.21 of the Ohio Revised Code.

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Secretary, Board of Health  
Miami County Health District