

PREMISES SANITATION REGULATION

This is a regulation establishing minimum standards of hygiene and sanitation: governing the condition and maintenance of dwellings: establishing minimum standards to make dwellings safe, sanitary, and fit for occupants. This minimum standard governs the condition of dwellings offered for rent or owner-occupied; fixes certain responsibilities and duties of owners and of occupants of dwellings; authorizes the inspection of dwellings and their condemnation if found to be unfit for human habitation.

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

By authority of section 3709.21, Ohio Revised Code, be it therefore resolved by the board of health of the Seneca County General Health District as follows:

SECTION I: DEFINITIONS

- 1.01 **Accessory Structure** means a detached structure which is not used or not intended to be used for living or sleeping by human occupants and which is located on or partially on any premises.
- 1.02 **Basement** means a portion of a building located partly underground, but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 1.03 **Board of Health** means the Board of Health of the Seneca County General Health District.
- 1.04 **Cellar** means a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 1.05 **Dwelling** means any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants and which is located on or partially on any premises.
- 1.06 **Dwelling Unit** means a structure or the part of a structure that is used as a home residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.
- 1.07 **Egress** means an arrangement of exit facilities to assure a safe means of exit from the building.
- 1.08 **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.
- 1.09 **Habitable Room** means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage space, and any other room designated by the health commissioner.

- 1.10 **Health Commissioner** means the health commissioner of the Seneca County General Health District or his authorized representative.
- 1.11 **Infestation** means the troublesome spreading or swarming presence of insects, rodents, or other pests within or around dwellings.
- 1.12 **Landlord** means the owner, lessor or sublessor of residential premises, his agent, or any person authorized by him to manage the premises or to receive rent from a tenant under a rental agreement.
- 1.13 **Lead Hazard** means material that is likely to cause lead exposure and may endanger an individual's health as determined by the public health council in rules adopted under Section 3742.49 of the Ohio Revised Code. "Lead hazard" includes lead-based paint, lead-contaminated dust, lead-contaminated soil, and lead-contaminated water pipes..
- 1.14 **Meaning of Certain Words** Whenever the words "dwelling", "dwelling unit", or "premises" are used in this regulation, they shall be construed as though they were followed by the words "or any part thereof."
- 1.15 **Multiple Dwelling** means any dwelling containing four or more dwelling units.
- 1.16 **Occupant** means an owner-occupant or tenant as defined here in section 1.27.
- 1.17 **Owner** means owner-occupant or landlord as defined here in section 1.12.
- 1.18 **Ordinary Minimum Winter Conditions** means a temperature 15 degrees F. above the lowest recorded temperature for the previous ten-year period.
- 1.19 **Person** means an individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency, or any entity recognized by law.
- 1.20 **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 venting 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.
- 1.21 **Potable Water** means drinkable, safe from harmful bacteria and chemical impurities, and from an approved source.
- 1.22 **Premises** means a residential premises, a dwelling unit for residential use and occupancy, and the structure of which it is a part; the facilities and appurtenances therein, the grounds, areas, and facilities for the use of occupants generally or the use of which is promised to the occupants.
- 1.23 **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 or eating purposes.

- 1.24 **Solid Wastes** mean such unwanted residual solid or semi-solid material as results from industrial, commercial, agricultural, and community operation, excluding earth or material from construction, mining, or demolition operations and slag and other substances which are not harmful or inimical to public health, and includes garbage, combustible, and non-combustible material, street dirt, and debris.
- 1.25 **Supplied** means paid for, furnished, or provided by or under the control of the owner.
- 1.26 **Temporary Housing** means: (a) house trailers and travel trailers as defined in section 4501.01, Revised Code, when occupied for periods of less than thirty days; (b) a camp as defined in rule 3701.25, Ohio Administrative Code under authority of sections 3701.13 and 3701.34, Revised Code; (c) an agricultural labor camp as defined in section 3733.41 through 3733.48, Revised Code and rule 3701.33, Ohio Administrative Code; (d) 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 utilities system on the same premises for more than thirty consecutive days.
- 1.27 **Tenant** means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others.

**SECTION II: INSPECTION OF DWELLINGS, DWELLING UNITS,
ROOMING UNITS, AND PREMISES**

- 2.01 The health commissioner is hereby authorized to make inspections to determine the condition of dwellings, dwelling units, rooming units, and premises located within the Seneca County General 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 or occupant of every dwelling, dwelling unit, and rooming unit 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.**
- 2.02 In the event the owner or occupant refuses to admit the health commissioner to the premises upon request, the health commissioner may make an application to the board of health for an order directed to the owner or occupant, ordering the admission of the health commissioner for purposes of inspection and upon proper identification displayed by the health commissioner, he shall be admitted to the premises for purposes of such inspection.
- 2.03 Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling, or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this regulation or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this regulation.

**SECTION III: ENFORCEMENT
SERVICE OF NOTICES AND ORDERS**

- 3.01 Upon receipt of a signed complaint, or whenever the health commissioner determines that there is a violation of any provision of this regulation, he shall give notice of such violation to the owner or occupant, specifying the violation claimed and the provision of this regulation defining said

violation. The notice shall also inform the owner or occupant of his right to a hearing before the health commissioner concerning the alleged violation of these regulations. The owner or occupant, shall be allowed such time to correct the alleged violation as the health commissioner determines necessary, giving due consideration to the immediacy of the threat to health existing by reason of the alleged violation. The time allowed for the correction of such violation shall be stated in the notice. The notice provided herein shall be served personally or by certified mail with return receipt requested. Service by Certified mail is deemed sufficient if mailed to the occupant at the address where the violation exists and if mailed to the owner at the tax mailing address shown on the books of the county auditor for the parcel of real estate where said violation exists. In the event no return receipt is received when service is attempted by certified mail, or personal service has not been made after diligent attempts, notice may be served by posting a copy of the notice of the violation upon the exterior of the building in a conspicuous place where the violation exists. A written report stating the manner in which said service was made shall be attached to a copy of the complaint and retained in the official record.

- 3.02 Any person aggrieved by any notice of the Seneca County General Health District issued in connection with any alleged violation of this regulation or by any order requiring repair or demolition may request, and shall be granted an administrative 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 the name, address, and phone number of the petitioner, and a brief statement of the grounds for such hearing and appeal from any order of the Health Commissioner. Petitions shall be filed within fourteen (14) days after the date the notice or order was served. Upon receipt of such petition, the Health Commissioner shall set a time and place for an administrative 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 cause why such notice or order should be modified or withdrawn. The failure of the petitioner or his representative to appear and state his case at such hearing shall be grounds for dismissal of such petition.
- 3.03 After such hearing the health commissioner shall sustain, modify or withdraw the notice of alleged violation depending upon his findings as to whether the provisions of this regulation have been complied with. Notice of the decision of the health commissioner shall be served upon the persons and in the manner as provided in section 3.01 of this regulation. This notice shall also inform the owner or occupant of his right to appeal the decision of the health commissioner to the board of health in accordance with section 3.01 or this regulation.
- 3.04 Any person affected by the decision of the health commissioner as provided in section 3.03 of this regulation shall be entitled to appeal to the board of health. Written notice of the appeal must be filed with the secretary of the board of health within five days of the personal service, or signature by the addressee on the return receipt, or date of posting upon the premises. Said notice shall state the order appealed from and the address to which the hearing notice shall be mailed. The board of health shall hear the appeal at the next regular meeting of the board of health provided that no hearing shall be had sooner than five days from the date of the filing of said notice of appeal. Notice of the meeting before the board of health to hear said appeal shall be given to the appellant by regular mail at the address shown in his notice of appeal. Said appellant shall be entitled to appear personally and with counsel, at said meeting of the board of health. The board of health may, in its discretion, continue the hearing on said appeal from time to time until said hearing is completed.

The board of health shall modify, withdraw, or sustain the order of the health commissioner made pursuant to section 3.03 of this regulation. The copy of the decision of the board of health shall be mailed to the appellant at the address shown in the notice of appeal, and to his counsel of record.

- 3.05 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 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 an order is directed shall comply with it 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 have been complied with, the Health Commissioner shall continue such order in effect, modify it, or revoke it.

SECTION IV: MINIMUM SANITATION STANDARDS

- 4.01 No owner or other person shall occupy 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.
- 4.02 Equipment and Facilities
- 4.02.01 Every dwelling shall have on the residential premises accessible sanitary facilities for receiving wastes from kitchen sinks, flush toilets, lavatories, bathtub or shower, laundry facilities, or such other devices as approved by the health commissioner.
- 4.02.02 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.
- 4.02.03 All plumbing shall be properly installed and maintained in good working condition, free from defects, leaks, and obstructions.
- 4.02.04 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 temperature of not less than 120 degrees F.
- 4.02.05 Every dwelling unit shall have adequate solid waste storage and disposal facilities, type and location of which are acceptable to the health commissioner.
- 4.02.06 Every dwelling shall have two (2) safe unobstructed means of egress leading to safe and open outdoor space at ground level.
- 4.02.07 Structurally sound handrails shall be provided on any steps that rise higher than three (3) feet. Porches, patios, and/or balconies located more than three (3) feet higher than the adjacent area shall have structurally sound protective guards or handrails.

4.02.08 Dwelling structures containing two (2) or more dwelling units shall have common hallways, stairways, and other passageways illuminated in either of the following two manners: (a) constant adequate illumination of such areas; or (b) adequate illumination controlled by light switches located for convenient use by the occupants.

4.02.09 Every habitable room shall have at least one (1) window or skylight facing directly outdoors which can be opened easily, as will provide adequate ventilation to the room.

4.02.10 Every habitable room shall contain at least two separate electric duplex convenience outlets. Every bathroom shall contain at least one mounted light fixture and at least one electric convenience outlet. Every electric outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner. The owner shall, upon request, present acceptable evidence to the Health Commissioner that the electrical wiring is safe and satisfactory.

4.03 Ventilation, Heating and Occupancy

4.03.01 Every bathroom, laundry, or habitable room shall be adequately ventilated.

4.03.02 Every dwelling shall have heating facilities which are installed and maintained in safe and good working condition, and capable of providing a temperature of at least 65 degrees F. under ordinary minimum winter conditions, as follows:

1. When heating facilities for a dwelling unit are supplied by the owner, the facilities are maintained in good working condition.
2. Heat ducts, steam pipes and hot water pipes in supplied central heating systems are free of leaks.
3. Seals between sections of hot-air furnaces which are integral parts of central heating systems are tight enough to prevent the escape of noxious gases through the heat ducts.
4. Space heaters, if portable type, do not operate through a combustion process.
5. Space heaters and hot water heaters which operate by a combustion process are properly vented to a chimney or duct leading to the outdoors.
6. Coal-burning space heaters have a fire-resistant panel beneath them.
7. Space heaters located within two feet of a wall are adequately insulated to prevent overheating of the wall.
8. Space heaters with smoke pipes are equipped with guards, made of non-flammable material at the point where the pipe goes through a wall, ceiling or partition.

9. Every dwelling unit not having supplied heating facilities contains a sufficient number of chimney outlets to permit the occupant to furnish, and properly vent, space heaters required to heat all habitable rooms, bathrooms, and toilet rooms within the unit.

4.03.03 In every dwelling unit, the openings to the outdoors, resulting from doors and windows customarily open when flies, mosquitoes, and other insects are prevalent, shall be properly screened.

4.03.04 Every dwelling and dwelling unit shall contain at least 150 square feet of habitable room area for one person occupancy. Every dwelling and dwelling unit shall contain at least 130 square feet of habitable room area per person when occupied by two or more persons. The room area shall be calculated on the basis of habitable room area only and shall not include bathroom, halls or passageways.

4.04 Sanitary Maintenance of Dwelling

4.04.01 Every bathroom floor shall be constructed and maintained so as to be reasonably impervious to water.

4.04.02 Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch, and every appurtenance thereto, shall be safe to use and capable of supporting loads that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.

4.04.03 Every supplied facility, piece of equipment, or utility shall be constructed, installed, or operated so that it will function safely and effectively and shall be maintained in satisfactory working condition by the owner; except where there exists a written agreement between owner and occupant contrary to this.

4.04.04 All roofs, exterior walls, doors, skylights and windows shall be reasonably weather tight and damp free, and shall be kept in sound condition and good repair.

4.05 Sanitary Maintenance of Premises

4.05.01 All residential premises shall be graded, drained and maintained so as to prevent the accumulation of stagnant water thereon, or within any building or structure located thereon.

4.05.02 Every dwelling, multiple dwelling, or accessory structure and the premises on which located shall be free from health, fire and accident hazards, and vermin, insect and rodent harborage and conditions which create a nuisance.

4.05.03 Any occupant of a dwelling or dwelling unit who harbors and/or stables pets or other animals, within 100 feet of a dwelling occupied by others, shall keep the residential premises free of animal wastes accumulation. Animal wastes on such residential premises shall be stored, handled and disposed of so as not to create a nuisance.

4.06 Use Requirements

- 4.06.01 No basement shall be used as a habitable room or dwelling unit unless the floors and walls are impervious to leakage of underground and surface runoff water, are effectively insulated against dampness, and have adequate facilities for lighting and ventilation as approved by the Health Commissioner.
- 4.06.02 No cellar space shall be used as a habitable room or dwelling unit.

4.07 Owners Responsibilities

- 4.07.01 Every dwelling or dwelling unit shall be maintained free of fire and accident hazards, vermin, insect, and rodent infestation, and hazards to health due to the presence of toxic substances, e. g. lead-based paint.
- 4.07.02 Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
- 4.07.03 The owner of a dwelling unit shall be responsible for providing all screens, storm doors, and windows whenever the same are required under the provisions of this regulation, unless a written agreement to the contrary is established between the owner and the occupant.
- 4.07.04 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 residential premises thereof.
- 4.07.05 Every owner of a multiple dwelling shall supply refuse containers for the sanitary and safe storage of solid waste and provide for the disposal of such solid waste.
- 4.07.06 The capacity of all provided refuse containers shall be sufficient to meet the storage needs of the occupants of the multiple dwelling between periods of pickup and disposal.

4.08 Occupant Responsibilities

- 4.08.01 Every occupant of a dwelling unit shall keep and shall leave in a clean and sanitary condition that part of the dwelling, dwelling unit, and residential premises thereof which he occupies and controls.
- 4.08.02 Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects, and/or rodents, or other pests on the premises; and every occupant of a dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested.

- 4.08.03 Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition, shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- 4.08.04 Maintenance or replacement of screens, storm doors, and windows, once installed become the responsibility of the occupant, except where there is a written agreement between the owner and the occupant, whereby the owner assumes the responsibility.
- 4.08.05 Every occupant of a dwelling shall store and dispose of all his refuse in a clean, sanitary, and safe manner.
- 4.08.06 The capacity of all garbage refuse cans shall be sufficient to meet the storage needs of the occupants of the dwelling between periods of pickup and disposal.

4.09 Discontinuance of Utilities

- 4.09.01 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 interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the health commissioner.

SECTION V: VARIANCES

- 5.01 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.
- 5.02 The application for variance provided in section 5.01 hereof shall be in writing filed with the secretary of the board of health. Said application shall be heard by the board of health at the next regular or special meeting of the board provided that the board shall not consider such application sooner than the fifth day after the filing of the same with the secretary.

Notice to the persons and in the manner as provided in section 3.01 of this regulation shall be given stating the time and place of the hearing on said application.

**SECTION VI: DESIGNATION OF UNFIT DWELLINGS
AND LEGAL PROCEDURE OF CONDEMNATION**

- 6.01 Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit human habitation and shall be so designated and placarded by the health commissioner: (a) one which is so insanitary, unsafe, or vermin infested that it creates a serious hazard to the health and safety of the occupants or of the public, (b) one which lacks sanitation

facilities adequate to protect the health or safety of the occupants or of the public; (c) one which because of its general condition or location is insanitary or otherwise dangerous to the health or safety of the occupants or of the public.

- 6.02 Whenever the health commissioner has condemned a dwelling or dwelling unit as unfit for human habitation he shall order the same to be placarded. He shall give notice to those persons mentioned and prescribed in section 3.01 of this regulation of such condemnation and of his order to placard the dwelling or dwelling unit as unfit for human habitation. This condemnation notice shall not take effect sooner than five days from the service of the notice. The owner, occupant, or other person in charge thereof has a right to a hearing as set forth in section 6.06 of this regulation.
- 6.03 Whenever any dwelling or dwelling unit has been condemned as unfit for human habitation, and so designated and placarded by the health commissioner, he shall order it vacated within the time stated in the order which shall not be sooner than five days. Service of the order of vacancy shall be upon the persons and in the manner prescribed in section 3.01 of this regulation. The dwelling or dwelling unit so condemned shall remain vacant until written approval is secured from the health commissioner for its reoccupancy subject to the right of appeal as provided in section 6.06 of this regulation.
- 6.04 Any dwelling or dwelling unit placarded and ordered vacated by the Health Commissioner shall be secured by the owner as follows:
- (a) All ground floor windows, doors, or other openings shall be boarded up to prevent entry by animals or by persons other than the owner of the dwelling or dwelling unit.
 - (b) The dwelling or dwelling unit owner shall maintain the security of such ground level openings by frequent inspection and by securing any opening which might become unsecured.
- 6.05 If the health commissioner determines that the structure cannot be improved so as to comply with the provisions of these regulations, and that the same is unsafe or unfit for human habitation, he may order demolition of the same and shall notify the owner or occupant. The notice shall set forth the date on which said demolition is to take place, which shall not be sooner than ten days from the date of said notice. The owner or occupant shall have the right of appeal to the board of health, as provided in section 6.06 of this regulation. Service of the notice of demolition shall be upon the persons and in the manner provided in section 3.01 of this regulation.
- 6.06 The owner or occupant of any dwelling or dwelling unit affected by an order of the health commissioner pursuant to section VI hereof, may appeal said order and shall be granted a hearing on appeal before the board of health.

The board of health shall review the order of the health commissioner ordering the premises placarded, vacated, or demolished. Said notice of appeal shall be in writing and filed with the secretary of the board within the time stated in the order from which appeal is taken. The board of health shall hold a hearing on the appeal at its next regular or special meeting after the filing of a notice of said appeal with its secretary, provided that the same shall not be heard sooner than five days from the date of the filing of said notice of appeal.

Notice of the meeting of the board of health at which said appeal is to be heard shall be given to the persons named in the manner prescribed in section 3.01 of this regulation. No action shall be taken by the health commissioner to placard, vacate, demolish, or otherwise enforce section VI herein until after the hearing on appeal before the board of health, if the same has been reasonably requested.

- 6.07 At the hearing on appeal, all interested parties may appear in person or be represented by counsel, and after full hearing, the board of health shall sustain, modify, or withdraw the order of the health commissioner and shall set forth in its minutes its findings. A copy of the decision of the board of health shall be mailed to the appellant to the address shown on the request for appeal.

SECTION VII: PENALTIES

- 7.01 Any person in violation of Ohio Revised Code Section 3709.21 and/or these regulations shall be fined and/or imprisoned in accordance with Ohio Revised Code Section 3709.99

SECTION VIII: REPEAL AND DATE OF EFFECT

- 8.01 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 IX: EFFECT OF PARTIAL INVALIDITY

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

SECTION X: EFFECTIVE DATE

- 10.01 This regulation shall be effective on and after January 1, 1997.

APPENDIX C

STANDARD OPERATING PROCEDURES

1. RECEIPT OF NUISANCE COMPLAINTS

Nuisance complaints must be filed in writing to the Seneca County Health Department; i.e., on a standardized fill-in-the-blank type complaint form or in the form of a letter.

As a general rule, nuisance complaints will not be accepted over the phone with the exception being those complaints from local elected or law enforcement officials and/or those concerning a licensed operation or facility; e.g., FSO or MHP. Complaints from local elected or law enforcement officials or those concerning licensed facilities shall be taken via a phone call and the information concerning these shall be recorded on a standard complaint form by the environmental clerk or other environmental division personnel fielding the phone call.

In the event a complainant cannot read or write, the environmental clerk or other environmental division personnel shall obtain the necessary information via question and answer with the complainant and record such on a standard complaint form.

Upon receipt of a nuisance complaint, the complaint shall be date-stamped with the date it was received by the Seneca County General Health District and stamped **CONFIDENTIAL** as the complainant's name, address and phone number shall be considered to be privileged information.

2. LOG OF NUISANCE COMPLAINTS RECEIVED

Upon receipt of a nuisance complaint, the environmental clerk shall enter appropriate information into the Nuisance Complaint Log and assign it a unique number for tracking purposes.

The Director of Environmental Health shall assign nuisance complaints received to the inspecting sanitarians using a fair and equitable system based upon individual workloads.

3. INVESTIGATION BY THE INSPECTING SANITARIAN

Upon having been assigned a nuisance complaint, the sanitarian shall cause an investigation of the alleged situation within three (3) working days of the date it was received by the Seneca County General Health District.

The purpose of such investigation shall be to ascertain the truthfulness of said complaint and to identify the existence of violations of health regulations.

The investigation always begins with the sanitarian identifying himself/herself to the owner/occupant/manager and stating his/her purpose for being there. Agency identification badges **must** be worn at all times during such investigations.

The investigation initiated above must include at least a physical survey of the area under complaint. Should the complaint be found to be valid, the sanitarian should initiate direct verbal contact with the appropriate responsible parties concerning the observed violations of health regulations and the necessary corrective actions. The importance of this first contact cannot be overemphasized. Sanitarians must take care to be helpful, to educate and even to sympathize when necessary.

It is suggested that the sanitarian establish the original compliance period allowing a reasonable time for corrective action. However, if the offending party volunteers a reasonable date for compliance, and no immediate overriding health hazard exists, the sanitarian can grant the offending party the time he decided was satisfactory for him. Prior to leaving the site, the sanitarian should reiterate the violations which exist, the corrective actions necessary to abate the nuisance conditions, and the reinspection date on which compliance is expected.

Before driving away from the site of the nuisance, it is advisable for the sanitarian to record notes of his/her findings on the computer-generated nuisance complaint form. Date and time of inspection, names of persons consulted with and/or those in attendance, mailing addresses, observations, and compliance dates should all be documented.

4. NOTICE OF VIOLATION (NOV)

Upon returning to the office, the sanitarian prepares a Notice of Violation (NOV) to send to the responsible parties. If the owner of a property is unknown or not for certain, the owner must be verified at the Seneca County Auditor's Office. The responsible parties may include a tenant, but always includes the legal owner of the property. NOV's should be sent to all potentially-responsible parties by regular mail.

The NOV shall include, but is not limited to, all of the following:

- a. Date of the NOV
- b. Date complaint was received by SCGHD
- c. Address of nuisance complaint
- d. Nature of nuisance complaint
- e. Date of investigation
- f. Attended by whom
- g. Observations
- h. Violations of what sections of what regulation
- i. Corrective Actions necessary
- j. Reinspection date
- k. Contact person/office hours/phone #

See example NOV enclosure (1)

A hard copy of the NOV shall be retained with the file. Copies of the NOV may be sent to the complainant if so requested.

5. **REINSPECTION**

Of prime importance to any nuisance complaint program is the reinspection procedure. Sanitarians who issue notices to abate a nuisance **must**, without exception, confirm compliance by the offending party by not later than the day after the date specified in the NOV. Multiples of seven (7) days should be given on NOV's to avoid compliance dates falling on weekends.

Only two possible outcomes of the reinspection exist. First, if the nuisance condition has been abated, some form of thanks, preferably a letter should be extended to the cooperating offender, and the case should be closed. The case should be closed out of the computer tracking system through a program and activity code on the sanitarian's daily activity log sheet, and the case should be retained on file for a minimum of five (5) years.

~~If, however, the nuisance has not been completely abated, a second NOV should be immediately mailed by certified mail to the responsible parties with the compliance date stated as: "within _____ days of receipt of this notice."~~

If extreme extenuating circumstances justify extending the time limit included in the original NOV, then such extension should be granted. The sanitarian must logically determine whether "extreme" circumstances did indeed exist. Such extension should be occasional at most. If granted an extension, the procedures above again apply.

A second reinspection again must be accomplished on not later than precisely the day after the compliance date specified on the NOV to confirm compliance by the offending party.

6. **NOTICE OF NON-COMPLIANCE**

If the nuisance condition has not been completely abated, a **Notice of Non-Compliance** should be mailed by certified mail to the responsible parties with the compliance date stated as: "within _____ days of receipt of this notice."

Reinspection must again be accomplished on not later than precisely the day after the final compliance date specified in the Notice of Non-Compliance. If, upon reinspection, it is found that the nuisance has not been completely abated, the matter shall be brought to the attention of the Director of Environmental Health and the Health Commissioner. ~~If, in the opinion of the Health Commissioner, the nuisance condition presents a serious and immediate threat to the health and welfare of the occupants or to the public at large, escalated enforcement is in order.~~

7. **INJUNCTIVE RELIEF**

Common Pleas Court injunctions obtained in accordance with Ohio Revised Code 3707.021 should be employed only when an immediate threat to the health and welfare of area residents is identified and immediate compliance is therefore necessary. If injunctive relief is granted, reinspection in accordance with above may follow; the judge will determine who will reinspect. Any failures to comply would result in contempt of court charges against the offending party.

8. **MUNICIPAL COURT ACTION**

Referral to the local city solicitor or law director with jurisdiction for prosecution action may be pursued for cases which do not present an immediate threat to the health and welfare of the public but which persist as violating the Seneca County General Health District's rules and regulations.

9. **BOARD OF HEALTH ACTION**

At the next regularly scheduled meeting of the Board of Health, all cases of Non-Compliance with Seneca County Health Department orders will be presented. By resolution, the Board of Health may declare the premises to be a public health nuisance and/or order its condemnation as being unfit for human habitation.

The Board of Health of the Seneca County General Health District will not assume financial responsibility for abating and/or removing a nuisance condition on any property, but may negotiate litigation and/or cleanup costs with the Seneca County Prosecutor's Office, Cities and/or Townships before such actions are initiated.