

**PREMISE  
SANITATION  
REGULATIONS**

**Adopted By  
DARKE COUNTY GENERAL HEALTH DISTRICT  
300 Garst Avenue  
Greenville, OH 45331**

**March 8, 2005**

## **PREMISE SANITATION REGULATIONS**

This is a regulation establishing minimum standards of hygiene and sanitation governing the condition and maintenance of dwellings; establishing minimum standards to make dwellings safe, sanitary, and fit for occupants. This minimum standard governs the condition of dwellings offered for rent or owner-occupied; fixes certain responsibilities and duties of owners and of occupants of dwellings; and authorizes the inspection of dwellings and their condemnation if found to be unfit for human habitation. This regulation also establishes satisfactory residential plumbing, household sewage treatment system, and private water system inspections and tests required for occupancy of a dwelling in order to protect the health and safety of the dwelling occupants and the people of Darke County.

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

### **SECTION I** **DEFINITIONS**

- 1.01 Accessory Structure means a detached structure which is not used nor intended to be used for living or sleeping by human occupants and which is located on or partially on any premises.
- 1.02 Approved means approved by the Health Commissioner in accordance with rules or regulations established herein.
- 1.03 Basement means a portion of a building having half or more than half its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 1.04 Board of Health means the board of health of the Darke County General Health District.
- 1.05 Dwelling means any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants and which is located on or partially on any premises. A dwelling also includes temporary housing.
- 1.06 Dwelling Unit means a part of a structure that is used or intended to be used for living or sleeping by human occupants.
- 1.07 Extermination means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible

materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the Health Commissioner.

- 1.08 Habitable Room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets, and storage space, and any other room designated by the health commissioner.
- 1.09 Hazardous Waste means waste that is listed specifically as hazardous waste and/or exhibits one or more characteristics of hazardous waste as defined in Chapter 3745-51 of the Ohio Administrative Code.
- 1.10 Health Commissioner means the health commissioner of the Darke County General Health District or his authorized representative.
- 1.11 Infestation means the troublesome spreading or swarming presence of insects, rodents, or other pests within or around dwellings.
- 1.12 Landlord means the owner, lessor or sublessor of residential premises, his agent, or any person authorized by him to manage the premises or receive rent from a tenant under a rental agreement.
- 1.13 Meaning of Certain Words- Whenever the words "dwelling", "dwelling unit", or "premises", are used in this regulation, they shall be construed as though they were followed by the words "or any part thereof".
- 1.14 Multiple Dwelling means any dwelling containing two or more dwelling units.
- 1.15 Occupant means an owner-occupant or tenant as defined here in section 1.25.
- 1.16 Owner means owner-occupant or landlord as defined here in section 1.12.
- 1.17 Ordinary Minimum Winter Conditions means the temperature 15° F. above the lowest recorded temperature for the previous ten-year period.
- 1.18 Person means an individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency, or any entity recognized by law.
- 1.19 Plumbing includes the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following: drainage systems, the venting systems and the water-supply systems, within or adjacent to any building, structure, or conveyance; also the practice and materials used in the installation,

maintenance, extension, or alteration of the storm-water liquid-waste, or drainage and water-supply systems of any premises.

- 1.20 Potable water means water that is free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the bacteriological and chemical quality requirements of the department of health.
- 1.21 Premises means a dwelling or dwelling unit and the structure of which it is a part; the facilities and appurtenances therein, the grounds, areas, and facilities for the use of occupants generally or the use of which is promised to the occupants.
- 1.22 Solid Waste means that which is defined in section 3745-27-01 of the Ohio Administrative Code.
- 1.23 Supplied means paid for, furnished, or provided by or under the control of the owner.
- 1.24 Temporary Housing means: (a) house trailers and travel trailers as defined in Section 4501.01, Revised Code, when occupied for periods less than thirty days; (b) a camp as defined in rule 3701.25, Ohio Administrative Code under authority of sections 3701.13 and 3701.34, Revised Code; (c) an Agricultural labor camp as defined in section 3733.41 through 3733.48, Revised Code and rule 3701.33, Ohio Administrative Code; (d) any other structure used for human shelter which is designed to be transportable and which is not attached to ground, to another structure, or to any utilities system on the same premises for more than thirty consecutive days.
- 1.25 Tenant means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others.

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

- 2.01 The health commissioner is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, and premises located within the Darke County General Health District, in order that he may perform his duty of safeguarding the health and safety of the occupants of such dwellings and of the general public. The owner or occupant of every dwelling or dwelling unit shall give the health commissioner free access to such dwelling or dwelling unit and its premises, at all reasonable times for the purpose of such inspection, examination, and survey.
- 2.02 In the event the owner or occupant refuses to admit the health commissioner onto the premises upon request, the health commissioner may make an application

- to the board of health for an order directed to the owner or occupant, ordering the admission of the health commissioner for purposes of inspection and upon proper identification displayed by the health commissioner, he shall be admitted to the premises for purposes of such inspection.
- 2.03 Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling or dwelling unit, and its premises, at all reasonable times, if the owner has given reasonable notice, for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this regulation or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this regulation.

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

- 3.01 Whenever the health commissioner determines that there are reasonable grounds to believe that there is a violation of any provision of this regulation, he shall give written notice of such violation to the owner or occupant, specifying the violation claimed and the provision of this regulation defining said violation. The notice shall also inform the owner or occupant of his right to a hearing before the health commissioner concerning the alleged violation of these regulations. The owner or occupant shall be allowed such time to correct the alleged violation as the health commissioner determines necessary, giving due consideration to the immediacy of the threat of health existing by reason of the alleged violation. The time allowed for the correction of such violation shall be stated in the notice. The notice provided herein shall be served personally to the owner and occupant or by certified mail with return receipt requested. Service by Certified mail is deemed sufficient if mailed to the occupant at the address where the violation exists and if mailed to the owner at the tax mailing address shown on the books of the county auditor for the parcel of real estate where said violation exists. In the event no return receipt is received when service is attempted by certified mail, or personal service has not been made after diligent attempts, notice may be served by posting a copy of the notice of the violation upon the exterior of the building in a conspicuous place where the violation exists. A written report stating the manner in which said service was made shall be attached to a copy of the complaint and retained in the official records.
- 3.02 Any person aggrieved by any notice of the Darke County General Health District issued in connection with any alleged violation of this regulation or by any order requiring repair or demolition may request, and shall be granted an administrative hearing on the matter before the Health Commissioner, provided that such person shall file, in the office of the Health Commissioner, a written petition requesting such hearing and setting forth the name, address, and phone number of the petitioner, and a brief statement of the grounds for such hearing and appeal from

any order of the Health Commissioner. Petitions shall be filed within fourteen (14) days after the date of the notice or order was served. Upon receipt of such petition, the Health Commissioner shall set a time and place for an administrative hearing and shall give the petitioner written notice by regular mail to be heard and to show cause why such notice or order should be modified or withdrawn. The failure of the petitioner or his representative to appear and state his case at such hearing shall be grounds for dismissal of such petition.

- 3.03 After such hearing the health commissioner shall sustain, modify or withdraw the notice of alleged violation depending upon his findings as to whether the provisions of this regulation have been complied with. Notice of the decision of the health commissioner shall be served upon the persons and in the manner as provided in section 3.01 of this regulation. The notice shall also inform the owner or occupant of his right to appeal the decision of the health commissioner to the board of health in accordance with section 3.04 of this regulation.
- 3.04 Any person affected by the decision of the health commissioner as provided in section 3.03 of this regulation shall be entitled to appeal to the board of health. Written notice of the appeal must be filed with the secretary of the board of health within five days of the personal service, or signature by the addressee on the return receipt, or date of posting upon the premises. Said notice shall state the order appealed from and the address to which the hearing notice shall be mailed. The board of health shall hear the appeal at the next regular meeting of the board of health provided that no hearing shall be had sooner than five days from the date of the filing of said notice of appeal. Notice of the meeting before the board of health to hear said appeal shall be given to the appellant by regular mail at the address shown in his notice of appeal. Said appellant shall be entitled to appear personally and with counsel, at said meeting of the board of health. The board of health may, in its discretion, continue the hearing on said appeal from time to time until said hearing is completed.
- 3.05 The board of health shall modify, withdraw, or sustain the order of the health commissioner made pursuant to section 3.03 of this regulation. The copy of the decision of the board of health shall be served upon the persons and in the manner provided in section 3.01 of this regulation, and to his counsel of record.
- 3.06 Whenever the Commissioner finds that an emergency exists which requires immediate action to protect the public health, he may without notice of hearing issue an order reciting the existence of such emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this ordinance, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the commissioner as described in section 3.02.1 of this regulation, shall be afforded a hearing as soon as possible. After such hearing, depending upon his finding as to whether the provisions of this regulation and of

the rules and regulations adopted pursuant thereto have been complied with, the commissioner shall continue such order in effect, or modify it, or revoke it.

- 3.07 Any outstanding notices of violations of this regulation are transferable to subsequent owners of a property that is the subject of these regulations.

**SECTION IV**  
**MINIMUM SANITATION STANDARDS**

- 4.01 No owner or other person shall occupy or let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, which does not comply with the following requirements.
- 4.02 Equipment and Facilities
- 4.02.01 Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the health commissioner.
- 4.02.02 Every dwelling unit shall contain a room which affords privacy to a person within said room and which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the health commissioner.
- 4.02.03 Every dwelling unit shall contain, within a room which affords privacy to a person within said room, a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the health commissioner.
- 4.02.04 Every dwelling shall have on the residential premises accessible sanitary facilities for receiving wastes from kitchen sinks, water closets, lavatories, bathtub or shower, laundry facilities, or other such water-using devices as approved by the health commissioner.
- 4.02.05 Every dwelling and dwelling unit shall be supplied with a potable water supply. There shall be adequate water supply and pressure at all installed hot and cold-water outlets.
- 4.02.06 All plumbing shall be properly installed and maintained in good working condition, free from defects, leaks, obstructions, and protected from freezing, and to prevent contamination of the water supply through backflow, back-siphonages, and any other method of contamination.

- 4.02.07 Every kitchen sink, lavatory, bathtub, and shower shall be properly connected with hot and cold water lines. The hot water lines shall be connected to a hot water heating facility of adequate size which provides at all times a temperature of not less than 110° F, but not greater than 120 °F for bathtubs and showers.
- 4.02.08 Every dwelling unit shall have adequate solid waste storage and disposal facilities, type and location of which are acceptable to the health commissioner. Solid waste shall not be allowed to accumulate on the premises, and must not create a nuisance.
- 4.02.09 No person shall dispose of solid wastes by open burning or open dumping on his premise, except as authorized by the Health Commissioner.
- 4.02.10 Every dwelling unit shall have two (2) safe unobstructed means of egress leading to safe and open outdoor space at ground level.

#### 4.03 Ventilation, Heating, and Illumination

- 4.03.01 Every bathroom, water closet compartment, laundry, or habitable room shall be adequately ventilated and lighted.
- 4.03.02 Every water closet compartment, bathroom, laundry room, furnace room, and habitable room shall contain at least one supplied ceiling or wall-type light fixture. Each fixture shall be properly installed, shall be maintained in a good and safe working condition, and shall be connected to the source of electric power in a safe manner.
- 4.03.03 Every public hall and stairway in every multiple dwelling shall be adequately lighted at all times and be properly equipped with lighted exit signs.
- 4.03.04 Electric wiring and facilities shall be maintained in a good and safe state of repair observing the following requirements:
- a) every exposed electric wire shall have insulation which is in good condition
  - b) every switch plate and outlet plate shall be properly fastened in place
  - c) no short circuit or break shall exist in any electric line
  - d) every fixture and outlet shall function properly and shall be properly fastened in place
  - e) no obvious shock hazard shall exist



- f) no temporary wiring shall be used except extension cords which run directly from portable electric fixtures to convenience outlets and which do not lie underneath floor covering materials or extend through doorways, transoms, or other similar apertures, or through structural elements
- g) no electric circuit shall be overloaded as a result of connecting appliances which operate at high wattages to outlets supplied with wire of inadequate size.

4.03.05

Every dwelling shall have heating facilities which are properly installed and maintained in safe and good working condition, and capable of providing a temperature of at least 68° F under ordinary minimum winter conditions, to each occupied dwelling unit as follows:

- a) when heating facilities for a dwelling unit are supplied by the owner, the facilities are maintained in good working condition.
- b) heat ducts, steam pipes and hot water pipes in supplied central heating systems are free of leaks.
- c) seals between sections of hot-air furnaces which are integral parts of central heating systems are tight enough to prevent the escape of noxious gases through the heat ducts.
- d) space heaters, if portable type do not operate through a combustion process.
- e) space heaters and hot water heaters which operate by a combustion process are properly vented to a chimney or duct leading to the outdoors.
- f) coal-burning space heaters have a fire-resistant panel beneath them.
- g) space heaters located within two feet of a wall are adequately installed to prevent overheating of the wall.
- h) space heaters with smoke pipes are equipped with guards, made of non-flammable material at the point where the pipe goes through a wall, ceiling or partition.

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

4.03.06 Every smoke pipe and every chimney shall be adequately supported, reasonably clean, and maintained in such a condition that there will be no leakage or backing up of noxious gases.

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

#### 4.04 Sanitary Maintenance of Dwelling

4.04.01 No owner shall occupy or let to another for occupancy or allow any other person to occupy any vacant dwelling unit unless it is reasonably clean, sanitary, and in compliance with all provisions of this regulation and all rules and regulations adopted pursuant thereto.

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

4.04.03 Every foundation, floor, ceiling, exterior wall, roof, window, exterior door, and basement hatchway shall be weather-tight and rodent proof. Every interior partition, wall, floor, and ceiling shall be capable of affording privacy, kept in a reasonably good state of repair, and maintained so as to permit them to be kept in a clean and sanitary condition. Plaster, paint, and other surface materials shall be of such a character as to be easily cleaned and reasonably smooth and clean.

4.04.04 Every inside and outside stair, every porch, and every appurtenance thereto shall be constructed and so maintained in sound condition and good repair as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon.

4.04.05 Every window other than fixed windows shall be capable of being easily opened and held in an open position by window hardware.

4.04.06 All exterior wood surfaces shall be reasonably protected from the elements and against decay by paint or other approved protective

coating and maintained in good condition. Exterior wood surfaces that are naturally resistant to decay, such as cedar or redwood, do not require an additional protective coating.

4.04.07 No paint shall be used for the painting of any dwelling or its premises unless the paint is free of any lead based pigment.

4.04.08 Drain gutters and downspouts shall be so constructed and maintained so that rainwater shall be conveyed away from the roof, exterior walls, and foundation.

4.04.09 Every supplied facility, piece of equipment, or utility shall be constructed, installed, or operated so that it will function safely and effectively and shall be maintained in satisfactory working condition by the owner.

#### 4.05 Sanitary Maintenance of Premises

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

4.05.02 Exterior property areas and accessory structures shall be free from health, fire and accident hazards, hazardous wastes, and vermin, insect and rodent harborage and conditions which create a nuisance.

4.05.03 Any occupant of a dwelling or dwelling unit who harbors pets or other domestic animals shall keep the residential premises free of accumulated animal wastes. Animal wastes on such residential premises shall be stored, handled and disposed of so as not to create a nuisance.

4.05.04 Non-dwelling structures and/or fences that exist on any premises shall be maintained in a reasonably good state of repair. Non-dwelling structures shall be maintained as to prevent the structures from becoming a harborage for rodents and insects.

#### 4.06 Use Requirements

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

#### 4.07 Owners Responsibilities

- 4.07.01 Every dwelling or dwelling unit shall be maintained free of fire and accident hazards, vermin, insect, and rodent infestation, and hazards to health due to the presence mold, lead, friable asbestos or other toxic substances.
- 4.07.02 Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodent-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 in any dwelling, extermination thereof shall be the responsibility of the owner.
- 4.07.03 Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining a clean and sanitary condition, the shared or public areas of the dwelling, and residential premises thereof.

#### 4.08 Occupant Responsibilities

- 4.08.01 Every occupant of a dwelling or dwelling unit shall keep and shall leave in a clean and sanitary condition that part of the dwelling, dwelling unit, and residential premises thereof which he occupies and controls.
- 4.08.02 Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of insects, and/or rodents, or other pests on the premises; and every occupant of a dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested
- 4.08.03 Every occupant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition.
- 4.08.04 Maintenance or replacement of screens, storm doors, and windows, once installed, become the responsibility of the occupant, except where there is a written agreement between the owner and the occupant, whereby the owner assumes the responsibility.
- 4.08.05 Every occupant of a dwelling or dwelling unit shall dispose of all his solid waste in a clean and sanitary manner by placing it in the rubbish containers required by section 4.02.08 of this regulation.

It shall be the responsibility of the owner to supply such facilities and containers for all dwelling units in a dwelling containing four or more dwelling units and for all dwelling units located on premises where four or more dwelling units share the same premises. In all other cases, it shall be the responsibility of the occupant to furnish such facilities or containers.

4.08.06 Solid waste shall not be able to accumulate on such premises, and shall be removed from the premises at a frequency that will minimize the development of objectionable odors, conditions that attract and harbor insects and rodents, and conditions that otherwise create a nuisance.

#### 4.09 Occupancy Inspections

No portion of any dwelling shall be occupied until final tests and inspections have been made and approved on that portion of the dwelling, as required by local and state regulations. Such inspections and tests include, but are not limited to, rough and final plumbing inspections, a final household sewage treatment system inspection, and a satisfactory water sample as required by chapter 3701-28 of the Ohio Administrative Code.

#### 4.10 Discontinuance of Utilities

No owner or operator shall cause any service, facility, equipment, or utility which is required under this regulation to be removed from or shut off from or discontinued for any occupied dwelling let or occupied by him, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the health commissioner.

### SECTION V VARIANCES

5.01 The board of health may grant a hearing to a person and authorize in specific cases, such variance from requirements of these regulations as will not be contrary to the public interest, where the person shows that because of practical difficulties or other special conditions their application will cause unusual and unnecessary hardship. However, no variance shall be granted that will defeat the spirit and general intent of these regulations, or otherwise not be in the public interest.

5.02 The application for variance provided in section 5.01 hereof shall be in writing filed with the secretary of the board of health. Said application shall be heard by

the board of health at the next regular or special meeting of the board provided that the board shall not consider such application sooner than the fifth day after the filing of the same with the secretary. Notice to the persons and in the manner as provided in section 3.01 of this regulation shall be given stating the time and place of the hearing on said application.

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

The designation of dwellings or dwelling units as unfit for human habitation and the procedure for the condemnation and placarding of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements.

- 6.01 Any dwelling or dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the health commissioner; (a) one which is so unsanitary, unsafe, damaged, decayed, dilapidated, or vermin infested that it creates a serious hazard to the health and safety of the occupants or of the public; (b) one which lacks sanitation, illumination, and ventilation facilities adequate to protect the health or safety of the occupants or of the public; (c) one which because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
- 6.02 Whenever the health commissioner has condemned a dwelling or dwelling unit as unfit for human habitation he shall order the same to be placarded. He shall give notice to those persons mentioned and prescribed in section 3.01 of this regulation of such condemnation and of his order to placard the dwelling or dwelling unit as unfit for human habitation. This condemnation notice shall not take effect sooner than five days from the service of the notice. The owner, occupant, or other person in charge thereof has a right to a hearing as set forth in section 6.05 of this regulation.
- 6.03 Whenever any dwelling or dwelling unit has been condemned as unfit for human habitation, and so designated and placarded by the health commissioner he shall order it vacated within the time stated in the order which shall not be sooner than five days. Service of the order of vacancy shall be upon the persons and in the manner prescribed in section 3.01 of this regulation. The dwelling or dwelling unit so condemned shall remain vacant until written approval is secured from the health commissioner for its re-occupancy subject to the right of appeal as provided in section 6.05 of this regulation.
- 6.04 No person shall deface or remove the placard from any dwelling or dwelling unit that has been condemned as unfit for human habitation and placarded as such, except as provided in section 6.03 of this regulation.

- 6.05 If the health commissioner determined that the structure cannot be improved so as to comply with the provisions of these regulations, and that the same is unsafe or unfit for human habitation, he may order demolition of the same and shall notify the owner or occupant. The notice shall set forth the date on which said demolition is to take place, which shall not be sooner than ten days from the date of said notice. The owner or occupant shall have the right to appeal to the board of health, as provided in Section 6.05 of this regulation. Service of the notice of demolition shall be upon the persons and in the manner provided in Section 3.01 of this regulation.
- 6.06 The owner or occupant of any dwelling or dwelling unit affected by an order of the health commissioner pursuant to section VI hereof, may appeal said order and shall be granted a hearing on appeal before the board of health
- 6.07 The board of health shall review the order of the health commissioner ordering the premises placarded, vacated, or demolished. Said notice of appeal shall be in writing and filed with the secretary of the board within the time stated in the order from which appeal is taken. The board of health shall hold a hearing on the appeal at its next regular or special meeting after the filing of a notice of said appeal with its secretary, provided that the same shall not be heard sooner than five days from the date of filing of said notice of appeal. Notice of the meeting of the board of health at which said appeal is to be heard shall be given to the person named in the manner prescribed in section 3.01 of this regulation. No action shall be taken by the health commissioner to placard, vacate, demolish, or otherwise enforce section VI herein until the hearing on appeal before the board of health, if the same has been reasonably requested.
- 6.08 At the hearing on appeal, all interested parties may appear in person or be represented by counsel, and after full hearing, the board of health shall sustain, modify, or withdraw the order of the health commissioner and shall set forth in its minutes its findings. A copy of the decision of the board of health shall be mailed to the appellant to the address shown on the request for appeal.

## **SECTION VII** **PENALTIES**

- 7.01 Any person who continues in violation of any provision of this regulation after the time allowed to him for the correction of any alleged violation in the notice provided in section 3.01 shall be subject to the penalties provided by section 3709.99 of the Revised Code of Ohio.

**SECTION VIII**  
**REPEAL AND DATE OF EFFECT**

8.01 All regulations and parts of regulations in conflict with this regulation are hereby repealed to the extent of such conflict only and this regulation shall be in full force immediately upon its adoption, as provided by law.

**SECTION IX**  
**EFFECT OF PARTIAL INVALIDITY**

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

Any person aggrieved by a decision of the Darke County Board of Health may seek relief in any court of competent jurisdiction.

Adopted by the Board of Health of the Darke County General Health District this 8<sup>th</sup> day of March 2005, under the authority of chapters 3709.20-3709.22 of the Ohio Revised Code.

Darke County Board of Health

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Secretary, Darke County Board of Health