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## CHAPTER 605

# General Nuisance

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### CROSS REFERENCES

Powers of board – abatement of nuisances – see R.C. 3707.01 et seq.

Construction and demolition debris rules and laws – see OAC 3745-400 and R.C. 3714

Duty to comply with notice – see R.C. 3703.08

Board of Health – see R.C. 3707.02, 3707.48, 3707.49, & 3707.99(C)

General provisions – see EHC 100

Means of egress – see OAC 4101

Powers of Board of Health re: unfit dwellings – see R.C. 3707.01

Right of entry – see EHC 100.03

Solid waste rules and laws – see OAC 3745-27 and R.C. 3734

**EHC** - Environmental Code    **ORC** - Ohio Revised Code    **OAC** - Ohio Administrative Code

### **801.01 DEFINITIONS**

As used in the following sections, the following words, phrases and clauses, unless otherwise provided or contextually defined, are defined as:

- A. “Alter” or “Alteration” means any change or modification in construction or occupancy.
- B. “Animal Waste” means any material composed of excreta, with or without bedding materials and/or animal drugs, collected from or originating from Fowl, livestock or other animals.
- C. “Approved” means approved by the Board of Health.
- D. “Attractive Nuisance” means a condition that can attract and be detrimental to the health and safety of children whether it is on a Property with a Building or Dwelling or on a

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vacant Property. This includes, but is not limited to: abandoned Buildings, abandoned wells, shafts, Basements, excavations, abandoned freezers, refrigerators, swimming pools, any structurally unsound fences or structures, lumber, trash, debris, or that may prove hazardous.

- E. “Basement” means that area of a Building which is underground, in whole or in part.
- F. “Bathroom” means a non-habitable room containing plumbing fixtures including any or all of the following: a toilet, a sink, a bathtub and/or a shower.
- G. “Board” or “Board of Health” means Summit County Combined General Health District and its authorized representatives, employees, and agents.
- H. “Body of Water” means any significant accumulation of water and may refer to, but is not limited to lakes, ponds, reservoirs, wetlands, puddles, rivers, creeks, streams, canals and other geographic features where water moves from one place to another.
- I. “Building” means a fixed construction with walls, a Foundation and a roof built for the support, shelter or enclosure of persons, animals, or Property of any kind, together with its Property. It can be a house, factory, garage, shed, or any other similar structure. The term shall be construed as if followed by the words “or part thereof.”
- J. “Commercial Applicator” means an individual who is licensed under R.C. 921.11.
- K. “Commercial Nuisance Wild Animal Control Operator” means an individual or business that provides nuisance wild animal removal or control services for hire to the Owner, the operator, or an authorized agent of a Property or structure.
- L. “Construction and Demolition Debris” (CDD) has the same definition as in OAC 3745-400-01(C) (4).
- M. “Disposal” means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any Solid Waste into or onto any land or water so that such Solid Waste or any constituent or individual component thereof may enter the environment or be emitted into the air or discharged into any Body of Water, including ground waters.
- N. “Dwelling” means any space or spaces used for residential purposes, for one, some, or all of the following: living, sleeping, cooking, and eating. The term ‘Dwelling’ shall also include industrialized housing and modular construction, or any other residential structure, which conforms to nationally accepted industry standards. The term ‘Dwelling’ shall also include all interior and exterior passageways, hallways, foyers, Stairways, basements and other rooms or areas used or intended for use by the Occupants. Whenever the word “Dwelling” is used, it shall be construed as though followed by the words “or any part thereof.”
- O. “Egress” or “Means of Egress” means an arrangement of exit facilities to assure a safe

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means of exit from a Building or Non-residential structure. If above or below the ground level of a Building, the Egress must provide safe passage to the ground level.

P. “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 or trapping; or by any other recognized and legal Pest elimination methods Approved by the Board.

Q. “Fire Code” means the adopted fire code for the individual municipality, township, or other governmental entity.

R. “Foundation” means a wall below the first floor extending below the adjacent ground level and serving as a support for a wall, pier, column, or other structural part of a Building or structure.

S. “Fowl” means any type of bird.

T. “Garbage” means the animal and vegetable waste resulting from handling, preparing, cooking, serving, or any action other than consuming food.

U. “Harborage” means a condition on land favorable to infestation by animals or insects considered Pests including, but not limited to, rats or mice.

V. “Hazardous Waste” has the same definition as OAC 3745-51-03. Hazardous waste includes, but is not limited to, explosives, pesticides, and chemicals that are harmful to public health or the environment. The Board may determine that a substance not listed therein is hazardous waste based on the characteristics of the substance as determined by the Board’s resources and/or inspections.

W. “Heated Water” means water that is heated to a minimum of 110 degrees Fahrenheit at the point of use.

X. “Infectious Waste” has the same definition as in OAC 3745-27-01(I)(6).

Y. “Infestation” means the presence of a large number of any Pests as to increase the likelihood of causing disease, increase health risks, or cause damage within or around a Dwelling, Building, Non-residential structure or any Property.

Z. “Kitchen” means a space that is used for the cooking or preparation of food.

AA. “Let” means to permit, provide, or offer possession of a Dwelling, Building, Non-residential structure or Property by a person or entity who is not the legal Owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of the contract for the sale of the land to another individual or entity for a fee.

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- BB. “Maintenance” or “Maintain” means to keep a Property, Dwelling, or Non-residential structure in good repair and condition.
- CC. “Multiple Dwelling” means any structure containing more than two Dwellings.
- DD. “Noisome” means having an extremely offensive, disagreeable, or unpleasant smell.
- EE. “Non-residential structure” means any structure, regardless of size, that is not attached to the Dwelling and has one or more of the following: wall, roof, floor, door, and/or window.
- FF. “Noxious Odors” means smells that are harmful or destructive to living beings.
- GG. “Occupant” means any person living, sleeping, cooking, or eating in, or having actual possession of a Dwelling.
- HH. “Owner” means any person, agent, firm or corporation having a legal or equitable interest in the Property.
- II. “Pest” means any mammal, bird, insect, Rodent or reptile, which may be a potential vector for human diseases or present a public health threat.
- JJ. “Plumbing Fixture” means any device that is permanently or temporarily connected to a Building’s water supply and/or drainage system for the purposes of supplying water or to carry away wastewater and sewage.
- KK. “Potable Water” means water that is safe to drink or use for food consumption and approved by either Ohio EPA or the Board of Health.
- LL. “Premises” means a Dwelling or Building, together with its land and Non-residential structures.
- MM. “Privacy” means an area or room which may be closed off from the other rooms with a solid door with a locking device.
- NN. “Property” means all lands, including all Dwellings, Buildings, and Non-residential structures, improvements and fixtures thereon, and Property of any nature appurtenant thereto, or used in connection therewith.
- OO. “Public Area” means an unoccupied space adjoining a Building and on the same Property of any nature appurtenant thereto, or used in connection therewith.
- PP. “Rodents” include, but are not limited to mice, rats or squirrels.
- QQ. “Rubbish” means combustible and noncombustible waste materials, except Garbage,

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including the residue from the burning of wood, coal, coke, and other combustible material, including paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass, crockery, plastics, dust and other like materials.

RR. “Sanitary Sewerage System” means pipelines or conduits, pumping stations, force mains, and all other constructions, devices, appurtenances, and facilities that convey sewage to a central sewage treatment plant and are required to obtain a permit under R.C. 6111.

SS. “Sewage Treatment System” has the same definition as in OAC 3701-29-01(QQQQ).

TT. “Solid Waste” has the same definition as in R.C. 3734.01(E).

UU. “Stairway” means one or more flights of stairs and the necessary landings or platforms connecting them for a continuous and uninterrupted passage from one story to another in a Building or structure.

VV. “Unfit for Human Habitation” means any Dwelling found to be unsafe or unhealthy for people to live in.

WW. “Vacated” means that, subsequent to a finding that the Dwelling has been deemed unfit for human habitation, all Occupants of said Dwelling must be removed until the Dwelling has been remediated as determined by the Board of Health.

XX. “Ventilation” means the adequate supply and removal of air to and from space through windows, skylights, doors, grilles, ducts, or mechanical devices.

## **801.02 AUTHORITY**

**A. Authority to inspect Dwellings and Property**

1. The Board may enter and inspect at any reasonable time all Dwellings, Property, surrounding Dwellings, Property without a Dwelling, or structures subject to the provisions of this Code for the purpose of determining compliance with these provisions.

**B. Right of access and entry**

1. The Owner, Occupant or other person in possession or control of a Dwelling, structure, and/or Property, upon presentation of proper identification by the Board, shall permit the Board entry and free access to every part of the Dwelling, Property surrounding a Dwelling, or Property without a Dwelling.
2. If an Owner, Occupant or other person in possession or control of a Dwelling, structure, or Property fails or refuses to permit free access and entry to the Dwelling, structure or

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Property under their control, or any part thereof, with respect to which an inspection authorized by this Code is sought to be made, the Board may, upon a showing that probable cause exists for the inspection and for the issuance of an order directing compliance with the inspection requirements of this chapter with respect to such Dwelling, structure and/or Property petition and obtain such an order from a court of competent jurisdiction.

3. When an Owner, Occupant or other person in possession or control of a Dwelling, structure or Property fails or refuses to permit free access and entry to a Dwelling, structure and/or Property, the Board shall obtain an administrative search warrant to inspect a Dwelling, structure, and/or Property for violations related to this Code.

#### **801.03     STORAGE AND DISPOSAL**

- A. No Owner or Occupant of any Dwelling may allow the accumulation of any items within or outside the Dwelling that may have a negative impact on the health or safety of the Occupants or neighbors or create a nuisance.
- B. The external receptacles for all Garbage and Rubbish must be free of any leaks, have close-fitting lids, be kept clean, and be Pest-proof.
- C. The area for the storage of all Garbage, Rubbish, and Solid Waste containers must be kept in a clean and sanitary condition.
- D. Garbage and Rubbish must be stored in Approved containers with tight fitting lids until such time as it can be removed from the Property to an Approved landfill, recycling or compost facility as defined in R.C. 3745-27-01.
- E. Solid Waste, Construction and Demolition Debris (CDD), Garbage, and Rubbish shall be stored on the Premises in such a manner so as to prevent the Harborage of Rodents or other Pests.
- F. Solid Waste, CDD, Garbage and Rubbish shall be removed from the Premises at frequent enough intervals to prevent the accumulation of such from becoming a Harborage, attractant or breeding place for Rodents, mosquitoes or other Pests or from becoming a nuisance.

#### **801.04     HOUSING**

- A. Compliance required for occupancy or lease
  1. No person shall occupy as an Owner or Occupant, or Let to another for occupancy, any Dwelling or Dwellings, for the purposes of living, sleeping, cooking or eating therein, which do not comply with the requirements of this chapter.
  2. No Owner shall occupy or Let to another person any Dwelling unless it and the Property is clean, sanitary, and fit for human occupancy in accordance with all

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applicable requirements of state law and the regulations of the Board.

- B. The Owner of any Dwelling shall provide functioning service connections to electricity, Potable Water, sewage Disposal, and natural gas, if natural gas is available.
  - 1. No Property Owner or Owner's agent shall cause any service, facility, equipment, or utility which is required by this Code, to be removed, shut off from, or discontinued for any occupied Dwelling, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Board.
    - a. If there is to be a planned interruption in service for more than 12 hours, the Owner or operator must provide the Occupant, in writing, notice of the date and times of such interruption at least three working days prior to the interruption.
    - b. If the interruption is for more than 24 hours, alternative delivery of the required services and facilities, in a manner approved by the Board, must be provided to the Occupant.
    - c. If the interruption is due to an emergency situation, as determined by the Board, the requirements of this section (B)(1)(a-c) do not apply.
  - 2. A Sanitary Sewerage System or a household Sewage Treatment System shall be provided in accordance with local building codes and OAC 3701-29-06.
- C. Standards for Basic Equipment and Facilities
  - 1. The Owner shall maintain the Foundation, walls, ceilings, and roof of a structure in a manner that is safe, sound, reasonably weather tight, and Rodent and Pest proof.
    - a. If any water damage is seen inside a structure, corrective measures shall be required to remediate any damage and preventative measures shall be employed to minimize further water damage.
  - 2. The Owner shall provide and maintain gutters and downspouts of a structure in good working order to provide proper drainage of rainwater in order to not create a nuisance. Rainwater shall be discharged a minimum of 5 feet away from the Foundation of the structure.
  - 3. The Owner shall maintain windows and doors of a structure that are safe, sound, and reasonably weather tight, and have the ability to lock, be waterproof, and Rodent and Pest proof.
    - a. All windows used or intended to be used for Ventilation, all other openings, and all exterior doorways of a structure which might provide an entry for Pests, shall be supplied with adequate screens or other such devices that will effectively prevent the entrance of Pests into the structure.
  - 4. Access to ingress and Egress
    - a. Access to an Egress from each Dwelling shall be provided without passing through any other Dwelling. The method of entering or exiting the Dwelling shall

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not be blocked nor shall individuals be impeded from entering or exiting the Building by accumulation of materials.

- b. All patios, stairs, decks, porches, or other walkways that must be used to enter or exit a Dwelling must be structurally sound and in good repair.
5. A Kitchen area consisting of:
  - a. Sufficient connections for the operation of Kitchen appliances, including, but not limited to: a stove, an oven, a refrigerator, a microwave, and/or a freezer.
  - b. Cabinets, countertops and drawers shall be in sufficient quantity and in a condition that the Occupants can safely prepare food and be maintained in good repair.
  - c. A sink in good, working order which provides adequate flow of Heated and unheated water under pressure such that the faucets operate properly and is connected to an approved Sanitary Sewerage System or household Sewage Treatment System.
6. A bathroom consisting of:
  - a. A flush toilet in good working condition, that is easily cleanable, and is connected to both a water system that provides an adequate amount of running Potable Water and an approved Sanitary Sewerage System or household Sewage Treatment System.
  - b. A lavatory sink in good working condition, that is easily cleanable and is connected to a water supply system that provides an adequate flow of Heated and unheated Potable Water under pressure such that the faucets operate properly and is connected to an approved Sanitary Sewerage System or household Sewage Treatment System.
  - c. A bathtub or shower in good working condition, that is easily cleanable and is connected to a water supply system that provides an adequate flow of Heated and unheated Potable Water under pressure such that the faucets operate properly and is connected to an approved Sanitary Sewerage System or household Sewage Treatment System.
  - d. Mechanical Ventilation, if available, shall be kept in good repair.
7. Adequate flooring shall be provided and maintained in good repair and in a way that can be easily kept in a clean and sanitary condition.
8. A system providing an adequate amount of water that is heated to a minimum of 110 degrees Fahrenheit at the point of use must be provided and maintained in good working order.
  - a. In certain situations, there may be a need to provide alternative temporary water heating systems for the use of the Occupants.
9. A heating system capable of maintaining a temperature of at least 68 degrees Fahrenheit shall be maintained in all habitable rooms and Bathrooms.

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- a. All combustion heating systems must be vented to the outside of the structure in an approved manner in accordance with local building standards. These heating systems must be supplied with sufficient air to continuously support the combustion of the fuel, wood, or other approved heating sources. All heating devices shall be maintained and operated in such a manner as to minimize accidental burns.
- b. In certain situations, there may be a need to provide alternative temporary heating systems for the safety of the Occupants.

10. All plumbing shall be provided and maintained in good repair.

11. Minimum capacity of electrical facilities

- a. All outlets, switches, and wiring shall be maintained in such a manner as to prevent the danger of electrical shock.
- b. All switch plates or outlet covers must be in place and in good condition to prevent accidental electrical shock.

12. There must be at least one smoke detector per floor of living space in a Dwelling with a preference for placement in the immediate vicinity of the bedrooms when applicable.

13. There must be at least one carbon monoxide in a Dwelling.

- a. The Owner is responsible for maintaining and testing equipment, including smoke detectors and carbon monoxide detectors.

## **801.05 INSECTS, PEST CONTROLS, AND ANIMALS**

- A. The Owner of a Dwelling shall maintain the structure in a way that keeps it free from insect, Rodent, and Pest Infestation.
- B. Every Dwelling, multiple Dwelling, or accessory structure and the Property on which they are located shall be maintained by the Owner in a way to prevent a Rodent Infestation.
- C. All toilets and floor drains shall be maintained in such a manner to prevent the entry of Rodents into the Dwelling.
- D. A Commercial Applicator or Commercial Nuisance Wild Animal Control Operator must be used to eliminate Pest Infestations.
- E. Documentation from a Commercial Applicator or Commercial Nuisance Wild Animal Control Operator shall be provided to the Board of Health, upon request.
- F. Provisions shall be made to ensure that any water-holding containers are not breeding sites for mosquitoes. Bird baths, buckets, tires, gutters or any other water-holding containers shall be emptied and/or cleaned to prevent or eliminate mosquito breeding sites. Tires shall be stored to keep dry and limit breeding sources or be treated on a regular basis to keep tires free of mosquito larvae.
  - 1. If a swimming pool or other body of water displays mosquito larvae and it is

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necessary to treat, the Board will apply larvicide as needed to abate a nuisance.

- G. All pens, yards, structures or areas where animals are kept shall be maintained in a nuisance-free manner.
- H. No person shall erect, continue to use, or maintain a Building, structure, or place for the exercise of keeping of an animal which, causes noxious exhalations, noisome or offensive smells, or which otherwise becomes injurious to the health or comfort to the individuals of the public.
- I. Droppings and manure shall be removed regularly and disposed of properly in the Garbage or composted so as not to attract insects or Rodents, cause a nuisance, or cause objectionable odors.
- J. All animal housing, holding pens, enclosures without grass cover, manure piles, fabricate manure storage, or Animal Waste shall be kept 50 feet or more from a private water system.
- K. The carcasses of dead animals shall be disposed of in a municipal landfill or in a manner to avoid the creation of a nuisance or the pollution of a public or private water supply.

#### **801.06 PENALTY**

- A. Whenever, in the judgment of the Board, an emergency exists which requires immediate action to protect the public health, safety, or welfare, an order may be issued in accordance with R.C. 3707.01 or any other applicable section of this Code and other applicable laws and regulations, and the Board shall proceed in accordance therewith.
- B. Whoever violates or fails to comply with any of the provisions of this Environmental Health Code shall be in violation of R.C. 3707.48, 3707.01, 3707.02, 3709.20, 3709.21, 3709.22, and may be subject to the penalties provided in ORC, 3707.02, 3707.021, 3709.211, 3707.99 and 3709.99.