

FRANKLIN COUNTY BOARD OF HEALTH
Regulation 710
Housing Maintenance and Occupancy

This regulation shall be known and may be cited as the Housing Maintenance and Occupancy Regulation of the Franklin County District Board of Health, hereinafter referred to as “this regulation.”

GENERAL PROVISIONS

The following general provisions shall apply in the interpretation and enforcement of this regulation.

Legislative Finding. It is hereby found that there exists and may in the future exist, within the jurisdiction of the Franklin County Board of Health premises, dwellings, dwelling units, resident and guest units (hotels, motels, dormitories, and rooming houses) or parts thereof, which by reason of their structure, equipment, sanitation, maintenance, use, or occupancy affect or are likely to affect adversely the public health (including the physical, mental, and social well-being of persons and families), safety, and general welfare. To correct and prevent the existence of such adverse conditions, and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety, and general welfare, it is further found that the establishment and enforcement of minimum housing standards are required.

Purpose. It is hereby declared that the purpose of this regulation is to protect, preserve, and promote the physical and mental health and social well-being of the people, to prevent and control the incidence of communicable diseases, to reduce environmental hazards to health, to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and to promote the general welfare by legislation which shall be applicable to all dwellings now in existence or hereafter constructed. It is hereby further declared that the purpose of this regulation is to insure that the quality of housing is adequate for protection of public health, safety and general welfare, including: establishment of minimum standards for basic equipment and facilities for light, ventilation, and thermal conditions, for safety from fire and accidents, for the use and location and amount of space for human occupancy, and for an adequate level of maintenance; determination of the responsibilities of owners, operators and occupants of dwellings; and provision for the administration and enforcement thereof.

GENERAL PROVISIONS

Scope. The provisions of this regulation shall apply uniformly to the construction, maintenance, use and occupancy of all dwellings including temporary housing and structures, where applicable, and shall apply uniformly to the alteration, repair, equipment, use, occupancy and maintenance of all existing residential buildings and structures, within the jurisdiction of the Franklin County District Board of Health irrespective of when or under what code or codes such buildings or structures were originally constructed or rehabilitated.

710.01 DEFINITIONS

All words contained in this regulation but not specifically defined in this section, shall carry their customary meaning as set forth in a standard dictionary.

- A. “Accessory Building or Structure” means a detached building or structure in a secondary or subordinate capacity from the main or principal building or structure on the same premises.
- B. “Apartment” means a suite of rooms with sanitation facilities and with or without cooking facilities, occupied as the home or residence of a single family.
- C. “Appropriate Authority” means that person within the governmental structure of Franklin County who is charged with the administration of the appropriate code or regulation.
- D. “Approved” means passed upon favorably by the local or state authority having such administration authority.
- E. “Ashes” means the residue from the burning of combustible materials.
- F. “Attic” means the space between the top of the ceiling framing of the top habitable story, or any flooring over such framing, and the roof framing and any walls constituting a part of the enclosure of said space.
- G. “Basement” means that portion of a building which is partly underground and which has one half or more of its ceiling height above the average finished grade of the ground adjoining the building.
- H. “Bath” shall mean a bathtub or shower stall.
- I. “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.
- J. “Board of Health” means the Board of Health of the Franklin County District Board of Health as created by the provisions of Section 3709.02 of the Ohio Revised Code
- K. “Building” means a structure built or used for the shelter, occupancy, enclosure, or support of persons.

710.01 DEFINITIONS (CONT)

- L. "Bulk Container" means any metal garbage, rubbish, and/or refuse container having a capacity of one (1) cubic yard or greater and which is equipped with fittings for hydraulic and/or mechanical emptying, unloading, and/or removal.
- M. "Cellar" means the portion of the building wholly below, or with less than half its ceiling height above the average finished grade of the ground adjoining the building.
- N. "Central Heating System" means a single system supplying heat to one (1) or more dwelling unit(s) or more than one (1) rooming unit.
- O. "Chimney" means a vertical masonry shaft of reinforced concrete or other approved noncombustible, heat-resisting material enclosing one (1) or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.
- P. "Consideration" as used in Section 3732.01 of the Revised Code means anything of value or of benefit to the operator.
- Q. "Dilapidated" means no longer adequate for the purpose or use for which it was originally intended.
- R. "Dining Area" shall mean a habitable room used or intended to be used for the purpose of eating but not for cooking or the preparation of meals.
- S. "Dormitory" as applied to a building, means a building whose principal use of accessory sleeping quarters is for nontransients.
- T. "Dwelling" means any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking and eating; provided that temporary housing as hereinafter defined shall not be classified as a dwelling. Industrialized housing and modular construction which conform to the Ohio standards and used or intended for use for living, sleeping, cooking, and eating purposes shall be classified as dwellings.
- U. "Dwelling House" means the house or apartment which is occupied by a family as a place of residence.
- V. "Dwelling Unit" means a room or group of rooms located within a dwelling forming a single habitable unit with facilities used or intended to be used by a single family for living, sleeping, cooking, and eating purposes.
- W. "Egress" means an arrangement of exit facilities to assure a safe means of exit from buildings.

710.01 DEFINITIONS (CONT)

- X. "Extermination" means 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 local or state authority having such administrative authority.
- Y. "Family" shall mean one or more individuals living together and sharing common living, sleeping, cooking and eating facilities.
- Z. "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, serving and nonconsumption of food.
- AA. "Grade" means the finished ground level adjacent to the building.
- BB. "Guest" means an individual who stays in a guest unit in a nonpermanent status for not more than thirty (30) days.
- CC. "Guest Unit" means a room or group of rooms located within a guest facility that is used primarily for sleeping purposes for which the owner, operator, or agent of the owner receives consideration for its use.
- DD. "Guest Facility" means a motel, hotel, or other structure which provides guest units.
- EE. "Habitable Room" means a room or enclosed floor space arranged for living, cooking, eating, or sleeping purposes, but does not include a room used as a bathroom, water closet compartment, laundry, pantry, foyer, hallway, kitchenette, or other accessory floor space.
- FF. "Health Commissioner" means the person occupying the office in the Franklin County District Board of Health which is created by Section 3709.11 of the Ohio Revised Code, or his authorized representative.
- GG. "Heated Water" shall mean water heated to a temperature of not less than 120 degrees fahrenheit at the outlet.
- HH. "Heating Device" means all furnaces, unit heaters, domestic incinerators, cooking and heating stoves and ranges, and other similar devices.
- III. "Heating Equipment" shall mean any equipment designed, used, and intended to be used to supply heat for a structure.

710.01 DEFINITIONS (CONT)

- JJ. "Household" means one or more individuals living together in a single dwelling unit and sharing common living, sleeping, cooking, and eating facilities.
- KK. "Infestation" means the presence within or around a dwelling of any insects, rodents, or other pests.
- LL. "Kitchen" means any room having a floor area of 60 square feet or more used for the storage of foods, preparation of foods and containing the following equipment: sink and/or other device for dishwashing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets, and/or shelves for storage of equipment and utensils, and counter or table for food preparation.
- MM. "Kitchenette" means a small kitchen or an alcove containing cooking facilities, which has a floor area of less than 60 square feet.
- NN. "Lead-based Paint" means any paint containing more lead than the level established by the U.S. Consumer Product Safety Commission as being the "safe" level of lead in residential paint and paint products.
- OO. "Meaning of Certain Words" whenever the words "dwelling," "dwelling unit," "rooming units," "premises," "structure" are used in the regulation they shall be construed as though they were followed by the words "or any part thereof." Words used in the singular include plural, and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.
- PP. "Multiple Dwelling" means any dwelling containing more than two (2) dwelling units.
- QQ. "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.
- RR. "Occupant" means any individual, over one (1) year of age, living, sleeping, cooking, or eating in or having possession of a dwelling unit or a rooming unit; except that in dwelling units a guest shall not be considered an occupant.
- SS. "Operator" means any person who has charge, care, control, or management of a building, or part thereof, in which dwelling units, guest units, or rooming units are let.

710.01 DEFINITIONS (CONT)

- TT. "Ordinary Summer Conditions" means a temperature 10 degrees fahrenheit below the highest recorded temperature in the locality for the prior ten (10) year period.
- UU. "Ordinary Winter Conditions" means a temperature 15 degrees fahrenheit above the lowest recorded temperature in the locality for the prior ten (10) year period.
- VV. "Owner" means any person who alone, jointly, or severally with others:
1. shall have legal title to any premise, dwelling, or dwelling unit, with or without accompanying actual possession thereof, or,
 2. shall have charge, care, or control of any premise, dwelling, or dwelling unit, as owner or agent of the owner, or an 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 to the same extent as if he were the owner.
- WW. "Permissible Occupancy" means the maximum number of individuals permitted to reside in a dwelling unit, rooming unit, or dormitory.
- XX. "Person" means the state, any political subdivision, public or private corporation, partnership, firm, association, individual, or other entity.
- YY. "Plumbing" includes the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: drainage systems, the vent systems, and the water-supply systems, within or adjacent to any building, structure, or conveyance; also the practice and materials used in the installation, maintenance, extension, or alteration of the storm-water, liquid-waste, or drainage and water-supply systems of any premises.
- ZZ. "Potable Water" means water which is deemed satisfactory for drinking, culinary, and domestic purposes by the Health Commissioner.
- AAA. "Premises" means 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, and includes any such building, accessory structure or other structure thereon.

710.01 DEFINITIONS (CONT)

- BBB. "Privacy" means the existence of conditions which will permit an individual or individuals to carry out an activity commenced without interruption or interference, either by sight or sound by unwanted individuals.
- CCC. "Properly Connected" means connected in accordance with all applicable laws and regulations of this county as from time to time enforced; provided, however, that the application of this definition shall not require the alteration or replacement of any connection in good working order and not constituting a hazard to life or health.
- DDD. "Rat Harborage" means any condition or place where rats can live, nest, or seek shelter.
- EEE. "Ratproofing" means a form of construction which will prevent the ingress or egress of rats to or from a given space or building, or from gaining access to food, water, or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk grating, sidewalk openings, and other methods, by the use of materials impervious to rat gnawing other methods approved by the Health Commissioner or Local Building Authority.
- FFF. "Refuse" means all putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes, and dead animals.
- GGG. "Refuse Container" means a watertight container that is constructed of metal, or other durable material impervious to rodents, that is capable of being serviced without creating insanitary conditions, or such other containers as have been approved by the Health Commissioner. Openings into the container such as covers and doors shall be tight fitting.
- HHH. "Roomer" shall mean an occupant of a rooming or dwelling unit who is not family or owner.
- III. "Rooming House" means any dwelling other than a hotel or motel or that part of any dwelling, containing one (1) or more rooming units, in which persons either individually or as families are housed with or without meals provided.
- JJJ. "Rooming Unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking purposes.

710.01 DEFINITIONS (CONT)

- KKK. "Rubbish" means nonputrescible solid wastes (excluding ashes) consisting of either:
1. combustible wastes such as paper, cardboard, plastic containers, yard clippings, and wood; or
 2. noncombustible wastes such as tin cans, glass, and crockery.
- LLL. "Safety" means the condition of being reasonably free from danger and hazards which may cause accidents or disease.
- MMM. "Space Heater" means self-contained, heating appliance of either the convection type or the radiant type and intended primarily to heat only a limited space or area such as one room or two adjoining rooms.
- NNN. "Structure" means that which is built or constructed.
- OOO. "Supplied" means paid for, furnished by, provided by, or under the control of the owner, operator, or agent.
- PPP. "Temporary Housing" means any tent, trailer, manufactured home or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.
- QQQ. "Toxic Substance" means any chemical product applied on the surface of or incorporated into any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels.
- UUU. "Variance" means a difference between that which is required or specified and that which is permitted.
- VVV. "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 secured when water is discharged through the flushing rims.

710.02 STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

No person shall occupy as owner-occupant, or permit another to occupy any dwelling or dwelling unit, which does not comply with the following requirements:

A. Performance:

The intent of this section is to provide mechanical equipment and facilities for the building and its living units that will appropriately meet the needs of the intended occupants and be of a quality and condition which will assure:

1. safety of operation,
2. adequate capacity for its intended use,
3. protection from moisture, corrosion or other destructive elements,
4. control of infestation,
5. reasonable quietness of operation, and
6. reasonable durability and economy of maintenance.

B. Kitchen:

Every dwelling unit shall have a room or portion of a room in which food may be prepared and cooked, which shall be equipped with the following:

1. A kitchen sink in good working condition and properly connected to a water supply system which provides at all times an adequate amount of heated and unheated running potable water under pressure, and which is connected to a sanitary sewer or individual sewage disposal system approved by the Health Commissioner.
2. Cabinets and shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not under ordinary summer conditions require refrigeration for safe keeping; and a counter or table for food preparation; cabinets with shelving and counter and table space shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.
3. A stove, with at least two burners with its heating element having either gaseous, combustible liquid, or electrical source, for cooking food and a refrigerator, or similar device for the safe storage of food at temperatures less than 45 degrees fahrenheit but more than 32 degrees fahrenheit, under ordinary maximum summer conditions; both of which are properly installed with all necessary connections for safe, sanitary and efficient operation. Sufficient space and adequate connections for the safe and efficient installation and operation of said stove, refrigerator or similar devices shall be provided by the owner. The stove and refrigerator or other devices shall be the responsibility of the occupant only when he is the owner or when their provision is so designated in an owner-renter contract. In every case, the stove and refrigerator, or other device shall be provided.

710.02 STANDARDS FOR BASIC EQUIPMENT AND FACILITIES (CONT)

C. Bathroom:

Within every dwelling unit there shall be a non-habitable room which affords privacy to a person within that room and which is equipped with a water closet in good working condition. The water closet shall be equipped with easily cleanable surfaces, be connected to a water system that at all times provides an adequate amount of running water under pressure to cause the water closed to be operated properly, and shall be connected to a sanitary sewer or individual sewage disposal system which is approved by the Health Commissioner. Within the bathroom, artificial light shall be provided. Ventilation shall be provided either by natural means in amounts as calculated for habitable rooms pursuant to Section 710.04(C) and not less than 1 and 1/2 square feet in size, or by mechanical ventilation, or by gravity-type ventilation equipped with a wind-driven roof ventilator above the roof level. Each dwelling unit shall have facilities for the safe storage of drugs and household poisons.

D. Lavatory Sink:

Within every dwelling unit there shall be a lavatory sink. The lavatory sink may be in the same room as the water closet, or, if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which the water closet is located. The lavatory sink shall be in good working condition and properly connected to a water supply which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sanitary sewer or individual sewage disposal system approved by the Health Commissioner.

E. Bathtub or Shower:

Within every dwelling unit there shall be a room which affords privacy to a person within the room and which is equipped with a bathtub or shower in good working condition. The bathtub or shower may be in the same room as the water closet or in another room and shall be properly connected to a water supply which is approved by the Health Commissioner and which provides at all times an adequate amount of heated and unheated water under pressure, and which is connected to a sanitary sewer or individual sewage disposal system approved by the Health Commissioner.

F. Doors:

A door for each opening to a bathroom or toilet compartment shall be provided. Doors to bathrooms and toilet compartments shall be hinged, sliding, or folding.

G. Egress:

Every dwelling unit shall have an approved unobstructed means of egress with minimum head room of six (6) feet six (6) inches, leading to safe and open space at ground level through hallways or stairways. Every dwelling unit in a multiple dwelling shall have immediate unobstructed access to one (1) or more approved means of egress from the structure with minimum head room of (6) feet six (6) inches, leading to safe and open space at ground level through hallways, or as required by the laws of this State and the local building authority.

710.01 STANDARDS FOR BASIC EQUIPMENT AND FACILITIES (CONT)

- H. Private Access:
Access to or egress from each dwelling unit shall be provided without passing through any other dwelling or dwelling unit.
- I. Locks:
All exterior doors and windows of the dwelling or dwelling unit shall be equipped with functioning locking devices.
- J. Hallways:
Hallways shall provide safe and unobstructed circulation from room to room and from living units to various means of exit.
- K. Privacy:
A degree of privacy shall be provided commensurate with suitable living conditions by means of the proper location of exterior openings, and by the interior arrangement of rooms.
 - 1. A bedroom shall not be used as the only means of access to another habitable room or the only bathroom. This section shall apply only in all cases where there is more than one bedroom in the dwelling.
 - 2. Access to all parts of a living unit shall be possible without passing through a public hall.

710.03 STANDARDS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLING AND DWELLING UNITS

No person shall occupy as owner-occupant, or permit another to occupy, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the provisions of this section.

- A. Performance:
Any structure shall be of a quality and condition so as to provide:
 - 1. sufficient structural strength and rigidity,
 - 2. adequate protection from corrosion, decay, insects, and other destructive forces,
 - 3. necessary resistance to the elements,
 - 4. reasonable durability and economy of maintenance, and
 - 5. acceptable quality of workmanship.
- B. Dwelling to be Water-tight and Weather-tight:
Every foundation, roof, and exterior wall, door, skylight, and window shall be reasonably weather-tight and water-tight, and shall be kept in sound condition and good repair.

710.03 STANDARDS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLING AND DWELLING UNITS (CONT)

- C. **Painting Exterior Wood Surfaces:**
All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements by paint or other protective covering or treatment that adheres in all places.
- D. **Floors, Interior Walls and Ceilings:**
Floors, interior walls and ceilings shall be sound and in good repair. All interior walls and ceilings of rooms and hallways shall provide
1. a suitable base for decorative finish and
 2. a waterproof and hard surface for spaces subject to moisture. There shall not be noticeable surface irregularities or cracking so as to be a safety hazard.
- E. **Toxic Paints are Prohibited on Interior Surfaces of Dwellings and Dwelling Units:**
Toxic coatings, including those paints, lacquers, or any other coatings that contain a higher level of lead than permitted in the Federal Government's Lead Base Paint Poisoning Prevention Act, Public Law 91-695 and any amendments thereto, are prohibited.
- F. **Grading to Eliminate Water Seepage:**
Every premise shall be graded, drained free of standing water, and maintained in a clean, safe and sanitary condition. Grading shall be done to assure drainage away from basement walls. Drainage provisions provided under this section shall insure no adverse impact on adjacent properties.
- G. **Kitchen and Bathroom Floors:**
Floors in kitchens and bathrooms shall be of a durable, waterproof, non-absorptive material. Wood finish flooring that is evidenced not to be impervious for these rooms is not acceptable and shall be covered with an impervious material.
- H. **Stairs and Porches:**
Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to 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 good repair.

710.03 STANDARDS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLING AND DWELLING UNITS (CONT)

1. Structurally sound handrails shall be provided on any steps containing five (5) risers or more. If steps exceed the rise specified in the Franklin County Building Code, handrails shall be provided. If steps are not enclosed, handrails and balusters which are spaced no more than six (6) inches apart, shall be provided. Porches and balconies located more than three (3) feet higher than any adjacent area shall have structurally sound protective handrails thirty (30) to thirty-six (36) inches high and, if unenclosed, balusters spaced no more than six (6) inches apart shall also be provided. Alternate systems providing at least the same degree of protection, if approved by the Housing Inspector, shall be acceptable.

I. Rain Carriers:

The owner of any dwelling shall be responsible for the installation and maintenance of adequate rain carriers where such rain carriers are required by the Building Code of the local building authority or where the absence thereof creates a structural or health hazard.

J. Opening to be Insect and Rodent-Proof:

Every window, exterior door, and hatchway or similar devices, shall be insect and rodent-proof and reasonably watertight and weathertight, and shall be kept in working condition and good repair.

1. During that portion of the year when there is a need for protection against mosquitoes, flies and other flying insects, every door opening directly from a dwelling unit to outside space used or intended to be used for ventilation (or where ventilation or cooling is not provided by mechanical means) shall have supplied properly fitting screens having at least sixteen (16) mesh; and every window or other device with openings to outdoor space (exempting non-openable windows or where ventilation or cooling is provided by mechanical means) are used or intended to be used for ventilation, shall be supplied with screens.
2. Every window located at or near ground level used or intended to be used for ventilation, and every other opening located at or near ground level which might provide an entry for rodents, shall be supplied with adequate screen or such other devices as will effectively prevent their entrance.

K. Ratproofing:

Every dwelling, multiple dwelling, rooming house, accessory structure and the premises on which located shall be kept free of sources of breeding, harborage, and infestation by insects, vermin, or rodents.

710.03 STANDARDS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLING AND DWELLING UNITS (CONT)

1. All openings in the exterior walls, foundations, basements, ground or first floors and roofs which have a half-inch diameter or more opening shall be ratproofed in an approved manner if they are within forty-eight (48) inches of the existing exterior ground level immediately below such openings, or if they may be reached by rats from the ground by climbing unguarded pipes, wires, stairs, roofs, and other items such as trees or vines or by burrowing.
2. Skirting, lattice, or other non-ratproofed enclosures creating a possible rat harborage under a porch or any portions of a building shall be ratproofed at all locations where a rat could find, burrow, or gnaw an access opening.
3. All doors shall be constructed so that the space between the lower edge of the door and the threshold shall not exceed three-eighths (3/8) inch, provided further that the space between sections of folding and sliding doors when closed shall not exceed three-eighths (3/8) inch.
4. Interior floors of basements, cellars and other areas in contact with the soil shall be paved with concrete or other rat-impervious material such as to prevent rodent access to the interior.
5. In areas of heavy rat infestation, the Health Commissioner may require that the lower eight (8) inches of wooden exterior door be covered with an impregnable material. Metal shall be formed into a cuff and channel so that no wood edges are exposed and so that all exposed metal edges are rolled or folded to eliminate any hazard; an alternate method shall be acceptable if it is equally ratproof. Bolts for attaching sheetmetal to the door shall not project more than one-sixteenth (1/16) inch beyond the fastening nuts.
6. In areas of heavy rat infestation, the Health Commissioner may require that every exterior door be equipped with an automatic closing device, or with a screen door which shall be equipped with such a device and shall be fitted as specified above.
7. In areas of heavy rat infestation, all window openings or other lighting or ventilating openings below grade, or within forty-eight (48) inches above ground level, or otherwise accessible to rats, may be required by the Health Commissioner to be ratproofed in an approved manner by an impregnable material attached to sturdy frames and so fabricated that no exposed wood is accessible for gnawing.

710.03 STANDARDS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLING AND DWELLING UNITS (CONT)

8. Openings for outside stairways, elevator shafts, coal holes, etc., below grade shall be provided with tight fitting metal covers and frames flashed with twenty-four (24) gauge galvanized sheet metal or other approved materials unless they are of the open type, and, in this case, they shall have the door or window opening in the foundation protected as required above for doors or window openings. Walls of such portions of any structure shall be ratproof material.
9. All sewers, pipes, drains, or conduits through which rats may pass shall be closed with a properly secured device designed to allow water to pass through but to prevent the access of rats.
10. All openings for pipes, conduits, and other utility services accessible to rats shall be closed solidly for the full thickness of the wall, floor, roof, etc., with an approved ratproof material or fitted with a collar or shield, securely fastened to the wall, roof, or floor, of not less than twenty-four (24) gauge galvanized sheet metal or other approved material, extending at least three (3) inches beyond all sides of the opening.
11. Skylights shall be designed to fit tightly and shall be constructed of approved ratproof materials. Adjustable skylights which may be opened shall be screened with hardware cloth or expanded metal.
12. Roof ventilators, chimneys, pipe vents, downspouts, etc., shall be protected against entry with an impregnable material or other acceptable ratproof material.
13. The owner, agent, or occupant in charge of all ratproofed buildings or structures shall maintain them in a ratproofed condition and repair all breaks or leaks that may occur in the ratproofing.
14. It shall be unlawful for the owner, occupant, contractor, public utility company, plumber, or other person, to remove the ratproofing from any building or structure for any purpose and fail to restore the same in satisfactory condition, or to make any new openings that are not closed or sealed against the entrance of rats or other rodents.
15. Whenever the conditions of a building or structure provide such extensive harborage for rats that the Health Commissioner deems it necessary to eliminate such harborage, the owner in charge of any such building or structure may be required to install suitable cement floors in basements, or correct such rat harborage as may be necessary in order to facilitate the eradication of rats and other rodents.
16. After extermination, all of the rat holes or burrows in the ground shall be eliminated or filled with earth or other suitable material.

710.03 STANDARDS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLING AND DWELLING UNITS (CONT.)

- L. Fences:
All fences provided by the owner or agent on the premises and/or all fences erected or caused to be erected by an occupant shall be constructed of manufactured metal fencing material, wood, masonry, or other inert materials. Such fences shall be maintained in good condition. Wood materials shall be protected against decay by use of paint or other preservative unless the wood has such natural properties. Gates that swing away from the premises shall not swing into a public walkway or driveway when fully opened.

- M. Accessory Structure:
Accessory structures shall be structurally sound, and be maintained in good repair and free of insects and rodents, or such structures shall be removed from the premises. The exterior of such structures shall be made weather resistant through the use of decay resistant materials or the use of paint or other preservatives.

- N. Discontinued of Utilities is Prohibited:
No owner, operator, or occupant 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 or dwelling unit let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or for temporary discontinuance of service as approved by the appropriate authority.

- O. Conformance of Means of Egress:
All construction and materials, ways and means of egress, and installation and use of equipment shall conform with the appropriate statutes, ordinances, and regulations dealing with fire protection of the applicable fire district and the State of Ohio.

- P. Flashing:
All critical joints in exterior roof and wall construction shall be protected by sheet metal or other suitable flashing material to prevent the entrance of water.

710.04 LIGHT AND VENTILATION

No person shall occupy as owner-occupant, or permit another to occupy, any dwelling unit, for the purpose of living therein, which does not comply with the provisions of this section.

710.04 LIGHT AND VENTILATION (CONT)

- A. Performance:
The intent of this section is to provide a healthful environment and an acceptable degree of comfort within all rooms and hallways of the dwelling, by having sufficient light and ventilation and by the provision of natural ventilation of structural spaces to minimize conditions conducive to decay and deterioration.
- B. Natural Light:
All habitable rooms, except kitchens and lofts shall have natural light provided by means of windows, glazed doors or skylights. These translucent openings shall transmit light to the interior of the room in the daylight hours in an intensity of at least ten (10) footcandles into the center of the room.
- C. Openable Window Area:
Every habitable room shall have window space or skylight equaling 1/10 of the floor space of the room, facing directly outdoors which can be opened easily, or such other device as will ventilate the room adequately, provided that if connected to a room or area used seasonally then adequate ventilation must be possible through this inter-connection. The total of openable window or skylight are in every habitable room shall be equal to at least forty-five (45) percent of minimum window area size or minimum skylight type window size except where there is supplied some other device affording adequate ventilation and approved by the Health Commissioner.
- D. Light in Non-Habitable Rooms:
Every bathroom and water closet compartment, and non-habitable room used for food preparation, shall comply with the light and ventilation requirement for habitable rooms contained in Section 710.04(B) and 710.04(C) except that no window or skylight shall be required in such rooms if they are equipped with a ventilation system in working condition, which is approved by the Health Commissioner.
- E. Electricity Requirements:
If there is usable electric service readily available from power lines which are not more than three hundred (300) feet away from a dwelling, every dwelling unit and all public and common areas shall be supplied with electric service, outlets, and fixtures that are installed properly, maintained in good and safe working condition, and connected to a source of electric power as approved by the local building authority. The minimum number of outlets and fixtures and the minimum capacity of such services shall be as follows:
1. Every habitable room, and non-habitable room used for food preparation, shall have at least (1) floor or wall-type electric convenience outlet for each sixty (60) square feet or fraction thereof of total floor area, and in no case less than two (2) such outlets.

710.04 LIGHT AND VENTILATION (CONT)

2. Every water closet compartment, bathroom, kitchen or kitchenette, laundry room, furnace room, and public hall shall contain at least one (1) supplied ceiling or wall-type electric light fixture.
3. All electric lights and outlets in bathrooms shall be controlled by switches which are of such design as shall minimize the danger of electric shock, and such lights and outlets shall be installed and maintained in such conditionas to minimize the danger of electrical shock.
4. Convenient switches or equivalent devices for turning on one light at each stairway or passageway shall be located so as to permit the area ahead to be lighted.
5. Every outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to a source of electric power.

F. Lighting of Public Areas:

Every public hall and stairway in every multiple dwelling containing two or more dwelling units shall be adequately lighted at all times. Said lighting system may be supplied with conveniently located light switches, controlling adequate light which may be turned on when needed, instead of full-time lighting. On dwelling units supplied with porches, stoops, or other appurtenances used in the manner of porches and stoops, there shall be supplied a conveniently located light fixture, emitting adequate light, and in proper working order.

G. Maintenance of Electrical Wiring:

Electric wiring and facilities shall be maintained in a good and safe state of repair observing the following requirements:

1. Every exposed electric wire shall have insulation which is in good condition.
2. Every switch plate and outlet plate shall be properly fastened in place.
3. No short circuit or break shall exist in any electric line.
4. Every fixture and outlet shall function properly and should be properly fastened in place.
5. No obvious shock hazard shall exist.

710.04 LIGHT AND VENTILATION (CONT)

6. 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 through structural elements and shall not be permanently fastened in place or used as permanent wiring.
7. Unless otherwise designated and approved for safe operation, no duplex outlet shall serve more than two fixtures or appliances.

H. Ventilation of Utility Spaces:

Utility spaces which contain heat producing, air conditioning and other equipment shall be ventilated to the outer air, and air from such spaces shall not be recirculated to other parts of the dwelling.

I. Ventilation of Structural Spaces:

Natural ventilation of spaces such as attics and enclosed basementless spaces shall be provided with openings of sufficient size to overcome dampness and minimize the effect of conditions conducive to decay and deterioration of the structure, and to prevent excessive heat above the temperature of 107 degrees fahrenheit in attics, or so as to be a safety hazard.

710.05 THERMAL STANDARDS

No person shall occupy as owner-occupant, or permit another to occupy, any dwelling or dwelling unit, for the purpose of living therein, which does not meet the provisions of this section.

A. Performance:

The intent of this section is to provide a thermal environment which will avoid undue heat loss from the body. A circulation system which shall be conducive to preventing unnecessary excessive heat from accumulating within dwellings shall be provided to minimize the danger of heat prostration, exhaustion, and stroke. Mechanical equipment installed to serve such purposes shall be of a quality and condition to assure:

1. safety of operation,
2. adequate capacity for its intended use,
3. protection from moisture,
4. reasonable quietness of operation, and reasonable durability and economy of maintenance.

710.05 THERMAL STANDARDS (CONT)

B. Heating Facilities Required:

Every dwelling shall be provided with a centralized heating facility, or appropriate and sufficient individual space heaters, capable of maintaining a temperature of at least 70 plus or minus degrees fahrenheit under ordinary winter conditions, in all habitable rooms, bath and toilet rooms, hallways, basement and recreation rooms when they are used as habitable rooms. All heating devices or equipment shall be vented in a manner allowing for the by-products of combustion to rise 45 degrees to 90 degrees fahrenheit in all places and shall have an appropriate recognized approval for safety and performance, or shall so be determined by the Housing Inspector. All moving parts of such devices or equipment shall operate with reasonable quietness.

C. Unvented Space Heaters:

Unvented space heaters shall be prohibited except for the use of unvented kerosene heaters. The storage of the fuel for such heaters shall comply with the following in accordance with Section 1301:7-5-16 "Safe use of unvented kerosene heaters" of the Ohio Fire Code.

1. GENERAL PROVISIONS

- a. No unvented kerosene heaters shall be located in any building without means of egress. For the purpose of this rule, "means of egress" has the same meaning as defined in the "Ohio Fire Code," i.e., a continuous and unobstructed path of travel from any point in a building or structure to a public way, comprising all vertical and horizontal means of travel and including intervening room spaces, doors, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, and exits.
- b. No unvented kerosene heaters shall be elevated by being placed upon a stand or otherwise placed or suspended above the floor.
- c. No unvented kerosene heater shall be placed within three feet of any furniture, drapery, curtain, decorative materials, accessory, appliance, equipment, merchandise, goods, or fixture, or any other thing which is or may be combustible.
- d. No unvented kerosene heater shall be left unattended while it is operating.
- e. Every unvented kerosene heater shall be set and centered upon a non-combustible mat or shallow base, the dimensions of which shall be sufficient to allow at least three feet of the mat or base to extend outward in any direction from any part of the unvented kerosene heater.

710.03 THERMAL STANDARDS (CONT)

- f. Every unvented kerosene heater shall be used in an area where there is adequate ventilation, as recommended by the manufacturer of such heater.
- g. No unvented kerosene heater shall be fueled or refueled while it is operating or within ten minutes of flame extinguishment, or contrary to the instructions of its manufacturer.
- h. No unvented kerosene heater or its fuel reservoir shall be fueled or refueled inside a building. All such fueling operations shall be performed outdoors.
- i. Every unvented kerosene heater shall be fueled or refueled strictly in accordance with the instructions of its manufacturer.
- j. The fuel used in every unvented kerosene heater shall be only No. 1-K kerosene, as prescribed in Section 1301:7-5-15 of the Ohio Fire Code.
- k. The fuel used in every unvented kerosene heater shall be stored away from occupied areas and in an approved container which shall be marked or labeled in a conspicuous manner to read: "1-K KEROSENE."
 - l. At least one fire extinguisher with a minimum 2-A, 20-B:C rating and capacity shall be provided and available for use within twenty-five feet of every unvented kerosene heater during its operation.

2. MANUFACTURERS INSTRUCTIONS

- a. Manufacturers Instructions for using kerosene heaters will be completed in accordance with Section 1301:6-5-17 of the Ohio Fire Code.

D. Clearance for Vented Space Heaters:

Unless otherwise allowed per the following, a clearance of at least twenty-four (24) inches for the rear and sides and at least twenty-four (24) inches for the top and front of all vented room or space heaters shall be required.

A vented room or space heater may be placed closer than the twenty-four (24) inches minimum clearance if it still meets the minimum clearance required by the manufacturer or meets requirements specified in the manufacturer's instructions or meets requirements set forth by the fire authority having jurisdiction.

710.06 OCCUPANCY STANDARDS

No persons shall occupy as owner-occupant, or permit another to occupy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the provisions of this section.

A. Performance:

Each living unit should have the space necessary to provide suitable living, sleeping, cooking, and dining accommodations, storage and sanitary facilities and to provide space of such size and dimension so as to permit placement of furniture and essential equipment.

B. Floor Space Required:

The maximum occupancy of any dwelling unit shall be:

1. For the first occupant, one hundred forty (140) square feet of floor space, and for every additional occupant thereof at least one hundred (100) square feet of floor space is required. The floor space is calculated on the basis of total habitable rooms.
2. Floor area with less than four (4) feet clear headroom shall not be included in determination of room area.
3. In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes shall contain at least seventy (70) square feet of floor space for each additional occupant thereof.

C. Height of Rooms:

The ceiling height of any habitable room shall be at least seven (7) feet; except that in any habitable room under a sloping ceiling, at least one-half of the floor area shall have a ceiling height of at least seven (7) feet, and the floor area of that part of such a room where the ceiling height is less than four (4) 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.

D. Basement or Cellar Occupancy:

No basement or cellar space shall be used as a habitable room or dwelling unit or rooming unit unless it meets all standards thereof as set forth in the Housing Maintenance and Occupancy Regulation unless approved by the Health Commissioner in writing and unless:

1. The floor and walls are impervious to leakage or seepage of underground water and surface water and are well drained and protected against dampness.

2. A room that is located partly or totally below grade and is used as a habitable room of a dwelling or dwelling unit, shall be provided with natural light by windows are required in the Light and Ventilation Section. If such room is intended to be used for sleeping purposes, at least one window shall be openable from the inside and shall be accessible to be easily and readily used as an emergency exit. Such openable window shall have a minimum net clear opening of 5.7 square feet; the minimum height measured from the top of the sill to the bottom of the head of the window frame shall be not less than twenty four (24) inches; the minimum clear opening shall be no less than twenty (20) inches in width; and the minimum height of the finished sill shall be not more than forty eight (48) inches above the floor. If the window, or any part of it, is located below grade, an excavation shall be made, on the exterior side of the window, that shall extend at least from a level located at least 6 inches below the bottom of the top of the finished sill to grade level. Such excavation shall extend at least thirty six (36) inches on each side of the window. If the top of the window still is forty eight (48) inches or more below grade, a stairway or set of steps shall be provided to serve as an emergency exit to grade. A door leading directly to the outside and providing an exit at grade level, from the habitable room located below grade may be used in lieu of the specified window.
3. Each habitable room so used is separated from the heating equipment, incinerators, or other equally hazardous equipment by a standard partition of one hour fire resistance. If the basement or cellar contains a bedroom, any solid, liquid, or gaseous fuel-consuming heating equipment that may be located therein shall be completely enclosed by fireproof partitions.
4. Access is provided to each room used as a habitable room without passage through a furnace room or sleeping room.
5. There are no pipes, ducts or other obstructions less than six (6) feet and eight (8) inches above the floor level which interfere with normal use of the room or area.

E. Bathroom Shall Not be Passageway:

A bathroom or water closet compartment shall not be used as the only passage to any habitable room, hall, basement or cellar or to the exterior of the dwelling unit.

710.06 OCCUPANCY STANDARDS (CONT)

F. Closets:

Every dwelling units shall have at least four (4) square feet of floor-to-ceiling height closet space for each permissible occupant; except if it is lacking in whole or in part, an amount of space equal in square footage to the deficiency shall be subtracted from the area of habitable room space used in determining permissible occupancy.

G. Sleeping Room Doorways:

All sleeping room doorways shall be supplied with proper fitting doors which are in good repair and are capable of being opened and closed.

710.07 RESPONSIBILITIES OF OWNERS AND OCCUPANTS

No person shall occupy as owner-occupant, or permit another to occupy any dwelling or dwelling unit, without complying with the following requirements:

A. Performance:

Every owner and/or occupant shall maintain a safe, clean, sanitary environment in all rooms used for the purposes of living. This includes but is not limited to rooms used for cooking, eating, sleeping, storage, and bathrooms, water closet compartments, foyers, basements or other areas determined by the Health Commissioner to be a part of the dwelling.

B. Responsibilities of Owners:

1. No owner or operator shall occupy or permit another person to occupy any dwelling unless the dwelling and premises are clean, safe, sanitary, fit for human habitation, and are in compliance with the health and housing codes of the State of Ohio and Franklin County. In the case of fire hazards, the health inspector will consult with the local fire authority.
2. Every owner of a dwelling containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
3. Every owner of a dwelling containing three (3) or more dwelling units shall supply facilities or refuse containers for the sanitary and safe storage and disposal of rubbish and garbage. In the case of single or two (2) family dwellings, it shall be the responsibility of the occupant to furnish such facilities or refuse containers. Rat-proof, insect-proof, water-tight refuse containers shall be used for storage pending collection.

710.07 RESPONSIBILITIES OF OWNERS AND OCCUPANTS (CONT)

4. The owner of a dwelling unit shall be responsible for providing and hanging all screens and or storm doors and windows whenever the same are required under the provisions of this regulation or any rule or regulation adopted pursuant thereto, except where there is a written agreement, maintenance or replacement of screens, storm doors and windows, once installed in any one (1) season during the period of tenancy become the responsibility of the occupant.
5. No owner of a dwelling containing three (3) or more dwelling units shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about the shared or public areas of a dwelling or its premises. Materials stored by the owner or permitted to be stored by the owner shall be stacked neatly in piles elevated at least twelve (12) inches above the ground or floor.
6. In every dwelling unit or rooming unit when the control of the supplied heat is the responsibility of an owner or operator, a temperature of at least 70 degrees fahrenheit shall be capable of being maintained in all habitable rooms, bathrooms, and water closet compartments at a distance of eighteen (18) inches above the floor level.
7. No owner or occupant of a dwelling shall store or cause to be stored anything that may serve as food or sustenance for rats in any place which may be accessible to rats.
8. Every owner shall be responsible for providing facilities for the removal of sewage from the premises, and the same shall comply with the provisions of this regulation.
9. Every owner shall be responsible for the equipment for electrical and water service, including sinks and bathtub or shower, to the dwelling unit.
10. Any landlord and tenant may enter into an agreement in writing whereby the tenant is to perform repairs, maintenance, alteration and other such acts or remodeling if:
 - a. the agreement of the landlord and tenant is entered into in good faith and is not for the purpose of evading the obligations of the landlord and

710.06 RESPONSIBILITIES OF OWNERS AND OCCUPANTS (CONT)

- b. the agreement is not for the purpose of avoiding or evading any obligations set forth in this Regulation and does not diminish the obligations of the landlord to other tenants. Any such agreement shall clearly and prominently disclose the consideration exchanged for such an agreement.
- 11. No owner or occupant shall apply a lead-based paint to any surface in any dwelling, dwelling unit, rooming house, rooming unit, guest facility, or guest unit, pursuant to the Federal Government's Lead Base Paint Poisoning Prevention Act, Public Law 91-695 and any amendments thereto.
- 12. Every gas pipe shall be sound and tightly put together with no leaks.
- 13. No gas pipe shall be so corroded or obstructed so as to reduce gas pressure or volume.
- 14. Every gas appliance shall be connected to a gas line with approved metal piping.
- 15. Gas pressure shall be adequate to permit a proper flow of gas from all open gas valves at all times.

C. Responsibilities of Occupant:

- 1. Every occupant of a dwelling or dwelling unit shall maintain in a clean, safe, and sanitary condition that part or those parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.
- 2. Every occupant of a dwelling or dwelling unit shall store and dispose of all his rubbish in a clean, sanitary and safe manner.
- 3. Every occupant of a dwelling or dwelling unit shall store and dispose of all his garbage and any other organic waste which might provide food for insects or rats, in a clean, sanitary and safe manner.
- 4. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding, the foregoing provision of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a ratproof or reasonable insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in ten percent (10%) of the units of any structure containing two (2) or more units, elimination of such infestation shall be the responsibility of the owner.

710.07 RESPONSIBILITIES OF OWNERS AND OCCUPANTS (CONT)

5. No occupant of a dwelling or dwelling unit shall accumulate rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about any dwelling or dwelling unit. Such materials that may provide rat harborage shall be stacked neatly in piles elevated at least twelve (12) inches above the ground or floor.
6. Every occupant of a dwelling unit shall keep all appliances and other such equipment and facilities clean and sanitary, and shall be responsible for maintaining such equipment in the same condition as such equipment was in at the beginning of any rental agreement, normal wear and tear excepted, and shall be responsible for the exercise of all due care in the proper use and operation thereof, and shall only use such appliances and equipment for the use so intended.
7. No drugs and household poisons shall be stored in any unlocked storage facility fewer than four feet from the floor.

710.08 ENFORCEMENT PROCEDURES

- A. Contents of Notice of Violation:
Whenever the Health Commissioner or his designated representative determines that any structure, dwelling, dwelling unit, rooming house or rooming unit, guest facility or guest unit, or the premises surrounding any of these, fails to meet the requirements set forth in this regulation or in applicable rules and regulations adopted pursuant thereto, he shall issue a notice setting forth the alleged failures, and advising the owner, occupant, operator, or agent that such failures must be corrected. This notice shall:
1. Be in writing.
 2. Set forth the alleged violations of this regulation or of applicable rules and regulations issued pursuant thereto.
 3. Provide a reasonable time, not to exceed thirty days for violations on the interior of structures, for the correction of any violation alleged.
 4. Be served upon the owner, occupant, operator, or agent personally, or by first class, or by registered mail, return receipt requested, addressed to the last known place of residence of the owner, occupant, operator, or agent. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so after fourteen (14) days, service may be made upon such person or persons by posting a notice in or about the location described in the notice and forwarding a copy of said notice by first class mail.

710.08 ENFORCEMENT PROCEDURES (CONT)

- B. Reinspection:
At the end of the period of time allowed for the correction of any violation alleged, or upon request, the Health Commissioner or his designated representative shall reinspect the location described in the notice.
- C. Action Upon Reinspection:
If upon reinspection the violation alleged are determined by the Health Commissioner not to have been corrected, he shall issue a second notice of violation which shall constitute an order requiring that the then existing failures to meet the requirements of this regulation or of applicable existing rules or regulation issued pursuant thereto, shall be corrected within a reasonable time allowed, but not to exceed thirty days after the date of such reinspection, if the person aggrieved did not request a reconsideration or petition for a hearing on the matter prior to the date of the reinspection. At the end of the time allocated for corrective actions, if violations still exist, penalties or other appropriate enforcement actions may be taken by the Health Commissioner as prescribed by this regulation.
- D. Serving of Second Notice:
The Health Commissioner shall cause a copy of the second notice to be sent by registered mail to the last known address of the owner or operator of such structure and shall also post or place in or about such structures a public notice, which constitutes constructive notice to the owner and operator of such violation.
- E. Transferees Liable:
All subsequent transferees of title and/or deed of the dwelling, dwelling unit, rooming house, rooming unit, guest facility, or guest unit in connection with which a second notice has been so recorded shall be deemed to have notice of the continuing existence of the violations alleged, and shall be liable to all penalties and procedures provided by this regulation and by applicable regulations issued pursuant thereto. The sale of the building shall not stay the abatement of the order to repair.
- F. Emergency Conditions:
Whenever the Health 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 regulation, such order shall be effective immediately.

710.08 ENFORCEMENT PROCEDURES (CONT)

Any persons to whom such order is directed shall comply therewith immediately, but upon petition to the Health Commissioner shall be afforded a hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this regulation and of the applicable regulations adopted pursuant thereto have been complied with, the Health Commissioner shall continue such order in effect, or modify it, or revoke it.

710.09 APPEALS TO THE REQUIREMENTS OF THE HOUSING MAINTENANCE AND OCCUPANCY REGULATION

- A. Any persons 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 Health Commissioner, provided that such person shall file in the office of the Health 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 was served. Upon receipt of such petition, the Health 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 ten (10) days after the date on which the petition was filed; provided that upon application of the petitioner the Health Commissioner may postpone the date of the hearing for a reasonable time beyond such ten (10) day period if in his judgement the petitioner has submitted a good and sufficient reason for such postponement. After such hearing the petitioner may be granted a hearing before the Board of Health at their next regular meeting if such request is submitted in writing within five (5) days of said hearing with the Health Commissioner.

- B. After such hearing the Health Commissioner shall sustain, modify, or withdraw the notice, depending upon his findings as to whether the provisions of this regulation and the rules and regulations adopted pursuant thereto have been complied with. If the Health Commissioner sustains or modified such notice, it shall be deemed to be in order. Any notice served pursuant to Section 710.09(A) of this regulation shall automatically become an order if a written petition for a hearing is not filed in the office of the Health Commissioner within ten (10) days after such notice is served. After a hearing in the case of any notice suspending any permit required by this regulation or by any rule or regulation adopted pursuant thereto, when such notice has been sustained by the Health Commissioner, the permit shall be deemed to have been revoked. Any such permit which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed in the office of the Health Commissioner within ten (10) days after such notice is served. After such hearing the petitioner may be granted a hearing before the Board of Health at their regular meeting if such request is submitted in writing within five (5) days of said hearing with the Health Commissioner.

710.09 APPEALS TO THE REQUIREMENTS OF THE HOUSING MAINTENANCE AND OCCUPANCY REGULATION (CONT)

- C. The proceedings at such hearing, including the findings and decision of the Health Commissioner, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Health Commissioner. Such record shall also include a copy of every notice or order issued in connection with the matter.
- D. Whenever the Health 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 regulation, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Health Commissioner shall be afforded a hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this regulation and of the rules and regulations adopted pursuant thereto have been complied with, the Health Commissioner shall continue such order in effect, or modify it, or revoke it.

710.10 CONFLICT OF REGULATIONS: EFFECT OF PARTIAL INVALIDITY

- A. 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 Franklin County existing on the effective date of this regulation the provision which establishes 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 the Franklin County Board of Health 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, and such other regulations or codes are hereby declared to be repealed to the extent that they may be found in conflict with this regulation.
- B. If any section, subsection, paragraph, sentence, 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.

710.11 EFFECTIVE DATE

This regulation shall be effective on and after March 14, 1989.