

**Clermont County General Health District**

**Proposed Public Health Nuisance**

**Regulation 410**

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## **Section 1 - Definitions**

- A. "Board of Health" means the Board of Health of the Clermont County General Health District, as authorized by Section 3709.07 of the Ohio Revised Code.
- B. "Dwelling" means any building, structure, or part thereof used as a place of abode or home by one or more families. Any house, manufactured home, or recreation vehicle used as a place of abode shall be considered a dwelling for the purpose of this regulation.
- C. "Dwelling Unit" means any structure, apartment, room or rooms used as a place of abode by a family.
- D. "Family" means a person or group of persons occupying a room or group of rooms as a place of abode.
- E. "Health Commissioner" means the person occupying the office in the Clermont County General Health District which is created by Sections 3709.11 and 3709.14 of the Ohio Revised Code, or an authorized representative.
- F. "Occupant" means the person residing in or having use of a dwelling who is the head of a family, or such person or persons other than the owner determined by the Health Commissioner to be the occupant. The same person or persons can be owner and occupant.
- G. "Owner" means any person, partnership, firm, or corporation who alone or jointly with others shall be in possession of, or have control of, any property, dwelling, or dwelling unit, within the Clermont County General Health District as owner, employee or agent of the owner, or as executor, administrator, trustee, or guardian of the estate of the owner.
- H. "Person" means any political subdivision, special district, public or private corporation, individual, firm, partnership, association, or any other entity.
- I. "Pollution" means an undesirable change in the physical, chemical, or biological characteristics of air, land, or water which may result in conditions harmful to the public health, or affected resources.
- "Potable" means free from contamination and safe for human consumption as determined by laboratory analysis and sanitary survey.
- "Property" means thing or things owned, real or personal.
- "Provided" means furnished, supplied, paid for or under the control of the owner.
- M. "Public Health Nuisance" means any condition which is injurious or potentially injurious to the health and safety of the public, or which pollutes the air, land, or water.

- N. "Solid Waste" means such unwanted residual solid or semisolid material, including but not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt and debris, as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal, biomass fuels, and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and non-combustible material, street dirt, and debris.
- O. "Vermin" means any invertebrate or vertebrate animals which may act as carriers or agents of infection or disease transmission.

### **Section 2 - General Authority**

The Board of Health of the Clermont County General Health District is granted authority under the Ohio Revised Code Section 3709.21 to make such orders and regulations as are necessary for the public health, the prevention or restriction of disease, and the prevention, abatement, or suppression of nuisances.

### **Section 3 - Penalties**

This Regulation shall be enforced in accordance with Chapter 3709 of the Ohio Revised code. A violation of this regulation is punishable in accordance with Section 3709.99 of the Ohio Revised Code. Each and every violation under this Regulation constitutes a separate offense.

### **Section 4 - Water Supply**

- A. The Owner shall provide an adequate supply of potable water. When made available to occupants through plumbing, the water system will be continuously maintained in good condition. The owner shall not shut off or cause to be shut off a water supply except when occupants are notified in advance of such shut off for needed repair work. The owner shall not rent dwelling units unless they are provided with an adequate supply of water from an approved source.
- B. When a cistern or well is utilized as a potable water supply, the owner shall maintain such well or cistern and its appurtenances so as to prevent contamination of the water supply.

- C. When the water in any well or cistern becomes polluted and cannot be corrected to meet the quality standards for potable water, or when a well or cistern is no longer intended for use, the owner shall properly abandon the well or cistern in a manner consistent with the Private Water System Rules (Ohio Administrative Code 3701-28-07).

### **Section 5 - Plumbing and Sewage**

- A. Where provided, toilets must be of adequate number and readily accessible to the occupants. The occupant or tenant shall keep the toilet compartment and all its fixtures clean.
- B. The owner shall continuously maintain all toilet fixtures, water supplies to fixtures, waste pipes from fixtures, cesspools, catch basins, sumps, sewer lines or other containers or conductors of water or sewage in good operating condition free from obstruction or leakage.
- C. The owner of any property having a household sewage disposal system not owned or maintained by the Clermont County Board of Commissioners, Villages, or Cities in the Health District, shall be responsible for the maintenance of that household sewage treatment system.
- D. The owner of a tract of land shall not dump or allow to be dumped any kind of material in such a manner as to interfere with existing drains, sewers, or natural drainage courses when such action creates a public health nuisance condition.
- E. No person shall place or drain the contents of a privy vault, cesspool, or septic tank to the ground surface, public sewer, street gutter, or storm sewer.
- F. No person shall create a nuisance through the improper operation or maintenance of a household plumbing, or a household sewage treatment system, or a semi-public sewage treatment system.
- G. It shall be unlawful for any person to discharge, throw, or pour any sink waste, laundry water, or other household waste water onto the surface of the ground.
- H. Whenever a public sewer becomes available to a property having a privy, water flushed toilets shall be installed, the household plumbing shall be connected to the public sewer, and the privy vault shall be properly abandoned.

### **Section 6 - Solid Waste**

- A. Garbage shall be removed from a property and disposed of in an approved manner at least once a week to prevent the development of odors and the attraction of insects and other vermin

- B. No garbage shall be allowed to remain exposed in any building or on any premises for a longer time than shall be reasonably necessary to deposit the garbage in proper waste containers.
- C. No garbage may be stored in a manner such that resulting odors or flies prevent the use of doors, windows, and other openings for ventilation in neighboring premises.
- D. It shall be unlawful for any person to throw, deposit, let fall, or permit to accumulate solid waste on any lot, yard, shed, porch, or other place such that it creates a public health nuisance.
- E. The owner of a lot, yard or other property that is not a licensed solid waste facility, where solid waste is creating a public health nuisance, shall have the solid waste removed and disposed of in an approved manner. The owner of a property that is a licensed solid waste facility, where solid waste is creating a public health nuisance, shall have the solid waste removed and disposed of in an approved manner, or shall otherwise abate the nuisance.
- F. No solid waste shall be burned or buried on any property except as authorized under the Ohio Administrative Code.

### **Section 7-Housing**

- A. In all buildings used or intended to be used for human occupancy, except one-family dwellings, the owner shall maintain the yard, cellar, halls sheds, and other portions of the property free from accumulations of solid waste when such waste creates a public health nuisance. In all one-family dwellings, the occupants shall keep the property clean and free from accumulations of solid waste when such waste creates a public health nuisance.
- B. No dwelling unit which is damp, poorly ventilated, or otherwise liable to predispose occupants to disease or illness shall be occupied or permitted to be occupied for living purposes.
- C. The owner of any property shall keep the below-grade areas of the dwelling free from accumulations of water or sewage and shall have any such water or sewage pumped out immediately, and have conditions altered so that further accumulations will be prevented.
- D. It shall be unlawful for any person to maintain or permit to be maintained any room or rooms in such filthy, vermin-infested, or neglected condition that the health of the occupants or the well-being of the community is endangered.

- E. Every dwelling shall have heating facilities which are maintained in safe and good working condition, and are capable of providing a temperature of 68 degrees (F) under ordinary winter conditions.

### **Section 8-Miscellaneous**

- A. No dogs, cats fowl, hogs, goats, cows, horses or other animals shall be kept in a manner which creates a public health nuisance.
- B. The owner or operator of any theater, stadium, resort, business, or other place where the public assembles shall maintain such place in a clean and sanitary condition.
- C. The owner of any dwelling, or other structure located on unoccupied property shall keep the dwelling or structure secured at all times against unauthorized entry, when such a dwelling or structure creates a public health nuisance. Unsafe structures shall be removed or repaired to render them safe, when such a structure creates a public health nuisance.
- D. The owner of any lot in a developed residential area on which pooled or contained water has stagnated and become a breeding place for mosquitoes shall eliminate the stagnant water or otherwise abate the nuisance condition.
- E. The owner of any lot in a developed residential area, that is accessible to the public, shall keep the lot free of overgrown noxious weeds, rank vegetation, and high grass, and shall be required to cut such weeds, rank vegetation, and high grass, and shall be required to cut such weeds, vegetation, and grass between May 1<sup>st</sup> and October 1<sup>st</sup> if exceeding two feet in overall height. The owner of any lot who has been issued an order by the Clermont County general Health District to cut noxious weeds, rank vegetation, and high grass on the lot, but has failed to comply with such orders by October 1<sup>st</sup>, shall not be relieved of the duty to comply.
- F. It shall be unlawful for any person to discharge or permit to be discharged any fumes, particulates, liquids, or other forms of potential pollution such that a public health nuisance is created.
- G. The owner of an in ground swimming pool shall have the pool enclosed with a fence at least 48 inches in height, and have secured entries of the same height. No openings in the fence shall allow the passage of a 4 inch sphere through it. All swimming pools must be maintained in a manner which will prevent a risk or hazard to the neighboring community.

**Section 9- Effect of Partial Invalidity**

Each section of this regulation and each part thereof is independent, and the holding of any section or part thereof to be unconstitutional, void, or not effective for any cause will not affect the validity or constitutionality of any other section or part thereof.

**Section 10- Duty to Comply**

Compliance with this regulation or any portion thereof shall not relieve any person of the duty to comply with other municipal, State, or Federal laws and regulations.

**Section 11- Repeal and Date of Effect**

Environmental Sanitation Regulation Number 6-04 is hereby repealed and is replaced by this Public Health Nuisance Regulation which shall be in full force and effective on June 1, 2009.

This Public Health Nuisance Regulation was passed and adopted by the Clermont County Board of Health at its regular meeting on May 13, 2009.