CHAPTER 801

Housing: GENERAL

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CROSS REFERENCES

Housing certificates - see ORC 751.01 et seq.
Powers of Board of Health re unfit dwellings - see ORC 3707.01
Enforcement of orders of Board of Health - see ORC 3707.02, 3707.48, 3707.49 & 3707.99(C)
Metropolitan Housing Authority - see ORC 3735

EHC    Environmental Health Code    ORC    Ohio Revised Code    OAC    Ohio Administrative Code

801.01 LEGISLATIVE FINDINGS.

It is hereby found that there exist, and may in the future exist, within the Summit County General Health District premises, dwellings, dwelling units, rooming units, 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.
801.02 PURPOSES.

The purpose of this Housing Code 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 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 promote the general welfare by legislation which shall be applicable to all dwellings now in existence or hereafter constructed. Further, the purpose of this Housing Code is to insure that the quality of housing is adequate for protection of the public health, safety and general welfare, including the 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.

801.03 APPLICATION.

The provisions of this Housing Code shall apply uniformly to the construction, maintenance, use and occupancy of all residential buildings 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 General Health District irrespective of when or under what code or codes such buildings or structures were originally constructed or rehabilitated.

801.04 SHORT TITLE.

This Housing Code shall be known and may be cited as the Housing Maintenance and occupancy Code of the Summit County Combined General Health District, or just the Housing Code.

801.05 COLLECTION AND DISSEMINATION OF INFORMATION.

The Health Commissioner is hereby authorized to collect and disseminate information concerning techniques of maintenance, repair and sanitation in housing, and concerning the requirements of this Housing Code and applicable rules and regulations promulgated pursuant thereto.

801.06 RULES AND REGULATIONS.

The Health Commissioner is hereby authorized to make, adopt, revise and amend such rules and regulations as he or she deems necessary for carrying out the purposes of this Housing Code. No person shall violate or fail to comply with any such rule or regulation.

801.07 SEPARABILITY.

If any section, subsection, paragraph, sentence, clause or phrase of this Housing Code should be declared invalid for any reason, such decision shall not affect the remaining portions of this Housing Code, which shall remain in full force and effect. To this end the provisions of this Housing Code are hereby declared to be separable.

801.08 DEFINITIONS.

As used in this Housing Code, unless otherwise provided or unless the context otherwise requires:

1) "Accessory building or structure" means a detached building or structure in a secondary or subordinate capacity relative to the main or principal building or structure on the same premises.

2) "Approved" means approved by the Health Commissioner.
(3) "Ashes" means the residue from the burning of combustible materials.

(4) "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 such space.

(5) "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.

(6) "Building" means a fixed construction with walls, a foundation and a roof, such as a house, factory, garage, etc.

(7) "Cellar" means the portion of a building wholly below, or with less than half of its ceiling height above, the average finished grade of the ground adjoining the building.

(8) "Central heating system" means a single system supplying heat to one or more dwelling units or more than one rooming unit.

(9) "Chimney" means a vertical masonry shaft of reinforced concrete, or other approved noncombustible, heat-resisting material, enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid or gaseous fuel.

(10) "Dilapidated" means no longer adequate for the purpose or use for which it was originally intended.

(11) "Dormitory," as applied to a building, means a building whose principal use is accessory sleeping quarters for non-transients.

(12) "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 nationally accepted industry standards and used or intended for use for living, sleeping, cooking and eating purposes, shall be classified as dwellings. Whenever the word "dwelling" is used it shall be construed as though followed by the words "or any part thereof."

(13) "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. Whenever the term "dwelling unit" is used it shall be construed as though followed by the words "or any part thereof."

(14) "Egress" means an arrangement of exit facilities to assure a safe means of exit from buildings.

(15) "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 method approved by the Health Commissioner.

(16) "Fair market value" means a price at which both buyers and sellers are willing to do business.

(17) "Family" means an individual or any number of individuals related by blood or marriage, or a group of not more than five individuals not so related, living together.

(18) "Flush water closet" means a toilet bowl which is flushed with water which has been supplied under pressure and equipped with a water sealed trap above the floor level.

(19) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, serving and non-consumption of food.

(20) "Grade" means the average finished level of the adjacent ground.

(21) "Guest" means an individual who shares a dwelling unit in a nonpermanent status for not more than thirty days.

(22) "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, furnace rooms, pantries, kitchenettes and utility rooms of less than fifty square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces, workshops, hobby and recreation areas in unheated or uninsulated parts of a structure below ground level or in attics, or other accessory floor space.

(23) "Heated water" means water heated to a temperature of not less than 120 degrees Fahrenheit at the outlet.

(24) "Household" means one or more individuals living together in a single dwelling unit and sharing common living, sleeping, cooking and eating facilities. (See also Family)
(25) "Housing Code" means Title Four of Part Sixteen of this Environmental Health Code.

(26) "Infestation" means the presence within or around a dwelling of any insects, rodents or other pests.

(27) "Kitchen" means any room containing any or all of the following equipment, or any area of a room within three feet of such equipment: a sink and/or other device for dishwashing; a stove or other device for cooking; a refrigerator or other device for cool storage of food; cabinets and/or shelves for storage of equipment and utensils; and a counter or table for food preparation.

(28) "Kitchenette" means a small kitchen or an alcove containing cooking facilities.

(29) "Multiple dwelling" means any dwelling containing more than two dwelling units.

(30) "Occupant" means any individual, over one 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.

(31) "Operator" means any person who has charge, care, control or part thereof, in which dwelling units or rooming units are let.

(32) "Ordinary summer conditions" means a temperature ten degrees Fahrenheit below the highest recorded temperature in the locality for the prior ten-year period.

(33) "Ordinary winter conditions" means a temperature fifteen degrees Fahrenheit above the lowest recorded temperature in the locality for the prior ten-year period.

(34) "Owner" means any person who, alone or jointly or severally with others:

(a) Has legal title to any premise, dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(b) Has charge, care or control of any premise, dwelling or dwelling unit, as owner or agent of the owner, or as 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 Housing Code and with rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

(35) "Permissible occupancy" means the maximum number of individuals permitted to reside in a dwelling unit, rooming unit or dormitory.

(36) "Plumbing" means and includes all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and any other similar supplied fixtures, and the installation thereof, together with all connections to water, sewer or gas lines.

(37) "Premises" means a platted lot or part thereof or an un-platted lot or parcel of land or a 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. Whenever the word "premises" is used it shall be construed as though followed by the words "or any part thereof."

(38) "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.

(39) "Rat harborage" means any condition or place where rats can live, nest or seek shelter.

(40) "Rat proofing" 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 off every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings and other places that may be reached and entered by rats by climbing, burrowing or other methods, by the use of materials impervious to rat gnawing and other methods approved by the Health Commissioner.

(41) "Refuse" means all putrescible and non-putrescible solids (except body wastes), including garbage, rubbish, ashes and dead animals.

(42) "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 unsanitary 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.
"Rooming house" means any structure, or that part of any structure, containing one or more rooming units and/or one or more dormitory rooms. Whenever the term "rooming house" is used it shall be construed as though followed by the words "or any part thereof."

"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. Whenever the term "rooming unit" is used it shall be construed as though followed by the words "or any part thereof."

"Rubbish" means non-putrescible solid waste (excluding ashes) consisting of either:

- Combustible waste, such as paper, cardboard, plastic containers, yard clippings and wood; or
- Noncombustible waste, such as tin cans, glass and crockery.

"Safety" means the condition of being reasonably free from danger and hazards which may cause accidents or disease.

"Structure." Whenever the word "structure" is used it shall be construed as though followed by the words "or any part thereof."

"Supplied" means paid for, furnished by, provided by, or under the control of, the owner, operator or agent.

"Temporary housing" means any tent, trailer, mobile home or 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 consecutive days.

"Undefined Words." Words and terms not specifically defined in this Housing Code shall have the common definition set forth in a standard dictionary.

"Variance" means a difference between that which is required or specified and that which is permitted.

(Resolution 137-76 adopted 10/12/76; Resolution 011-19 adopted 04/11/2019)

801.09 NOTICE OF VIOLATION.

Whenever the Health Commissioner determines that any dwelling, dwelling unit or rooming unit, or the premises surrounding any of these, fails to meet the requirements set forth in this Housing Code or in applicable rules and regulations issued 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:

(a) Be in writing;
(b) Set forth the alleged violations of this Housing Code or of applicable rules and regulations issued pursuant thereto;
(c) Describe the dwelling, dwelling unit or rooming unit where the violations are alleged to exist or to have been committed;
(d) Provide a reasonable time, not to exceed sixty days, for the correction of any violation alleged; and
(e) Be served upon the owner, occupant, operator or agent of the dwelling, dwelling unit or rooming unit personally, or by certified 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, service may be made upon such person or persons by posting a notice in or about the dwelling, dwelling unit or rooming unit described in the notice.

801.10 DESIGNATION OF UNFIT DWELLINGS, UNITS AND ROOMS.

(a) Any dwelling, dwelling unit, rooming unit, dormitory or dormitory room shall be designated as unfit for human habitation when any of the following defects or conditions is found, and when, in the judgment of the Health Commissioner, such defect or condition creates a hazard to the health, safety or welfare of the occupants or of the public:

1. Damage, decay, dilapidation, unsanitary or unsafe condition or vermin-infestation;
2. Lack of illumination, ventilation or required sanitation facilities; or
3. The general condition or location is unsanitary, unsafe or unhealthful.
Whenever any dwelling, dwelling unit, rooming unit, dormitory or dormitory room has been designated as unfit for human habitation, the Health Commissioner shall placard the dwelling, dwelling unit, rooming unit, dormitory or dormitory room, indicating that it is unfit for human habitation and, if occupied, shall order the dwelling, dwelling unit, rooming unit, dormitory or dormitory room vacated within a reasonable time.

No dwelling, dwelling unit, rooming unit, dormitory or dormitory room which has been designated as unfit for human habitation, has been placarded as such and vacated shall be used again for human habitation until written approval is secured from the Health Commissioner and the placard removed by the Health Commissioner.

The Health Commissioner shall rescind the designation as unfit for human habitation and remove the placard when the defect or condition upon which such designation and placarding were based has been removed or eliminated and the dwelling, dwelling unit, rooming unit, dormitory or dormitory room is deemed by the Health Commissioner as a safe, sanitary and fit place or unit for human habitation.

No person shall deface or remove the placard from any dwelling, dwelling unit, rooming unit, dormitory or dormitory room which has been designated as unfit for human habitation and has been placarded as such, except as provided in subsection (d) hereof.

Any person affected by any decision of the Health Commissioner or by any designation or placarding of a dwelling, dwelling unit, rooming unit, dormitory or dormitory room as unfit for human habitation shall be granted a hearing on the matter before the Board of Health under the procedure set forth in Section 801.04.

801.11 DEMOLITION OF DWELLINGS, UNITS AND ROOMS.

(a) The Board of Health shall order a dwelling, dwelling unit, rooming unit, dormitory or dormitory room to be demolished if it has been designated as unfit for human habitation, has been placarded as such, has been vacated and has not been put into proper repair so as to rescind the designation as unfit for human habitation and to cause the placard to be removed.

(b) The owner of any dwelling, dwelling unit, rooming unit, dormitory or dormitory room which has been ordered demolished shall be given notice of this order in the manner provided for service of notice in Section 801.01 and shall be given a reasonable time, not to exceed ninety days, to demolish such structure.

(c) If the owner fails, neglects or refuses to demolish an unfit, unsafe or unsanitary dwelling, dwelling unit, rooming unit, dormitory or dormitory room within the requisite time, the Board of Health may cause the demolition of such structure and shall certify the cost and expense of demolition to the County Auditor and the same shall become a lien upon the real estate.

(d) Whenever a dwelling is demolished, whether carried out by the owner or by the Board of Health, such demolition shall include the filling in of the excavation on which the demolished dwelling was located, in such a manner as to eliminate all potential danger to the public health, safety or welfare arising from such excavation.

Resolution 190-77 adopted 11/18/77; Resolution 011-19 adopted 04/11/2019

801.12 RECONSIDERATION AND APPEALS; MODIFICATIONS, EXTENSIONS AND VARIANCES.

(a) Application for Reconsideration. Any person aggrieved by a notice of the Health Commissioner issued in connection with an alleged violation of any of the provisions of this Housing Code or of any applicable rule or regulation issued pursuant thereto, or by any order requiring repair, may apply to the Health Commissioner for an administrative conference for reconsideration of such notice or order, provided such application is made within fourteen days after the date the notice or order was issued. If the Health Commissioner holds an administrative conference for reconsideration of the notice or order, the same shall be held within two weeks of the date of filing the application therefore, and the Health Commissioner shall
prepare a summary of the conference and shall state the decision reached. Such summary and statement shall become part of the public record.

(b) Appeals.
(1) Any person aggrieved by a decision of the Health Commissioner made pursuant to subsection (a) hereof, or by the refusal of the Health Commissioner to hold an administrative conference under subsection (a) hereof, may appeal such decision to the Board of Health or may apply to the Board for reconsideration of the notice referred to in subsection (a) hereof provided such appeal or application is made within twenty-one days after the decision appealed from or after notice of refusal to hold an administrative conference, as the case may be.
(2) Upon receipt of a valid petition, the Board shall either grant or deny the hearing requested and shall advise the petitioner of its decision in writing.
(3) When the Board determines to hold a hearing, it shall serve the petitioner with a notice of its decision in the manner provided for service of notice in Section 801.01.
(4) At the hearing, the petitioner shall be given an opportunity to show cause why the decision of the Health Commissioner should be modified or revoked, why the notice or order should be modified or withdrawn, why the period of time permitted for compliance should be extended or why a variance should be granted.
(5) The Board shall have the power to affirm, modify or revoke the decision, notice or order and may grant an extension of time for the performance of any act required where the Board finds that there is practical difficulty or undue hardship connected with the performance of any act required by any of the provisions of this Housing Code or by applicable rules or regulations issued pursuant thereto, and that such extension is in harmony with the general purpose of this Housing Code to secure the public health, safety and welfare.
(6) The Board may grant variances from the provisions of this Housing Code or from applicable rules and regulations issued pursuant thereto when the Board finds that there is practical difficulty or unnecessary hardship connected with the performance of any act required by this Housing Code and applicable rules and regulations issued pursuant thereto; that strict adherence to such provisions would be arbitrary in the case at hand; that extension would not provide an appropriate remedy in the case at hand; and that such variance is in harmony with the general purpose of this Housing Code to secure the public health, safety and welfare.

(Resolution 190-77 adopted 11/18/77; Resolution 011-19 adopted 04/11/2019)

801.13 EMERGENCIES.

(a) Whenever, in the judgment of the Health Commissioner, an emergency exists which requires immediate action to protect the public health, safety or welfare, an order maybe issued, without notice, conference or hearing, directing the owner, occupant, operator or agent to take appropriate action to correct or abate the emergency condition. If circumstances warrant, the Health Commissioner may act to correct or abate the emergency condition.
(b) The owner, occupant, operator or agent shall be granted a conference on the matter upon request, as soon as practical, but such conference shall in no case stay the abatement or correction of such emergency condition.

801.14 INSPECTION PLANS.

The Health Commissioner is hereby authorized and directed to develop and adopt plans for the inspection of dwelling units subject to the provisions of this Housing Code, including a plan for the systematic inspection of dwelling units contained within the Health District as may from time to time be designated by the Health Commissioner.
(Resolution 190-77 adopted 11/18/77; Resolution 011-19 adopted 04/11/2019)

801.15 NOTICE OF INTENT TO INSPECT.

Before making inspections and pursuant to a plan authorized in Section 801.01, the Health Commissioner shall advise the property owners and other residents of the intent to inspect.

801.16 ENFORCEMENT; INSPECTIONS AUTHORIZED.

The Health Commissioner shall enforce the provisions of this Housing Code and is hereby authorized and directed to make inspections pursuant to one or more of the plans for inspection authorized by Section 801.01, or in response to a complaint that an alleged violation of any of the provisions of this Housing Code or of any applicable rule or regulation issued pursuant thereto may exist, or when the Health Commissioner has valid reason to believe that a violation of any of the provisions of this Housing Code or any rule or regulation issued pursuant thereto has been or is being committed.

801.17 AUTHORITY TO INSPECT DWELLINGS, UNITS AND ROOMS.

The Health Commissioner is hereby authorized to enter and inspect at any reasonable time all dwellings, dwelling units, rooming houses, rooming units, dormitories and dormitory rooms subject to the provisions of this Housing Code for the purpose of determining whether or not there is compliance with its provisions.

801.18 AUTHORITY TO INSPECT SURROUNDING PREMISES.

The Health Commissioner is hereby authorized to inspect the premises surrounding dwellings, dwelling units, rooming houses, rooming units, dormitories and dormitory rooms subject to this Housing Code, for the purpose of determining whether or not there is compliance with its provisions.

801.19 RIGHT OF ENTRY AND ACCESS.

(a) The owner, occupant or other person in charge of a dwelling, dwelling unit, rooming unit, rooming house, dormitory or dormitory room, upon presentation of proper identification by the Health Commissioner, shall give the Health Commissioner entry and free access to every part of the dwelling, dwelling unit, rooming unit, dormitory or dormitory room or to the premises surrounding any of these.

(b) If an owner, occupant or other person in charge of a dwelling, dwelling unit, rooming unit, rooming house, dormitory or dormitory room fails or refuses to permit free access and entry to the structure or premises under his control, or any part thereof, with respect to which an inspection authorized by this Housing Code is sought to be made, the Health Commissioner 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, dwelling unit, rooming unit, rooming house, dormitory or dormitory room, petition and obtain such order from a court of competent jurisdiction.

(c) When required, the Health Commissioner shall obtain a warrant to inspect.
(d) No person shall fail or refuse to comply with an order or warrant issued pursuant to this section.

801.20 CONFIDENTIALITY OF EVIDENCE.

The Health Commissioner shall keep confidential all evidence, exclusive of the inspection record, which it may discover or obtain in the course of an inspection made pursuant to this chapter and such evidence shall be considered privileged.

801.21 CONDITION OF LEASED PREMISES.

No owner or other person shall occupy or let to another person any dwelling or dwelling unit unless it and the premises are clean, sanitary, fit for human occupancy and in compliance with all applicable requirements of State law and the regulations of the General Health District.

801.22 MAINTENANCE OF SHARED OR PUBLIC AREAS.

Every owner of a dwelling containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

801.23 MAINTENANCE OF AREAS OCCUPIED AND CONTROLLED.

Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.

801.24 STORAGE AND DISPOSAL OF RUBBISH.

Every occupant of a dwelling or dwelling unit shall store and dispose of all his rubbish in a clean, sanitary and safe manner.

801.25 STORAGE AND DISPOSAL OF GARBAGE.

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. Rat proof, insect proof, watertight refuse containers shall be used for storage, pending collection.

801.26 FACILITIES AND CONTAINERS FOR STORAGE AND DISPOSAL OF GARBAGE AND RUBBISH.

(a) Every owner of a dwelling containing three or more dwelling units shall supply facilities or refuse containers for the sanitary and safe storage or disposal of rubbish and garbage. In the case of single or two-family dwellings, it shall be the responsibility of each occupant to furnish such facilities or refuse containers.

(b) The total capacity of all provided garbage and/or refuse cans and bulk storage containers shall be sufficient to meet the needs of the occupants of the dwelling.

(Resolution 190-77 adopted 11/18/77; Resolution 011-19 adopted 04/11/2019)

801.27 SCREENS, STORM DOORS AND WINDOWS.
The owner of a dwelling unit shall be responsible for providing and hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this Housing Code or any rule or regulation issued pursuant thereto, except where there is a written agreement between the owner and occupant. However, the owner is exempt from this requirement when it can be demonstrated that these or other supplied facilities are willfully destroyed by the occupant. In the absence of such an agreement, maintenance or replacement of screens and storm doors and windows, once installed in any one season, becomes the responsibility of the occupant. The occupant's responsibility shall be exclusive to his dwelling unit.

801.28 EXTERMINATION OF INSECTS AND RATS.

Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects and rats on the premises. Every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain dwelling in a rat 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.

801.29 ACCUMULATIONS OF RUBBISH, BOXES, LUMBER, ETC. BY OCCUPANTS.

No occupant of a dwelling or dwelling unit shall accumulate rubbish, boxes, lumber, scrap metal or any other material in such a manner that may provide a rat harborage in or about any dwelling or dwelling unit. Stored materials shall be stacked neatly in piles elevated at least eighteen inches above the ground or floor.

801.30 ACCUMULATIONS OF RUBBISH, BOXES, LUMBER, ETC. BY OWNERS.

No owner of a dwelling containing three or more dwelling units shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal or any other material 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 eighteen inches above the ground or floor.

801.31 STORAGE AND ACCUMULATIONS OF MATERIAL THAT MAY SERVE AS RAT FOOD.

No owner or occupant of a dwelling or dwelling unit shall store, place or allow to accumulate any material that may serve as food for rats in a site accessible to rats.

801.32 MAINTENANCE AND USE OF SUPPLIED FIXTURES AND FACILITIES.

Every occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean, sanitary and operable condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

801.33 MINIMUM TEMPERATURE.
In every dwelling unit and/or rooming unit, when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least sixty-eight degrees Fahrenheit shall be maintained in all habitable rooms, the bathroom and the water closet compartments at a distance of thirty-six inches above the floor level.

801.34 COMPLIANCE REQUIRED FOR OCCUPANCY OR LEASE.

No person shall occupy as an owner or occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purposes of living, sleeping, cooking or eating therein, which does not comply with the requirements of this chapter.

801.35 KITCHEN FACILITIES.

Every dwelling unit shall have a space in which food may be prepared and/or cooked, which shall have an adequate circulation area and which shall be equipped with the following:

(a) A kitchen sink in good working condition and properly connected to a water supply system which is approved by the Health Commissioner, which provides at all times an adequate amount of heated and unheated running water under pressure and which is connected to an approved sewerage system;

(b) Cabinets and/or 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 safekeeping; and a counter or table for food preparation; such cabinets and/or shelves and counter or table to be of sound construction and furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food;

(c) A stove or similar device for cooking food and a refrigerator or similar device for the safe storage of food at temperatures less than forty-five degrees Fahrenheit but more than thirty-two degrees Fahrenheit under ordinary maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation, provided that such stove, refrigerator and/or similar device need not be installed when a dwelling unit is not occupied or when the occupant is expected to provide the same upon occupancy, and provided, further, that sufficient space and adequate connections for the safe and efficient installation and operation of such stove, refrigerator and/or similar devices are provided.

801.36 TOILET FACILITIES.

Within every dwelling unit there shall be a non-habitable room that affords privacy to anyone within such room and that is supplied with a flush water closet in good working condition. Such flush water closet shall be equipped with easily cleanable surfaces and shall be connected both to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and to a sewerage system that is approved by the Health Commissioner.

In certain areas, if privies and facilities not providing water under pressure are acceptable, the following may be substituted in this section and in Sections 801.04 and 801.05: Every dwelling unit shall be provided with toilet, hand-washing and bathing facilities that are acceptable to the Health Commissioner.

801.37 LAVATORY SINK.

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

801.38 BATHTUB OR SHOWER.

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

801.39 MEANS OF EGRESS.

Every dwelling unit in a one or two-story dwelling shall have at least one approved means of egress leading to a safe and open space at ground level. Every dwelling unit in a multiple dwelling shall have immediate access to two or more approved means of egress leading to a safe and open space at ground level, or as required by the laws of the State or the regulations of the General Health District.

801.40 GUARDRAILS AND HANDRAILS.

Structurally sound handrails shall be provided on any steps containing five risers or more. Porches, patios and/or balconies located more than three feet higher than the adjacent area shall have structurally sound protective guardrails or handrails.

(Resolution 190-77 adopted 11/18/77; Resolution 011-19 adopted 04/11/2019)

801.41 STORAGE OF DRUGS AND POISONS.

Each dwelling unit shall have facilities for the safe storage of drugs and household poisons.

801.42 INGRESS AND EGRESS TO DWELLING UNITS.

Access to or egress from each dwelling unit shall be provided without passing through any other dwelling or dwelling unit.

801.43 LOCKS ON EXTERIOR DOORS OF LEASED PREMISES.

No person shall let to another for occupancy any dwelling or dwelling unit unless all exterior doors of the dwelling or dwelling unit are equipped with safe, functioning locking devices.

801.44 COMPLIANCE REQUIRED FOR OCCUPANCY OR LEASE.

No person shall occupy as an owner or occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements of this chapter.

801.45 WINDOWS AND SKYLIGHTS FOR DAYLIGHT.

Every habitable room shall have at least one window or skylight facing outdoors, provided that if such room is connected to another room or area used seasonally (e. g. a porch) then adequate daylight must be possible.
through this interconnection. The minimum total window or skylight area, measured between stops, for every habitable room shall be at least ten percent of the floor area of such room, but if light-obstruction structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area.

801.46 WINDOWS AND SKYLIGHTS FOR VENTILATION.

Every habitable room shall have at least one window or skylight facing directly outdoors which can be opened easily, or such other device as will ventilate the room adequately, provided that if such window or skylight is connected to a room or area used seasonally, when adequate ventilation must be possible through this interconnection. The total openable window or skylight area in every habitable room shall be equal to at least forty-five percent if the minimum window area size or the minimum skylight type of window size, as required in Section 801.02, except where there is supplied some other device affording adequate ventilation and approved by the Health Commissioner.

801.47 CLIMATE CONTROL FACILITIES AS INTEGRAL FUNCTION OF STRUCTURES.

When facilities for interior climate control (heating, cooling and/or humidity) are integral functions of structures containing dwelling units or rooming units, such facilities shall be maintained and operated in a continuous manner and in accordance with the designed capacity of the installed equipment. During instances when the integral equipment is inoperative because of power or mechanical failure, alternative provisions for fresh air ventilation if each dwelling or rooming unit shall be provided.

(Resolution 190-77 adopted 11/18/77, Resolution 011-19 Adopted April 11, 2019)

801.48 LIGHT AND VENTILATION IN BATHROOMS, WATER Closet COMPARTMENTS AND KITCHENS.

Every bathroom, water closet compartment and non-habitable room used for food preparation shall comply with the light and ventilation requirements for habitable rooms in contained in Sections 801.02 through 801.04, 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.

801.49 ELECTRIC SERVICE, OUTLETS AND FIXTURES.

Where there is usable electric service readily available, every dwelling unit and all public and common areas shall be supplied with electric service, outlets and fixtures which shall be properly installed, maintained in good and safe working condition and connected to a source of electric power in a manner prescribed by the ordinances, rules or regulations if the appropriate authority. The minimum capacity of such services and the minimum number of outlets and fixtures shall be as follows:

(a) Every dwelling unit shall be supplied with at least sixty ampere service.
(b) Every habitable room shall contain at least two separate wall-type duplex electric convenience outlets or one such duplex convenience outlet and one supplied wall or ceiling-type electric light fixture. No duplex outlet shall serve more than two fixtures or appliances.
(c) Temporary wiring or extension cords shall not be used as permanent wiring.
(d) Every non-habitable room, including water closet compartments, bathrooms, laundry rooms, furnace rooms and public halls, shall contain at least one supplied ceiling or wall-type electric light fixture.
(e) All electric lights and outlets in bathrooms shall be controlled by switches that are of such design as shall minimize the danger of electric shock, and such lights and outlet shall be installed and maintained in such condition as to minimize the danger of electrical shock.
801.50  LIGHTING OF PUBLIC HALLS AND STAIRWAYS.

Every public hall and stairway in every multiple dwelling shall be adequately lighted by natural or electric light at all times, so as to provide in all parts thereof at least ten foot-candles of light at the tread or floor level. Every public hall and stairway in structures containing not more than two dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

801.51  COMPLIANCE REQUIRED FOR OCCUPANCY OR LEASE.

No person shall occupy as an owner or occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements of this chapter.

801.51  HEATING FACILITIES.

Every dwelling shall have heating facilities that are properly installed, maintained in safe and good working condition and capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit located therein to a temperature of at least sixty-eight degrees Fahrenheit at a distance of thirty-six inches above floor level under ordinary winter conditions.

801.53  VENTING OF DEVICES USING CARBONACEOUS FUEL.

No owner or occupant shall install, operate or use a heating device, including a hot water heating unit, that employs the combustion of carbonaceous fuel, which device is not vented to the outside of the structure in an approved manner, and which device is not supplied with sufficient air to continuously support the combustion of the fuel. All heating devices shall be constructed, installed and operated in such a manner as to minimize accidental burns.

(Resolution 190-77 adopted 11/18/77; Resolution 011-19 adopted 04/11/2019)

801.54  COMPLIANCE REQUIRED FOR OCCUPANCY OR LEASE.

No person shall occupy as an owner or occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements of this chapter.

(Resolution 137-76 adopted 10/12/76; Resolution 011-19 adopted 04/11/2019)

801.55  CONDITION OF STRUCTURAL MEMBERS.

(a) Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, porch, and every appurtenance thereto, shall be safe to use, capable of supporting the loads that normal use may cause to be placed thereon and kept in sound condition and good repair. Every inside and outside stair or step shall have uniform risers and uniform treads.

(b) Every foundation, roof, exterior wall, door, skylight and window shall be reasonably weather tight, watertight and damp-free and shall be kept in sound condition and good repair. Floors, interior walls and ceilings shall be sound and in good repair. All exterior wood surfaces, other than decay-resistant woods,
shall be protected from the elements and decay by paint which is not lead-based paint or by other protective covering or treatment. Walls shall be capable of affording privacy for the occupants.

(Resolution 137-76 adopted 10/12/76)

(c) Without limiting the generality of this section, a protective surface of a building shall be deemed out of repair if:
   (1) More than 25% of the area of any plane or wall on which the protective surface is paint is blistered, cracked, flaked, scaled or chalked away;
   (2) More than 10% of the pointing of any brick, block or stone is loose or has fallen out.

For work authorized by the Board of Health the following criteria and standards shall be adhered to:
   (1) Painting - Like quality and type of paint of the same or similar color as presently found on the structure.
       In the event the structure is not painted, the owner or responsible person will be given a choice of color. Absent both of the above, the structure will be painted white.
   (2) Other protective covering - Like quality, type and color of protective coverings as presently found on the structure will be utilized.
   (3) Eaves trough - When absent, replace with white aluminum spouting.

(Resolution 23-90 adopted 2/13/94; Resolution 011-19 adopted 04/11/2019)

801.56 GRADING AND DRAINAGE.

(a) Every premise shall be graded and drained, shall be free of standing water and shall be maintained in a clean, sanitary and safe condition.
(b) Unless other provisions are made, gutters, leaders and downspouts shall be provided and maintained in good working condition as to provide proper drainage of storm water.

(Resolution 190-77 adopted 11/18/77; Resolution 011-19 adopted 04/11/2019)

801.57 MOSQUITO AND FLY CONTROL.

(a) Every window, exterior door, hatchway or similar device shall be so constructed as to exclude insects during that part of the year when there is a need for protection against mosquitoes, flies and other flying insects.
(b) Every doorway used for ventilation and opening directly from a dwelling unit to outside space shall be supplied with properly fitting screens having at least sixteen mesh to the inch and equipped with a self-closing device.
(c) Every window or other device with openings to outdoor space, used for ventilation, shall be supplied with screens, except that such screens shall not be required:
   (1) In rooms deemed by the Health Commissioner to be located high enough to be free from such insects; or
   (2) In rooms located in areas of the General Health District which are deemed by the Health Commissioner to have so few insects as to render screens unnecessary.

(Resolution 190-77 adopted 11/18/77; Resolution 011-19 adopted 04/11/2019)

801.58 RAT CONTROL.

(a) Every dwelling, multiple dwelling, rooming house or accessory structure and the premises on which they are located shall be maintained in a rat-free and rat proof condition.
(b) All openings in exterior walls, foundations, basements, ground or first floors and roofs which are a half-inch or more in diameter shall be rat proofed in an approved manner if they are within forty-eight 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, cornices, stairs, roofs and other items such as trees or vines or
by burrowing.
(c) All windows located at or near ground level used or intended to be used for ventilation, all other openings
located at or near ground level and all exterior doorways which might provide an entry for rats, shall be
supplied with adequate screens or such other devices as will effectively prevent the entrance of rats into the
structure.
(d) All sewers, pipes, drains or conduits and openings around such pipes and conduits shall be constructed to
prevent the ingress or egress of rats to or from a building.
(e) Interior floors of basements, cellars and other areas in contact with the soil shall be rat proofed in an
approved manner.
(f) Materials stored outside of dwellings shall be stacked and elevated so that there will be at least an eighteen-
inch opening between the material and the ground level so as to prevent the creation of a rat harborage area.
No stacking or piling of material shall take place against the exterior walls of a structure.
(g) Any material used for rat proofing shall be acceptable to the Health Commissioner.
(Resolution 190-77 adopted 11/18/77; Resolution 011-19 adopted 04/11/2019)

801.59  FENCES.

All fences shall be constructed of approved fencing material, shall be maintained in good condition and shall not
create a harborage for rats. Wood materials shall be
protected against decay by use of paint or other preservative material.
(Resolution 190-77 adopted 11/18/77; Resolution 011-19 adopted 04/11/2019)

801.60  FLOOR SURFACES OF WATER CLOSET COMPARTMENTS,
BATHROOMS AND KITCHENS.

Every water closet compartment, bathroom and kitchen floor surface shall be constructed and maintained so as
to be reasonably impervious to water and to permit such floor to be easily kept in a clean and sanitary condition.
(Resolution 137-76 adopted 10/12/76; Resolution 011-19 adopted 04/11/2019)

801.61  CONSTRUCTION AND INSTALLATION OF FACILITIES, EQUIPMENT
AND UTILITIES.

Every plumbing fixture and pipe, every chimney, flue and smoke pipe and every other facility, piece of
equipment or utility which is present in a dwelling or dwelling unit or which is required under this Housing
Code, shall be constructed and installed in conformity with the appropriate statutes, ordinances and regulations
of the appropriate authority and the State.
(Resolution 137-76 adopted 10/12/76; Resolution 011-19 adopted 04/11/2019)

801.62  REMOVAL OR DISCONTINUANCE OF SERVICES, FACILITIES, ETC.

No owner, operator or occupant shall cause any service, facility, equipment or utility, which is required under
this Housing Code, to be removed 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 during temporary emergencies when discontinuance of service is approved by the
Health Commissioner.
801.63  FIRE PREVENTION.

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 prevention of the appropriate authority and the State.

(Resolution 137-76 adopted 10/12/76; Resolution 011-19 adopted 04/11/2019)

801.64  ACCESSORY STRUCTURES.

Accessory structures present or provided by the owner, agent or tenant occupant on a premises of a dwelling shall be structurally sound and shall be maintained in good repair and free of insects and rats, 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.

(Resolution 137-76 adopted 10/12/76; Resolution 011-19 adopted 04/11/2019)

801.65  INSTALLATION AND MAINTENANCE OF PLUMBING FIXTURES AND PIPING.

Every plumbing fixture and all water and waste pipes shall be properly installed and maintained in good sanitary working condition.

(Resolution 137-76 adopted 10/12/76; Resolution 011-19 adopted 04/11/2019)

801.66  COMPLIANCE REQUIRED FOR OCCUPANCY OR LEASE.

No person shall occupy as an owner or occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the requirements of this chapter.

(Resolution 137-76 adopted 10/12/76; Resolution 011-19 adopted 04/11/2019)

801.67  MAXIMUM OCCUPANCY OF DWELLING UNITS.

The maximum occupancy of any dwelling unit shall not exceed either of the following two requirements:
(a) For the first occupant there shall be at least 150 square feet of floor space, and there shall be at least 100 square feet of floor space for each additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
(b) The total number of persons shall be less than twice the number of habitable rooms within the dwelling unit.

(Resolution 190-77 adopted 11/18/77; Resolution 011-19 adopted 04/11/2019)

801.68  CEILING HEIGHT.

The ceiling height of any habitable room shall be at least seven and one-half 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 and one-half feet and the floor area of that part of such a room where the ceiling height is less than five 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.
(Resolution 190-77 adopted 11/18/77; Resolution 011-19 adopted 04/11/2019)

801.69 USE OF BASEMENTS FOR HABITATION.

No basement shall be used as a habitable room or dwelling unit unless:
(a) The floors and walls are impervious to leakage of underground and surface run-off water and are effectively insulated against dampness; and
(b) Adequate light and ventilation are supplied.
(Resolution 190-77 adopted 11/18/77; Resolution 011-19 adopted 04/11/2019)

801.70 USE OF CELLARS FOR HABITATION.

No cellar space shall be used or considered as a habitable room or dwelling unit.
(Resolution 137-76 adopted 10/12/76; Resolution 011-19 adopted 04/11/2019)

801.71 MINIMUM FLOOR SPACE OF ROOMS USED FOR SLEEPING.

In every dwelling unit of two or more rooms, every room occupied for sleeping purposes shall contain at least seventy square feet of floor space for the first occupant and at least fifty square feet of floor space for each additional occupant thereof.
(Resolution 137-76 adopted 10/12/76; Resolution 011-19 adopted 04/11/2019)

801.72 ROOM ARRANGEMENTS; ACCESS.

No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room. A bathroom or water closet compartment shall not be used as the only passageway to any habitable room, hall, basement or cellar or to the exterior of the dwelling unit.
(Resolution 137-76 adopted 10/12/76; Resolution 011-19 adopted 04/11/2019)

801.73 CLOSET SPACE.

Every dwelling unit shall have at least four square feet of floor-to-ceiling height -closet space for the personal effects of each permissible occupant; 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.
(Resolution 137-76 adopted 10/12/76; Resolution 011-19 adopted 04/11/2019)

801.99 GENERAL CODE PENALTY.

(a) Whoever continues a violation of any of the provisions of this Housing Code or any rule or regulation issued pursuant thereto after the time allowed to him for the correction an alleged violation in the notice provided for in Section 801.01 shall be deemed to be violation of ORC 3707.48. As set forth therein he shall be subject to the penalties provided in ORC 3707.99.
(b) Whoever violates or fails to comply with any provision of this Housing Code that is not subject to correction under the provisions of this chapter shall be in violation of ORC 3707.48, 3709.20, 3709.21 or 3709.22, and subject to penalties provided in ORC 3707.99 and 3709.99.
(Resolution 137-76 adopted 10/12/76 and Resolution 190-77 adopted 11/18/77; Resolution 011-19 adopted 04/11/2019)