

REGULATIONS
OF THE
BOARD OF HEALTH
OF THE
LAKE COUNTY GENERAL HEALTH DISTRICT

PART SIXTEEN - DWELLING UNITS CODE

Chapter 1610. Housing.

CHAPTER 1610
Housing

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1610.01 DEFINITIONS.

As used in this chapter, the words "dwelling," "dwelling unit," "rooming unit" and "premises" shall be construed as though they were followed by the words "or any part thereof." In addition:

- (a) "Basement" means a portion of a building located partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (b) "Cellar" means a portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (c) "Dwelling" means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, other than temporary housing.
- (d) "Dwelling unit" means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.
- (e) "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, communicating corridors, closets and storage spaces.
- (f) "Infestation" means the presence, within or around a dwelling, of insects, rodents or other pests.
- (g) "Occupant" means any person living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.
- (h) "Owner" means any person who, alone or jointly with others:
 - (1) Has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
 - (2) Has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with this chapter to the same extent as if he or she were the owner.
- (i) "Rooming unit" means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- (i) "Rubbish" means combustible and noncombustible waste materials, except garbage. "Rubbish" includes the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, plastics, mineral matter, glass, crockery, dust and such materials as may supply rodent harborage.
- (k) "Temporary housing" means any tent, trailer 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.

1610.02 SAFETY, SANITATION AND OTHER STANDARDS.

No person shall occupy as owner-occupant, let to another, or allow another to remain on the premises of any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating therein which does not comply with the following requirements:

- (a) Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system.
- (b) Every dwelling unit, except as provided for in subsection (c) hereof, shall contain a room which affords privacy to a person within such room and which is equipped with a flush water closet, a lavatory and a bathtub or shower in good working condition and properly connected to a water and sewer system.
- (c) Whenever two dwelling units within a single building, each containing two rooms or less, are located so as to be conveniently accessible to a bathroom containing a flush water closet, lavatory, bathtub or shower, such bathroom may be shared by the occupants of the two dwelling units.
- (d) Every kitchen sink, lavatory, bathtub or shower shall be properly connected with cold and hot water lines. The hot water lines shall be properly connected to a satisfactorily installed water heating facility.
- (e) Every dwelling unit shall have a safe unobstructed means of egress leading to a safe and open outdoor space at ground level.
- (f) Every habitable room shall have at least one functioning openable window or skylight facing directly to the outdoors, except where adequate, functioning forced ventilation is supplied, in which case the "openable" window provision is not a requirement.
- (g) Every habitable room and bathroom shall be provided with adequate natural and/or artificial light and adequate ventilation.
- (h) Every dwelling shall have adequate heating facilities which are properly installed and are maintained in a safe and good working condition.
- (i) In every dwelling unit, the openings to the outdoors resulting from doors or windows customarily open when flies are prevalent, shall be properly screened.
- (j) Every dwelling unit shall be supplied with adequate rubbish storage facilities, the type and location of which are approved by the Health Commissioner.
- (k) Every foundation, floor, ceiling, wall and roof shall be reasonably weathertight, watertight and rodentproof. Where excessive dampness exists, corrective measures shall be required to relieve this dampness.
- (l) Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight and rodentproof.
- (m) Every inside and outside stair, every porch and every appurtenance thereto shall be so constructed as to be safe to use.
- (n) Every bathroom floor shall be constructed and maintained so as to be reasonably impervious to water.
- (o) Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof, and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of the total habitable room area.

- (p) At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered in computing the total floor area of the dwelling unit for the purpose of determining the maximum permissible occupancy thereof.
- (q) No basement shall be used as a habitable room or dwelling unit unless:
 - (1) The floor and walls are impervious to leakage of underground and surface run-off water and are effectively insulated against dampness.
 - (2) Adequate light and ventilation are supplied.
- (r) No cellar space shall be used or considered as a habitable room or dwelling unit.
- (s) No owner shall occupy, allow another to occupy, or let to any other person any dwelling unit unless it is clean, sanitary and fit for human occupancy.
- (t) Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof, except for the shared bathroom referred to in subsection (c) hereof.
- (u) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he or she occupies and controls.

1610.03 INSPECTION OF DWELLINGS, DWELLING UNITS, ROOMING UNITS AND PREMISES.

The Health Commissioner or his/her designee is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the jurisdiction of the Health District, in order to perform the duty of safeguarding the health and safety of the occupants of dwellings and of the general public. The owner or occupant of every dwelling, dwelling unit and rooming unit, or the person in charge thereof, shall give the Health Commissioner or his/her designee free access to such dwelling unit, or rooming unit, and its premises, at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof, or his or her agent or employee, access to any part of the dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter or any lawful order issued pursuant to this chapter.

1610.04 CONDEMNATION AND VACATION OF UNFIT DWELLINGS.

- (a) Any dwelling or dwelling unit which is 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 or his/her designee:
- (1) The dwelling or dwelling unit is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public.
 - (2) The dwelling or dwelling unit lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - (3) The dwelling or dwelling unit because of its general condition or location, is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
- (b) Any dwelling or dwelling unit condemned as unfit for human habitation, and so designated and placarded by the Health Commissioner, shall be vacated within a reasonable time as ordered by the Health Commissioner or his/her designee based upon the severity of the condition of the dwelling.
- (c) Once a dwelling has been condemned, no person shall occupy the dwelling for the purpose of sleeping, living, cooking, or eating therein. A person may only be present within the dwelling for the purpose of remediating the defects. Any person found on the premises for any reason other than remediating the defects shall be a trespasser and subject to criminal liability.

1610.05 VIOLATIONS; NOTICES TO CORRECT; HEARINGS.

- (a) Whenever the Health Commissioner or his/her designee determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or that any dwelling should be condemned, he or she shall give written notice of such alleged violation or condemnation to the person or persons responsible therefore, allowing a reasonable time for the correction of the alleged violation.
- (b) Notice of the violation and/or condemnation shall be sent to the owner of the dwelling unit, and/or the person responsible for the alleged violation via U.S. certified mail, return receipt requested. Notice shall be deemed given when the certified mail receipt is signed. If the certified mail is returned, the notice shall be sent via regular mail and is deemed given three business days after it is mailed.
- (c) Any person affected by any notice of an alleged violation or condemnation may request a hearing before the Health Commissioner. A request for a hearing shall be submitted in writing to the Health Commissioner within 14 days of receipt of the notice. The hearing shall be scheduled not later than 30 days after the request was made, except when waived by the person requesting the hearing, or in situations where the hearing

cannot be practicably scheduled within 30 days. This information shall be provided in the notice.

- (d) The Health Commissioner or his/her designee shall preside over the hearing provided for pursuant to this section. The person affected by the notice of the alleged violation and/or condemnation shall have the opportunity to present any information to the Health Commissioner or his/her designee for consideration in this matter.
- (e) After such hearing, the Health Commissioner shall sustain, modify, or withdraw the determination of a violation or condemnation, depending upon his/her finding as to whether the violation occurred and whether this chapter has been complied with.

1610.06 REMEDIATION.

- (a) The Health Commissioner or his/her designee shall provide each owner of a dwelling a reasonable amount of time within which to remedy the violation(s) present in the dwelling. The amount of time permitted will be based on the severity of the violation, the condition of the dwelling, and any other circumstances present which directly affect the ability of the owner to remedy the violation.
- (b) After the remediation period has expired, the Health Commissioner or his/her designee will re-inspect the property to determine whether the violation has been corrected. If the violation has been corrected, the matter will be closed. The Health Commissioner or his/her designee may grant an extension of time to correct the violation for good cause shown.

1610.07 APPLICATION OF CHAPTER TO TEMPORARY HOUSING.

Temporary housing is hereby exempted from the provisions of this chapter.

1610.08 ADOPTION OF RULES.

The Board of Health may adopt such rules as may be necessary for the proper interpretation and enforcement of this chapter.

1610.99 PENALTY.

- (a) Failure to abide by these regulations may result in the matter being referred to the Board of Health of the Lake County General Health District. The Board of Health may then refer the matter to the Lake County Prosecutor's Office to take any appropriate action permitted by law.

