

ALLIANCE CITY BOARD OF HEALTH

RESOLUTION

INTRODUCED BY: Dr. Tucker

No. 8-2006

TITLE: A RESOLUTION AMENDING RESOLUTION NO.10-90 HOUSING REGULATIONS OF THE ALLIANCE CITY BOARD OF HEALTH

WHEREAS, the Board of Health of a city health district may make such orders and regulations as are necessary for its own government, for the public health, the prevention of restriction of disease, and the prevention, abatement or suppression of nuisances, and

WHEREAS, the Board of Health deems it necessary to amend the Housing Regulations, and

NOW, THEREFORE, BE IT RESOLVED, that upon **MOTION** by Dr. Tucker and **SECONDED** by Ms. Beyers, that the Board of Health of the Alliance City Health District shall amend the Housing Regulations adopted by the Alliance City Board of Health.

Section 1.0 Definitions

- 1.1 Basement means a portion of a structure which is partly or completely below grade.
- 1.2 Board of Health means the Board of Health of the Alliance City Health District.
- 1.3 Dwelling means any building or structure which is wholly or partly used or intended to be used for living, sleeping, eating, cooking and sanitation by human occupants.
- 1.4 Dwelling Unit means any habitable room or group of adjoining habitable 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 of meals.
- 1.5 Dormitory means a space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons or members of the same family group.
- 1.6 Family means an individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five unrelated persons, living together as a single housekeeping unit in a dwelling unit.

- 1.7 Garbage means the animal and vegetable wastes resulting from the handling, processing, preparation, cooking, serving or consumption of food.
- 1.8 Habitable Space means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces. This would also include any other room designated by the health commissioner.
- 1.9 Health Commissioner means the health commissioner of the Alliance City Health District or his authorized representative.
- 1.10 An infestation means the presence, within or around a dwelling of any insects, rodents, or other pests.
- 1.11 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".
- 1.12 Multiple Dwelling means any dwelling containing three or more dwelling units.
- 1.13 Occupant means any person residing, living, sleeping, cooking, eating in, or having actual possession of a dwelling unit or rooming unit.
- 1.14 Openable area means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.
- 1.15 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, whether or not such person is also an owner.
- 1.16 Occupancy means the purpose for which a building or portion thereof is utilized or occupied.
- 1.17 Owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.
- 1.18 Person means an individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency, or any entity recognized by law.
- 1.19 Plumbing means the practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and plumbing appurtenances, within or adjacent to any structure, in connection with sanitary drainage or storm drainage facilities; venting systems; and water supply systems.
- 1.20 Premises means a lot, plot, or parcel of the land including the buildings, or structures thereon.

- 1.21 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.
- 1.22 Rooming Unit means any room or group of rooms forming a single habitable unit used or intended to be used for the living and sleeping, but not for cooking or eating purposes.
- 1.23 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, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, animal or pet droppings, tin cans, metals, mineral matter, plastics, glass crockery, and dust.
- 1.24 Supplied means paid for, furnished, or provided by or under the control of the owner.
- 1.25 Ventilation means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Section 2.0 Inspection of Dwelling, 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 Alliance City 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, operator 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 or operator thereof, or his agent or employee, access to any part of the dwelling or dwelling unit or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to affect compliance with the provisions of this regulation.

Section 3.0 Enforcement - Service of Notices and Orders

- 3.1 Whenever the health commissioner determines that there are reasonable grounds to believe that there has been a violation of any provisions of this regulation, he shall give written notice of such alleged violation by certified mail or by notice left on the premises to the person or persons responsible, allowing a reasonable time not to exceed thirty (30) days for the correction of the alleged violation.
- 3.2 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 requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this regulation shall be effective immediately.

Section 4.0 Minimum 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 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 all times a water temperature of greater than or equal to 110 degrees Fahrenheit. Maximum hot water temperatures according to State of Ohio plumbing code shall apply to individual plumbing fixtures.
- 4.4 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.
- 4.5 All plumbing shall be properly installed according to State of Ohio Plumbing Code, and maintained in good working condition, free from defects, leaks, and obstructions.
- 4.6 Every dwelling unit shall be supplied with adequate rubbish and garbage 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.
- 4.7 The owner of every dwelling shall be responsible for removal of garbage and rubbish.
- 4.8 Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total window area measured between stops, for every habitable space shall be 8 percent of the floor area of such room, except in kitchens where artificial light is provided in accordance with the provisions of the Ohio Basic Building Code. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.
- 4.9 Habitable spaces, other than kitchens, shall not be less than 7 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between countertops and appliances or counter fronts and walls.
- 4.10 Every habitable space shall have at least one window that is easily openable and capable of being held in position by window hardware.

- 4.11 Every bathroom and water closet compartment shall be adequately lighted and ventilated. Every bathroom floor shall be constructed and maintained so as to be reasonably impervious to water.
- 4.12 Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees F. in all habitable rooms, bathrooms and toilet rooms based on the outside design temperature required for the locality by the BOCA National Mechanical Code. The temperature shall be measured at a point 3 feet above the floor and 3 feet from the exterior walls.
- 4.13 When the outdoor temperature is below the outdoor design temperature required for the locality by the BOCA National Mechanical Code, the owner or operator shall not be required to maintain the minimum room temperatures, provided that the heating system is operating at full capacity, with supply valves and dampers in a full open position.
- 4.14 Every Owner and operator of any building who rents, leases, or lets one or more dwelling dwelling unit, rooming unit, dormitory or guestroom on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from September 15 to May 15 to maintain the room temperature specified in Section 4.12 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees F. during other hours.
- 4.15 In every dwelling unit, the opening to the outdoors resulting from doors or windows customarily open when flies, mosquitoes and other insects are prevalent, shall be properly screened.
- 4.16 Exterior property areas and accessory structures shall be free from health, fire and accident, uncontained garbage and refuse, and vermin, insect and rodent harborage and conditions which might create a nuisance.
- 4.17 The interior of every structure used for human habitation shall be free from insect, rodent, and vermin infestation, and improperly stored garbage and/or refuse.
- 4.18 Every foundation, floor, ceiling, wall and roof shall be reasonably weather tight and rodent proof. Where excessive dampness exists, corrective measures shall be required to relieve this dampness. All foundation walls shall be maintained structurally sound and free from cracks and breaks.
- 4.19 Every window, exterior door and basement hatchway shall be reasonably weather tight, watertight, and rodent proof.
- 4.20 Every inside and outside stair, every porch and every appurtenance thereto shall be constructed as to be safe to use.
- 4.21 Every dwelling shall be equipped with proper size service equipment and with electrical convenience outlets or ceiling fixtures that meet the requirements of the current State of Ohio Building and Electrical Codes, as to number, location and installation and shall be maintained in good and safe working condition. Every dwelling shall be served by a main electrical service that is not less than 100 amperes.

- 4.22 Every supplied facility, piece of equipment, or utility which is required under this regulation shall be constructed, installed, or operated that it will function safely and effectively and shall be maintained in satisfactory working condition, in accordance with applicable codes.
- 4.23 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 any occupied dwelling let or occupied by him, 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 health commissioner.
- 4.24 Dwelling units shall not be occupied by more occupants than permitted by the minimum occupancy requirements of Table 4.24

Table 4.24
Minimum Occupancy Area Requirements
Minimum occupancy area in square feet

Space	1-2 occupants	3-5 occupants	6 or more
Living Room (a)	No requirements	120	150
Dining Room (a)	No requirements	80	100
Kitchen	50	50	60
Bedrooms	Shall comply with section 4.24		

(a) Combined living room and dining room spaces shall comply with the requirements of tabel 4.22 it the total area is equal to that required for separate rooms and if the space is located as to function as a combination living room/dining room.

- 4.25 Habitable rooms, other than kitchens, shall have a clear ceiling height of not less 7 feet 4 inches. Hallways, corridors, laundry areas, bathrooms, toilet rooms, and kitchens shall have a clear ceiling height of not less than 7 feet.

Exceptions

1. Beams or girders spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height, provided that the minimum clear height is not less than 6 feet 8 inches.
2. Dropped or furred ceilings over not more than one-half of the minimum floor area required by this code, provided that no part of such dropped or furred ceiling is less 7 feet in height.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of 5 feet or more shall be included.

4. Basement rooms occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions.
- 4.26 Every room occupied for sleeping purposes by one person shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet for each additional occupant. Kitchens, uninhabitable spaces and interior public areas shall not be occupied for sleeping purposes.
- 4.27 Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom.
- 4.28 No owner shall occupy or let to any other occupant any vacant dwelling unit unless it is clean, sanitary, and fit for human occupancy.
- 4.29 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.
- 4.30 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.
- 4.31 Whenever the health commissioner determines that there is a lead hazard in any part of the dwelling unit, the source of the hazard shall be abated.
- 4.32 Motor Vehicles: Except as provided for in other regulations, not more than one currently unregistered or uninspected motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair or in the process of being stripped or dismantled.
- 4.33 Chimneys and towers: All chimneys, and similar appurtenances shall be maintained structurally safe, sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- 4.34 Interior surfaces: All interior surfaces, including windows and doors shall be maintained in good, clean and sanitary condition. Peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

Section 5.0 Rooming Houses

- 5.1 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 ten (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 where 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 reasonable 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 at all times. No such facilities shall be located in a basement except by written approval of the health commissioner.
- 5.2 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.
- 5.3 Every room occupied for sleeping purposes by one person shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet for each additional occupant.
- 5.4 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.
- 5.5 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.
- 5.6 Every provision of this regulation which applies to rooming houses shall also apply to hotels, motels, tourist homes, except to the extent that any such provisions may be found in conflict with the laws of the State of Ohio 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, 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 sanitary 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.

- 6.2 Whenever the health commissioner has condemned a dwelling or dwelling unit as unfit for human habitation, the health commissioner shall give notice to the owner or occupant of such condemnation and of his intent to placard the dwelling or dwelling unit as unfit for human habitation.
- 6.3 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 not to exceed thirty (30) days as ordered by the health commissioner and shall remain vacant until written approval is secured from the health commissioner.
- 6.4 If the health commissioner determines that the structure cannot be improved so as to comply with provisions of these regulations and that the same is unsafe, he 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 health commissioner 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 that real estate parcel. The health commissioner may also commence appropriate legal action to recover such costs and expense.
- 6.5 Any person affected 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. The hearing shall be held within thirty (30) days of the date the request for hearing is received by the Board of Health.
- 6.6 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.

Section 7.0 Fire Safety

- 7.1 Every dwelling shall have a safe unobstructed means of egress leading to a safe and open outdoor space at ground level. Local and State of Ohio fire code shall be applicable to all dwelling units.
- 7.2 Every sleeping room located in a basement in a dwelling shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits.

Section 8.0 Hearing

- 8.1 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 9.0 Repeal and Date of Effect

9.1 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 10.0 Effect of Partial Invalidity

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

Rev. 6/2006

RESOLUTION APPROVED, by roll call vote of the board members as follows:

Dr. Patricia Tucker, DVM	yes
Dr. John Park, MD	yes
Phyllis Beyers	yes
Gloria Whiteley-Magrath	yes

First Reading: April 20, 2006

Second Reading: May 18, 2006

Third Reading: June 16, 2006

Passed by the Board of Health: June 16, 2006

Dr. Patricia Tucker, DVM, President Pro Tem, Presiding Officer

Randall M. Flint, RS, MPH, Health Commissioner/Secretary