THE CITY OF COLUMBUS
MICHAEL B. COLEMAN, MAYOR
COLUMBUS PUBLIC HEALTH

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Resolution 93-7
ADOPTING RESOLUTION

A RESOLUTION TO APPROVE, ADOPT AND ENACT THE COLUMBUS CITY HEALTH CODE AND TO REPEAL BOARD OF HEALTH ACTION IN CONFLICT THEREWITH.

WHEREAS, the Board of Health of the City of Columbus, Ohio, has had the matter of recodification and general revision of Board resolutions, regulations and actions before it for some time; and

WHEREAS, the Board has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such recodification; and

WHEREAS, the recodification of such Board resolutions and regulations, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Board; now, therefore

BE IT RESOLVED BY THE BOARD OF HEALTH OF THE CITY OF COLUMBUS, OHIO, THAT:

The table of contents of the Columbus City Health Code is as follows:

TITLE ONE – Administration

Chapter	201.	Definitions and General Provisions.
Chapter	203.	Board of Health.
Chapter	205.	Health Department.
Chapter	207.	Personnel Policies.
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Section 2. All Board of Health resolutions, regulations and actions or parts thereof which are inconsistent with any provision of the Columbus City Health Code, 1982, are hereby repealed as of the effective date of this Resolution, except as follows:

(a) The enactment of the Columbus City Health Code shall not be construed to affect a right or liability accrued or incurred under any provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such an enactment shall not be construe to relieve any person from punishment for an act committed in violation of any such provision, nor to affect an indictment or prosecution therefore. For such purposes, any such provision shall continue in full force notwithstanding its repeal for the purposes of revision and recodification.

(b) The repeal of prior Board action by this Resolution shall also not affect:

(1) Any resolution, regulation or action promising or guaranteeing the payment of money by or to the Board of Health, or any contract or obligation assumed by the Board;

(2) Any administrative resolution or regulation or action of the Board not in conflict with the provisions of this City Health Code;

(3) Any permit or license granted by any resolution, regulation or other Board action;

(4) Any resolution, regulation or action providing for salaries or compensation.

Section 3. This Resolution and any amendment or addition to the City Health Code adopted by this Resolution shall be certified to the City Clerk as required by Columbus City Codes Section 121.05.

Section 4. This Resolution and all provisions of the Columbus City Health Code, 1982, shall take effect and be in full force at the earliest period allowed by law.

ADOPTED: July 28, 1982.

/s/ William C. Myers	/s/ Nancy A. Brunner
William C. Myers, M.S.	Nancy A. Brunner, R.N.,M.S.
Secretary	President Pro Tempore

TITLE ONE - Administration

Chapter. 201. Definitions and General Provisions.
Chapter. 203. Board of Health.
Chapter. 205. Health Department.
Chapter. 207. Personnel Policies.
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CHAPTER 201
Definitions and General Provisions

201.01 Health Code citation and headings.
201.02 General definitions.
201.03 Rules of construction.
201.04 Revivor; effect of amendment or repeal.
201.05 Construction of section references.
201.06 Conflicting provisions.
201.07 Determination of legislative intent.
201.08 Procedures and requirements.
201.09 Severability.

CROSS REFERENCES

Orders and regulations - see Ohio R.C. 3707.48, 3709.20

Adoption procedure - see Ohio R .C. 3709.20

Penalty see HLTH. 209.09

201.01 HEALTH CODE CITATION AND HEADINGS.

(a) The general and permanent regulations of the Columbus Board of Health as codified in this Part Two - Health Code are collectively known as the Health Code of the City of Columbus and may be referred to herein as “this Health Code” or “this Code”. Code, title, chapter and section headings do not constitute any part of the law as contained in the Health Code.

(b) All references to titles, chapters and sections are to such components of the Health Code unless otherwise specified. Sections may be referred to and cited by the designation “Section” followed by the number, such as “Section 201.01”.

201.02 GENERAL DEFINITIONS.

(a) As used in the Health Code, unless another definition is provided or the context otherwise requires:

(1) “Accessory building or structure” means a detached building or structure in a secondary or subordinate capacity from the main or principal building or structure and which is customarily incident to and located on the same lot occupied by the main building.

(2) “And” may be read “or”, and “or” may be read “and”, if the sense requires it.

(3) "Another" when used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property.

(4) "Ashes" mean the residual from the burning of combustible materials.

(5) "Board of Health" or "Board" means the Board of Health of the City of Columbus, Ohio.

(6) "Building" means a structure built or used for the shelter, occupancy, enclosure or support of persons.

(7) "Bulk container" means any garbage, rubbish and/or refuse container having a capacity of two cubic yards or greater and which is equipped with fittings for hydraulic and/or mechanical emptying, unloading and/or removal. The container shall be covered with a tight-fitting lid.

(8) "Business building" means any structure, whether publicly owned or privately owned that Is adapted for occupancy for transaction of business, for rendering of professional service, for amusement, for the display, sale or storage of goods, wares or merchandise, or for the performance of work or labor, including hotels, apartment buildings, tenement houses, rooming houses, office buildings, public buildings, stores, theatres, markets, restaurants, grain elevators, slaughter houses, warehouses, workshops, factories, condominiums and all outhouses, sheds, barns, and other structures on premises used for business purposes.

(9) "City" means the City of Columbus, Ohio.

(10) "Dwelling" means any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking and eating for one or more persons.

(11) "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.

(12) "Extermination" means the control or 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.

(13) "Garbage" means the animal and vegetable waste resulting from handling, preparation, cooking, serving and nonconsumption of food.

(14) "Health Commissioner" means the Health Commissioner of the City of Columbus, Ohio, or the Commissioner's authorized representative.

(15) "Health Department" or "Department" means the Health Department of the City of Columbus, Ohio.

(16) "Health hazard" means that state or condition of the environment which, in the judgment of the Health Commissioner, places, either directly or indirectly, the health of a person in danger or peril.

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

"Other pests" mean those small animals which cause a threat to the public health including but not limited to bats, pigeons or raccoons.

(18) "Unsanitary condition" means any environmental condition that may produce a health hazard.

(19) "Insect" means any of the major group of small, usually winged, animal with three pairs of legs and not limited to flies and roaches.

(20) "Keeper" or "proprietor" includes all persons, whether acting by themselves or as a servant, agent or employee.

(21) "Land" or "real estate" includes rights and easements of an incorporeal nature.

(22) "Multiple dwelling" means any dwelling containing two or more dwelling units.

(23) "Occupant" means the individual, partnership, corporation or government entity that has the use of or occupies any building or premises or part or fraction thereof, whether the actual owner or tenant. In the case of vacant structures, buildings or premises, the owner or agent or other person having custody of the building, structure or premises shall have the responsibility of an occupant of same.

(24) "Owner", when applied to property, includes any part owner, joint owner or tenant in common of the whole or part of such property, and includes: any person who has a freehold or lesser estate in the premises; a mortgagee or vendee in possession; or any person who has charge, care or control of the premises as agent, executor, administrator, assignee, receiver, trustee, guardian or lessee.

(25) "Person" means and includes any individual, firm, corporation, business trust, estate, trust, association, syndicate, partnership, cooperative, governmental agency or any other entity recognized by law.

(26) "Premises", as applied to property, includes land and buildings. "Premises" means a platted lot or part thereof or unplatted lot or parcel of land or plot of land either occupied or unoccupied by any dwelling or nondwelling structure, and includes any such building, accessory structure or other structure thereon.

(27) "Property" means real and personal property.

"Personal property" includes all property except real.

"Real property" includes lands, tenements and hereditaments.

(28) "Public place" includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation or amusement.

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

(30) "Refuse container" means a watertight, insect-proof container that is constructed of metal or other durable material impervious to rodents, and that is capable of being serviced without creating unsanitary conditions, or such other containers as have been accepted by the Health Department. Openings into the container, such as covers and doors, shall be tight-fitting.

(31) "Registered mail" includes certified mail and "certified mail" includes registered mall.

(32) "Rodent harborage" means any conditions or places where rodents can live, nest or seek shelter.

(33) "Rodent proofing" means a form of construction which prevents the ingress or egress of rodents 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 of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings and any other place that may be reached and entered by rodents by climbing, burrowing or other method, by the use of materials impervious to rodent gnawing and other methods approved by the Health Commissioner.

(34) "Rubbish" means nonputrescible solid wastes, excluding ashes, consisting of, but not limited to, either:

A. Combustible wastes, such as paper, cardboard, plastic containers, yard clippings and wood; or

B. Noncombustible wastes, such as tin cans, glass and crockery.

(35) "Sidewalk" means that portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

(36) "Solid wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural and community operations, excluding earth or material from construction, mining or demolition operations, or other waste materials of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to garbage, combustible and noncombustible material, street dirt and debris.

(37) "This State" or "the State" means the State of Ohio.

(38) "Street" includes alleys, avenues, boulevards, lanes, roads, highways, viaducts and all other public thoroughfares within the City.

(39) "Tenant" or "occupant", as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

(40) "Vermin" means insects, lice, spiders, mites, ticks, rats and mice which threaten human health.

(41) "Weeds" shall mean those plant species including, but not limited to, brush, vines, or shrubs as listed in Chapter 901:5-31 of the Ohio Administrative Code, titled "Noxious Weeds," and Chapter 901:5-37 of the Ohio Administrative Code, titled "Other Prohibited Noxious Weeds," and thistles, burdock, jimson weed, ragweed, milkweed, mullein, poison ivy, poison oak, grass, or other plant species of rank growth which may potentially create, directly or indirectly, a health hazard or which may endanger the public safety. (Amended 2/19/97, Resolution 97-7)

(42) "Whoever" includes all persons, natural and artificial; partners; principals, agents and employees; and all officials, public or private. (Amended 2/19/97, Resolution 97-7)

(43) "Written" or "in writing" includes any representation of words, letters, symbols or figures. This provision does not affect any law relating to signatures. (Amended 2/19/97, Resolution 97-7)

201.03 RULES OF CONSTRUCTION.

(a) Common and Technical Usage. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

(b) Singular and Plural; Gender; Tense. As used in the Health Code, unless the context otherwise requires:

(1) The singular includes the plural, and the plural includes the singular.

(2) Words of one gender include the other genders.

(3) Words in the present tense include the future.

(c) Calendar; Computation of Time.

(1) Definitions.

A. "Week" means seven consecutive days.

B. "Year" means twelve consecutive months.

(2) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

(3) The time within which an act is required by law to be done shall be computed by excluding the first and

including the last day, except that when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day which is not a Sunday or a legal holiday.

When a public office, in which an act required by law is to be performed is closed to the public for the entire day which constitutes the last day for doing such act or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not a Sunday or a legal holiday. If any legal holiday falls on Sunday, the next succeeding day is a legal holiday.

(4) When a regulation is to take effect or become operative from and after a day named, no part of that day shall be included.

(5) In all cases where the law shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.

(d) Authority. When the law requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

(e) Exceptions. The rules of construction shall not apply to any law which shall contain any express provision excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

201.04 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.

(a) The repeal of a repealing regulation does not revive the regulation originally repealed nor impair the effect of any saving clause therein.

(b) A regulation which is re-enacted or amended is intended to be a continuation of the prior regulation and not a new enactment, so far as it is the same as the prior regulation.

(c) The re-enactment, amendment or repeal of a regulation does not, except as provided in subsection (d) hereof:

(1) Affect the prior operation of the regulation or any prior action taken thereunder;

(2) Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;

(3) Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto, prior to the amendment or repeal;

(4) Affect any investigation, proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment; and the Investigation, proceeding or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment imposed, as if the regulation had not been repealed or amended.

(d) If the penalty, forfeiture or punishment for any offense is reduced by a re-enactment or amendment of a regulation, the penalty, forfeiture or punishment, If not already imposed, shall be imposed according to the regulation as amended.

201.05 CONSTRUCTION OF SECTION REFERENCES.

(a) A reference to any portion of the Health Code applies to all re-enactments or amendments thereof.

(b) If a section refers to a series of number or letters, the first and the last numbers or letters are included.

(c) Wherever in a penalty section reference is made to a violation of a series of sections or of subsections of a

section, such reference shall be construed to mean a violation of any section or subsection included in such reference.

References in the Health Code to action taken or authorized under designated sections of the Health Code include, in every case, action taken or authorized under the applicable regulatory provision which is superseded by the Health Code.

201.06 CONFLICTING PROVISIONS.

(a) If there is a conflict between figures and words in expressing a number, the words govern.

(b) If a general provision conflicts with a special or local provision, they shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general provision is the later adoption and the manifest intent is that the general provision prevail.

(c) (1) If regulations enacted at different meetings of the Board of Health are irreconcilable, the regulation latest in date of enactment prevails.

(2) If amendments to the same regulations are enacted at different meetings of the Board, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are substantively irreconcilable, the latest in date of enactment prevails. The fact that a later amendment restates language deleted by an earlier amendment, or fails to include language inserted by an earlier amendment, does not of itself make the amendments irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation.

(3) In case of irreconcilable conflict with other laws, the provision which establishes the higher standard for the promotion of the health, safety and welfare shall prevail.

201.07 DETERMINATION OF LEGISLATIVE INTENT.

(a) In enacting a regulation, it is presumed that:

(1) Compliance with the constitutions of Ohio and of the United States is intended;

(2) The entire regulation is intended to be effective;

(3) A just and reasonable result is intended;

(4) A result feasible of execution is intended.

(b) A regulation is presumed to be prospective in its operation unless expressly made retrospective.

(c) If a regulation is ambiguous, the court, in determining the intention of the Board of Health may consider among other matters:

(1) The object sought to be attained;

(2) The circumstances under which the regulation was enacted;

(3) The legislative history;

(4) The common law or former legislative provisions, including laws upon the same or similar subjects;

(5) The consequences of a particular construction;

(6) The administrative construction of the regulation.

201.08 PROCEDURES AND REQUIREMENTS.

Except as otherwise specifically provided for by State law, the procedures and requirements of this Health Code shall govern the compliance and enforcement of all health matters in the City.

201.09 SEVERABILITY.

If any provision of a section of the Health Code or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.

CHAPTER 203
Board of Health

203.01 Meetings.
203.02 Officers.
203.03 Minutes, agendas and reports.
203.04 Reporting notifiable diseases and positive laboratory tests.
203.05 Orders and regulations.
20306 (Reserved for future regulation)
203.07 Complaints; hearing and decision.
203.08 Appeals.
203.09 Variances.
203.10 License or permit suspension or revocation; reinstatement; appeal.
203.11 License or permit transfer.

CROSS REFERENCES

Orders and regulations - see Ohio R.C. §§ 3707.48, 3709.20

Establishment, composition and term - see Ohio R .C. §3709.052

President pro tempore; meetings - see Ohio R.C. §3709.12

Appointments - see Ohio R .C. §§ 3709.14, 3709.15

Records - see Ohio R.C. §3709.19

203.01 MEETINGS.

(a) The Board of Health shall hold its regular meetings once each month, except when a special meeting or a change is agreed upon by a majority of the Board members.

(b) If it is necessary, because of a holiday or inability to constitute a quorum on the date provided to hold a regular monthly meeting on some date other than as provided in subsection (a) hereof, the alternate date so established shall be communicated in advance to all news media requesting such communication.

(c) The Board shall not hold a special meeting unless it gives at least twenty-four hours advance notice of the time, place and purpose of such special meeting to the news media that have requested such notification, except in an emergency requiring immediate official action, in which case the time, place and purpose of such emergency meeting shall be immediately communicated to all news media requesting such notification.

(d) In accordance with Chapter 121 of the Columbus City Codes, all regular, special or emergency meetings of the Board shall be open to the public and no formal action of the Board shall take place in executive session except for purposes as authorized by law.

(e) A majority of the members of the Board shall constitute a quorum. The majority vote of all members present shall be required on all, matters. The motion shall fail if a majority vote of all members present is not obtained.

(f) The Board rules and regulations may be amended from time to time by a majority vote of the entire membership of the Board.

(g) The Board may hold a policy meeting in conjunction with its regular meeting or at another time as it agrees upon or as is initiated by the President Pro Tempore.

(h) In those questions of procedure which are not covered herein, Robert∗s Rules of Order, Revised, shall govern.

203.02 OFFICERS.

(a) A President Pro Tempore and a Vice-President Pro Tempore shall be elected by the Board at its first regular meeting in February of each year. Each shall hold office for one year and until the successor is elected and qualified.

(b) If the offices of President Pro Tempore or Vice-President Pro Tempore become vacant, the Board shall elect a successor from its membership within two months. The Board may elect an interim officer at its next regular meeting. The President Pro Tempore and Vice-President Pro Tempore shall be entitled to vote on the Board.

The Board shall appoint a Health Commissioner who shall serve as the Secretary of the Board of Health.

203.03 MINUTES, AGENDAS AND REPORTS.

(a) Minutes. Board of Health minutes are considered public records as defined in Section 151.01 of the Columbus City Codes, except for matters discussed in executive session or those excluded by law. Minutes of executive sessions need only reflect the general subject matter of discussion. The cost of furnishing minutes considered as public records shall be set by the Health Commissioner based on costs of labor and materials. The Health Department shall keep a record of the recipient, date received and date of any set of minutes distributed. The public may inspect minute books at all reasonable times.

(b) Agendas. The Board may provide for the preparation and distribution of agendas to visitors at meetings.

(c) Reports and Records. Copies of reports and records of the Board or the Health Department shall be furnished any person upon request if such are public records as defined in Section 151.01 of the Columbus City Codes unless excluded by law. Costs shall be set by the Health Commissioner based on costs of labor and materials. Initially, all records pertaining to the identification of a complainant shall be kept separate and confidential from the public record of inspection and notice of violation in regard to any business building, multiple dwelling , structure or premise. All other information regarding inspections and notices of violations pertaining to any structure or premises shall be considered a public record and available on request. After a citation is issued and a hearing date is set, the identity of the complainant shall be disclosed to the accused and the accused's legal counsel if the complainant is the person who executes an affidavit for issuance of the citation.

203.04 REPORTING NOTIFIABLE DISEASES AND POSITIVE LABORATORY TESTS.

(a) No attending physician or other person required by law shall fail to report a notifiable disease as required and in accordance with Ohio R .0. 3707.06 and Ohio Administrative Code Chapter 3701-3.

(b) No attending physician or person in charge of a laboratory shall fail to report a positive laboratory test result for any class A disease as required and in accordance with Ohio Administrative Code 3701-3-26.

203.05 ORDERS AND REGULATIONS.

Pursuant to Ohio R.C. 3709.20, the Board of Health may make such orders and regulations as are necessary for Its own government, for the public health, the prevention or restriction of disease, and the prevention, abatement or suppression of nuisances. The Board may also make orders and regulations pursuant to Ohio R.C. 3707.48 to enforce Ohio R.C. Chapter 3707.

203.06 (RESERVED FOR FUTURE REGULATION)

203.07 COMPLAINTS; HEARING AND DECISION.

(a) Under normal circumstances complaints should be submitted to the appropriate staff of the Health Department, however complaints may be presented to the Board of Health by any person having knowledge of actions by a person which may be violations of Ohio statutes, the Ohio Administrative Code, Columbus City Codes, and Board of Health and Health Department regulations and orders. Complaints may also be made by the Health Commissioner or any staff member of the Health Department.

(b) Appropriate staff from the Health Department shall investigate such complaints and present them to the Board. If the Board finds that there are reasonable grounds to believe that a violation has occurred, a written notice of the nature of the violation and the time and date of a hearing on the allegation(s) shall be delivered, either personally or by certified mail to the accused or to the accused's legal counsel.

(c) A public hearing shall be held, and all relevant evidence presented.

(d) The Health Department staff shall have the burden of going forward with the presentation of evidence. All parties shall have the right to appear and be heard in person, or by legal counsel, to present their case. All parties shall have the right to:

(1) Offer and examine witnesses and present evidence in support of their case; and

(2) Cross examine adverse witnesses; and

(3) Proffer evidence into the record if its admission has been denied.

(e) Testimony shall be given under oath, by deposition, written interrogations and/or upon written or oral stipulation. The following oath shall be given by the Board President Pro Tempore to all persons who give evidence in the case before the Board, including staff and persons appearing as alleged violators:

"Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth ."

(f) The Board shall rule on all matters of evidence. In so doing, the Board is not strictly bound by the rules of evidence. The Board may ask questions of any witness at any point in the proceedings. The Board may set time & limitations for each side in the presentation of evidence. A record of proceedings in the form of a transcript shall be kept for not less than thirty days from the date of its final decision. Parties seeking a stenographic record shall acquire such stenographic record at their own expense.

(g) Any hearing may be continued by the Board, either on their own motion or at the request of either party.

(h) The standard of proof for a finding that a violation has occurred shall be the preponderance of the evidence.

(i) At the conclusion of the presentation of the case the President Pro Tempore may either take the matter under consideration by the Board, or may move for an immediate decision.

(j) The decision of the Board shall be in writing and shall become effective three days after receipt of certified mail by the accused or the accused's legal counsel, unless otherwise stated in the Board decision.

203.08 APPEALS.

(a) All parties shall have the right to appeal an order or notice by the Health Commissioner or the Commissioner's authorized representative within fifteen days of the receipt of such order or notice. Late requests may be considered by the Board on an individual basis, but shall not prejudice or otherwise deter pending criminal or civil proceedings which have been initiated during the late period.

(b) The appeal hearing shall be placed on the agenda of the next scheduled Board meeting, if practicable, unless the Board grants an extension for good cause shown.

(c) The appeal hearing procedure shall be the same as provided in Section 203.07 relative to a complaint hearing.

(d) The Board, by majority vote, may approve , modify or disapprove the order or notice by written decision which shall become effective three days after receipt of certified mail by the appellant and/or legal counsel, unless otherwise stated in the Board decision.

203.09 VARIANCES.

The Board of Health may grant a variance in a specific case and from a specific provision of any regulation, order or notice subject to appropriate conditions and provided the Board makes specific findings of fact based on evidence relating to the following:

(a) That there are practical difficulties or unnecessary hardships in carrying out the strict letter of any regulation, order or notice; and

(b) That the effect of the application of the provisions would be arbitrary in the specific case; and

(c) That an extension would not constitute an appropriate remedy for these practical difficulties or unnecessary hardships and this arbitrary effect; and

(d) That such variance is in harmony with the general purpose and intent of the Board in securing the public health, safety and general welfare.

203.10 LICENSE OR PERMIT SUSPENSION OR REVOCATION; REINSTATEMENT; APPEAL.

(a) Except as otherwise provided by law, the Board of Health may suspend or revoke any license or permit issued under this Health Code, either temporarily or permanently, for failure to comply with any lawful requirement, regulation or order. The Board shall notify the licensee or permittee of the specific violations and shall afford a reasonable time and opportunity to correct or abate the same. If such notice is not complied with, then the Board may suspend or revoke such license or permit. Before any such suspension or revocation of a license or permit is made, the Board shall given written notice to the licensee or permittee that suspension or revocation is contemplated and the reasons therefore. Such notice shall set a time for hearing before the Board and may be sent by certified mail to the licensee or permittee. The hearing shall be conducted and a decision made in accordance with the procedure set forth for a complaint hearing in Section 203.07.

(b) Reinstatement of any permit or license which has been suspended or revoked shall be on such terms and conditions as the Board imposes and only after it is satisfied that all noncompliance or violations of this Health Code or any other lawful requirement have been completely satisfied or remedied.

(c) Whoever has been refused the issuance or transfer of a license or permit whose license has been suspended or revoked shall have the right to an appeal provided in Ohio U .0. Chapter 2506.

203.11 LICENSE OR PERMIT TRANSFER.

Except as otherwise provided by law, the Board of Health may transfer any license or permit issued under this Health Code provided the person, licensee or permittee applies for such transfer with the Board and complies with all lawful requirements imposed at the time of the initial license or permit issuance. The Board may impose a license or permit fee for the balance of the unexpired term remaining on the issued license or permit. This section does not apply where other laws preclude a transfer to another person or location or provide specifically for other

transfer procedures.

CHAPTER 207
Personnel Policies

Annually, the Board of Health enacts a general salary resolution to provide for salaries and wages for the various classes of positions and to fix working conditions for Board employees. Consult the Health Commissioner's office for the correct resolution and amendments thereto. The Board has also approved working rules for personal conduct of Board employees, based on rules promulgated by the Mayor for City employees, which rules are available at the Health Commissioner's office. Vehicle mileage allowance for Board employees is also established by resolution.

207.01 Civil rights compliance.

207.02 Health Commissioner as Board designee for civil service matters.

207.01 CIVIL RIGHTS COMPLIANCE.

(a) The Board of Health hereby reaffirms its policy of compliance with the Civil Rights Act of 1964 and applicable regulations issued thereunder.

(b) The Board acknowledges that a continuing effort is necessary to insure compliance with not only the letter but the spirit of the laws and regulations. (Res. 74-2. Adopted 1-16-74.)

207.02 HEALTH COMMISSIONER AS BOARD DESIGNEE FOR CIVIL SERVICE MATTERS.

(a) The Board of Health as the appointing authority for the Department of Health hereby designates the City Health Commissioner to act as its designee pursuant to Civil Service Rule XIII (B).

(b) The Columbus Civil Service Commission shall be immediately notified of such designation. (Res. 81-6. Adopted 5-20-81.)

CHAPTER 209
Enforcement, Inspection and Penalty

209.01 Enforcement by Health Commissioner.

209.02 Inspection; right of entry; evidence.

209.03 Notice of violation.

209.04 Retention of potential health hazards and condemnation.

209.05 Administrative appeal hearing; appeal to Board

209.06 Emergencies.

209.99 General penalty.

CROSS REFERENCES

Orders and regulations - see Ohio R.C. §§ 3707.48, 3709.20

Emergencies see Ohio R.C. §§ 3709.20, 3709.99

Penalties - see Ohio R.C. §§ 3707.99(c), 3709.99

Prosecution and legal action - see Ohio R .C. §§ 3707.02, 3709.99; CCHC §203.06

Violations and penalty see Columbus Codes Ch. 135

209.01 ENFORCEMENT BY HEALTH COMMISSIONER.

The Health Commissioner shall have the power and duty to enforce the provisions of this Health Code.

209.02 INSPECTION; RIGHT OF ENTRY; EVIDENCE.

(a) The Health Commissioner in enforcing the provisions of this Health Code is hereby authorized and directed to make inspections pursuant to procedures of inspection by the Health Department; or in response to a complaint that an alleged violation of the provisions of this Health Code or of applicable rules or orders pursuant thereto may exist; or when the Health Commissioner has valid reason to believe a violation of this Health Code or any rules and orders pursuant thereto has been or is being committed.

(b) In situations where no public health law or permit exists, the Health Commissioner may establish a policy by issuing a memorandum of agreement for those specific situations. This memorandum shall define the specific criteria to be agreed upon and it shall be signed by the applicant or permittee and the Health Commissioner. Failure to comply with the intent of the memorandum shall constitute a violation of this Health Code.

(c) The Health Commissioner is hereby authorized to enter upon and inspect all business buildings, multiple dwellings, dwellings, dwelling units or premises at any reasonable time subject to the provisions of this Health Code for the purpose of determining whether there is compliance with its provisions. Upon presentation of proper credentials, the Health Commissioner may, where permission is granted, enter at reasonable times any business building, multiple dwelling, structure or premises in the City to perform any duty imposed on the Commissioner by this Health Code. If any owner, occupant or other person in charge of a building or premises subject to the provisions of this Health, fails or refuses to permit free access and entry to the business building, multiple dwelling, dwelling, structure or premises under that person's control or any part thereof, the Health Commissioner may apply

to a judge of a court of record, pursuant to Ohio R . C. 2933. 2 1(F) for a warrant of search to conduct an inspection. A warrant of search to conduct an inspection shall not be issued except upon probable cause as provided in Ohio R . C. 2933.22.

(d) All records pertaining to the identification of a complainant shall be kept separate and confidential from the public record of inspection and notice of violation in regard to any business building, multiple dwelling, structure or premise. All other information regarding inspections and notices of violations pertaining to any structure shall be public records and available on request. The Health Commissioner may establish a reasonable fee for the purpose of defraying the cost of preparing a report and duplicating such report.

(e) The Health Commissioner shall keep confidential all evidence which is discovered or obtained in the course of an inspection made pursuant to this section and such evidence shall be considered privileged unless determined otherwise pursuant to law. The Health Commissioner may obtain samples of evidence during inspections for the purpose of presenting this evidence in court.

209.03 CONTENTS OF NOTICE OF VIOLATION

Whenever the Health Commissioner or the Commissioner's representative determines that there is a violation of any provision of the Ohio Health Code statutes, the Ohio Administrative Code, Columbus ordinances, or of any rule or regulation adopted pursuant thereto, the Health Commissioner shall give notice of such violation to the person or persons responsible therefore, as hereinafter provided. Such notice shall:

(A) Be in writing;

(B) Include a statement of the reasons why it is being issued;

(C) Allow a reasonable time for the performance of any act it requires;

(D) A notice of violation shall be served by any one (1) of the following methods;

1. Personal service, or
2. Certified mail, or
3. Residence service, or
4. Publication, or
5. Regular mail service to an address that is reasonably believed to be:
   (a) A place of residence of the owner, or
   (b) A location at which the owner regularly receives mail, or
6. Posting the notice of violation on or in the property, except that if a structure is vacant, then the notice shall be posted on the structure and one (1) of the above methods of service shall also be used.

(E) Be available to any person upon request upon payment of a reasonable fee to cover the cost of making a copy of the same. .

Any notice served shall automatically become an order if a written petition for a hearing before the Board of Health is not filed in the Health Commissioner's office fifteen (15) days after such notice is served.

(Amended 6/21/02, Resolution 02-11)

209.035 EVIDENCE OF SERVICE.

Written or oral acknowledgment by the owner of receipt of a notice of violation shall be evidence that the owner

received the notice of violation. An appeal of the notice of violation by the owner shall constitute evidence of written acknowledgment by the owner of service of notice of violation. (Enacted 6/21/02, Resolution 02-11)

209.04 RETENTION OF POTENTIAL HEALTH HAZARDS AND CONDEMNATION.

(a) When any structure, installation, utensil, equipment, food, drink, feed, chemical or biological preparation, device or article of any kind, in the opinion of the Health Commissioner may be a health hazard, the Health Commissioner shall affix a tag or label bearing the words, "Columbus Board of Health Retained", and no person shall use, sell or dispose of, in any manner, that structure, installation, utensil, equipment, food, drink, feed, chemical or biological preparation, device or article until, after further examination is made thereof and the tag or label is removed by the Health Commissioner. The Health Commissioner may seize and hold the thing so tagged or labeled in any place so designated by him or her. No person except the Health Commissioner shall remove the tag or label. When the tag or label is affixed to any structure, installation, utensil, equipment, food, drink, feed, chemical or biological preparation, device or article, the Health Commissioner shall give, if possible, the owner, occupant, operator or agency thereof an order stating that the thing so tagged or labeled shall not be used in any manner and shall not be moved until the tag or label is removed by the Health Commissioner.

(b) The Health Commissioner shall forbid the use of, condemn and dispose of as deemed necessary, any structure, installation, utensil, equipment, food, drink, feed, chemical or biological preparation, device or article of any kind which, in the Commissioner's opinion, is a health hazard.

(c) Any person to whom such an order is directed or from whom any action, forbearance or compliance is in any way required shall comply with such order within such period of time as the Health Commissioner may prescribe therein.

209.05 ADMINISTRATIVE APPEAL HEARING; APPEAL TO BOARD.

(a) Any person who is aggrieved by an order directing or requiring any action, forbearance or compliance may, prior to taking an appeal to the Board of Health, request and receive a prompt hearing before the Health Commissioner or any specifically designated representative, provided that such request for administrative hearing is made in writing within five days from receipt of such order. If the Health Commissioner holds an administrative hearing for reconsideration of the notice or order, the Health Commissioner shall prepare a summary of the hearing and shall state the decision reached. Such summary and statement shall become part of the public record.

(b) Any person who is aggrieved by an order directing or requiring any action, forbearance or compliance may appeal to the Board of Health in accordance with the procedures prescribed by the Board. This appeal shall be filed with the Board within fifteen days of the receipt of such order as provided in Section 203.08.

209.06 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 may be issued, without a hearing or appeal, directing or requiring the owner, occupant, operator or agent to take such action as is appropriate to correct or abate the emergency condition. If circumstances warrant, the Health Commissioner may act to correct or abate the emergency condition.

(b) If necessary to protect the public health and safety or the health and safety of any person, the Health Commissioner shall order that the premises be vacated forthwith and not be reoccupied until compliance with the order is achieved.

(c) In cases where it reasonably appears that there is Imminent danger to the public health and safety of any person unless the emergency condition is immediately corrected by the owner, the Health Commissioner may cause the immediate repair of such emergency condition. The Health Commissioner shall further cause the costs of such emergency repair to be charged against the land on which the emergency exists as a municipal lien or to be recovered in a civil suit against the owner.

(d) The owner, occupant, operator or agent shall be granted a hearing before the Board of Health on the matter upon that person's request, as soon as practicable, but such appeal shall in no case stay the abatement or correction of such emergency.

209.99 PENALTIES.

(A) Whoever violates any provision of this Health Code or any order issued pursuant thereto is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars ($500.00) or imprisoned for not more than sixty (60) days or both. Each day that any such person continues to violate any of the provisions of this Health Code or any order issued pursuant thereto shall constitute a separate and complete offense. Receipt of notice under Columbus City Health Code §209.03 shall not be a prerequisite for prosecution for any violation of this Health Code, providing a diligent effort was made under its provisions. (Enacted 6/21/02, Resolution 02-11)

(B) Whoever violates any provision of any rule or regulation adopted by the Health Commissioner pursuant to authority granted by this Health Code, Ohio statute, the Ohio Administrative Code or Columbus City ordinance is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars ($500.00) or imprisoned for not more than sixty (60) days or both. Each day that any such person continues to violate any rule or regulation adopted by the Health Commissioner pursuant to authority granted by this Health Code, Ohio statute, the Ohio Administrative Code or Columbus City ordinance shall constitute a separate and complete offense. (Enacted 6/21/02, Resolution 02-11)

(C) Regardless of the penalty otherwise provided in this section, an organization convicted of a violation of the Columbus City Health Code, a misdemeanor of the third degree, shall be fined not more than three thousand dollars ($3,000.00). (Enacted 6/21/02, Resolution 02-11)

209.995 RELATIONSHIP TO OTHER REGULATIONS.

This Code shall not be construed to prevent the enforcement of other ordinances or regulations that prescribe standards other than are provided in this Code. This Code establishes minimum standards relative to health, the prevention or restriction of disease, and the prevention, abatement or suppression of nuisances and does not replace or modify requirements otherwise established by regulations that may be additional or more stringent. This Code shall not be construed or interpreted to impair or limit in any way the authority of the Health Commissioner or the Commissioner's authorized representative to cause the removal or abatement of public nuisances or hazards that may threaten the health, safety or welfare of any person. (Enacted 6/21/02, Resolution 02-11)

TITLE THREE - ENVIRONMENTAL HEALTH

Chapter 221. Health Hazards
Chapter 223. Private Water Systems.
Chapter 225. Household Sewage Treatment Systems.
Chapter 226. Semipublic Sewage Disposal Systems.
Chapter 227. Public Swimming Pools.
Chapter 228. Public Spas.
Chapter 229. Private Swimming Pools.
Chapter 231. Barber Shops.
Chapter 233. Schools.
Chapter 235. Solid Waste Disposal Facilities
Chapter 237. Trailer Parks.
Chapter 239. Laundries.
Chapter 241. Rabies Control.
Chapter 243. Nuisance, Dangerous, and Vicious Animals.
Chapter 245. Marinas.
Chapter 247. Tattoo and Body Piercing Establishments.

CHAPTER 221
Health Hazards

221.01 Responsibilities of owners and occupants.
221.02 Safe and sanitary maintenance of structures and premises.
221.03 Mosquito and other insect control.
221.04 Standards relative to waste materials.
221.05 Standards relative to animals and fowl.

221.01 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

(a) No owner or other person shall occupy or let to another person a business building, multiple dwelling, dwelling or dwelling unit unless it and the premises are clean, sanitary, fit for human occupancy and comply with all applicable legal requirements of the State of Ohio and the City of Columbus.

(b) Every owner of a business building or dwelling containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public area of the business building, dwelling, and premise thereof.

(c) Every occupant of a business building, multiple dwelling, dwelling or dwelling unit shall maintain in a clean and sanitary condition that part or those parts of the business building, dwelling, and premises thereof that the individual occupies and controls.

(d) Every occupant of a business building multiple dwelling, dwelling or dwelling unit shall store and dispose of all rubbish in a clean, sanitary and safe manner.

(e) Every occupant of a business building, multiple dwelling, dwelling or dwelling unit shall store and dispose of all his garbage, refuse and any other organic waste which might provide food for vermin and/or rodents in a clean, sanitary, safe manner. All garbage cans and refuse containers shall be rodent-proof, insect-proof, water-tight,

structurally strong to withstand handling stress, easily filled, emptied and cleaned; shall be provided with tight-fitting covers or similar closures; and shall be maintained at all times in a clean sanitary condition. Plastic bags may be used as garbage and refuse container liners but shall not be used without the container for on-site storage of garbage or refuse.

(f) Bulk containers, garbage and refuse cans which are used for storage of garbage, refuse and/or other putrescible wastes shall be placed in a suitable manner approved by the Health Commissioner as to not create a health hazard. The bulk containers shall comply with regulations adopted by the Federal Consumer Product Safety Commission relative to construction, installation and redesign.

(g) It shall be the responsibility of the owner of any garbage, refuse, or bulk containers to clean and maintain the container in a nuisance-free condition. An undue accumulation of material on the sides or bottom of the container will constitute a violation of this section. If a bulk container is leased, it shall be the responsibility or the lessee to clean and maintain the container in a nuisance-free condition.

(h) The total capacity of all provided garbage and/or refuse cans and bulk storage containers shall be adequate to meet the needs of the occupants of the business building, multiple dwelling, dwelling, or dwelling unit.

(i) Every owner of a business building or every owner of a dwelling containing two or more dwelling units shall provide and maintain adequate garbage disposal and rubbish storage receptacles for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of one dwelling unit, it shall be the responsibility of each occupant to provide and maintain adequate garbage disposal and rubbish storage receptacles.

(j) The owner is responsible for elimination of any rodents, vermin or other pests in a dwelling containing two or more dwelling units and on the premises thereof. The owner is also responsible whenever the infestation is caused by improper ratproofing of the premises.

(k) No occupant of a business building, multiple dwelling, dwelling or dwelling unit shall accumulate rubbish, boxes, lumber, scrap metal or any other materials in such a manner that may provide a rodent harborage or vermin harborage or other pest harborage in or about any business building, multiple dwelling, dwelling or dwelling unit or its premises.

(l) No owner of a business building or dwelling containing two or more dwelling units shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal or any other materials in such a manner that may provide a rodent harborage or insect harborage in or about the shared or public areas of a business building, dwelling, or its premises.

(m) No owner or occupant of a business building, multiple dwelling, dwelling, dwelling units or its premises shall store, place or allow to accumulate any materials which may serve as food for rodents in a site accessible to rats.

(n) The owner or agent of any business building, multiple dwelling, dwelling or dwelling unit shall not allow any sewer, water closet or drain to leak, to be out of repair, to be inoperable, or to remain clogged or stopped; nor allow sewage or waste or stagnant water or other fluid to remain in any building or upon any land. Every plumbing fixture and all water and waste pipes shall be installed and maintained in good sanitary working condition.

221.02 SAFE AND SANITARY MAINTENANCE OF STRUCTURES AND PREMISES.

All owners and occupants of business buildings, multiple dwellings, dwellings, dwelling units or premises shall comply with the following requirements of subsections (a) to (j) hereof:

(a) Every premise shall be graded, drained, free of standing water and maintained in a clean, sanitary and safe condition.

(b) Unless other provisions are made, gutters, leaders or down-spouts shall be provided and maintained in good working condition as to provide proper drainage of storm water.

(c) Every business building, multiple dwellings, dwellings, dwelling units or accessory structure and premise on which located shall be maintained in a rodent-free, insect-free and rodent-proof condition.

(d) All openings in the exterior walls, foundations, basements, ground or first floors and roofs which have a half-inch diameter or more opening shall be rodentproofed in an approved manner if they are within forty-eight inches of the existing of the existing exterior ground level immediately below such openings, or if they may be reached by rodents from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs and other such items, such as trees or vines or by burrowing.

(e) 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 other exterior doorways which might provide an entry for rodents or other vermin shall be supplied with adequate screens or such other devices as will effectively prevent the entrance of rodents and other vermin into the structure.

(f) All sewers, pipes, drains or conduits and openings around such pipes and conduits shall be constructed to prevent the ingress and egress of rodents and insects to and from a building.

(g) Interior floors of basements, cellars, and other areas in contact with the soil shall be rodent-proofed or insect-proofed in a manner approved by the Health Commissioner.

(h) Materials used for rodent-proofing shall comply with standards established by the Health Commissioner. The list of acceptable materials may be obtained from the Health Commissioner.

(i) All fences shall be constructed of approved fencing material, shall be maintained in good condition and shall not create a harborage for rodents.

(j) Accessory structures present or provided by the owner, agent, tenant or occupant on the premise of a dwelling shall be structurally sound, and be maintained in good repair, rodent-proofed, and free of insects and rodents, or such structures shall be removed from the premises.

(k) No owner or occupant of a business building, multiple dwelling or dwelling shall allow, grass, weeds, noxious weeds, brush or similar vegetation to remain on the premises at such a height and density as to constitute harborage, real or potential for rodents or vermin. A height of twelve inches or more is presumed for the purposes of this regulation to constitute a potential hazard. The foregoing shall not apply to a premises or part thereof on which such growth may be reasonably demonstrated to be for agricultural or horticultural use.

(l) No person shall permit to accumulate on any premise, alley or street or sidewalk in the City any of the following materials, but not limited to lumber, bricks, stones, boxes, barrels, scrap metal, bottles, cans, motor vehicle bodies or parts, containers or similar materials that may be permitted to remain thereon unless same are placed on open racks that are elevated not less than eighteen inches above the ground and evenly stacked so that these materials will not afford harborage for rodents or insects.

(m) No person shall place, leave, dump, or permit to accumulate any garbage or rubbish in any business building, multiple dwelling, dwelling, structure or any premise, alley, street or sidewalk in the City so that same shall or may afford food or harborage for rodents or insects.

(n) Every public hall and stairway in any business building, multiple dwelling or dwelling shall be adequately lighted by natural or artificial 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.

(o) The owner or agent of any business building, multiple dwelling or dwelling shall be responsible for the installation of equipment for adequate ventilation, either natural and / or artificial, in all rooms, enclosures and halls therein .

(p) The owner or agent of any business building, multiple dwelling or dwelling shall not allow that building to be without a potable water supply installed according to the Building Code of the City of Columbus and maintained in an operable manner, if the building is occupied.

(q) No owner of any public or private premises or land, developed or undeveloped, shall permit the existence of an open abandoned well, pit, septic tank, or similar health and safety hazard; this includes a pit privy not in use, unless such a hazard is either filled or securely sealed in a manner approved by the Health Commissioner to prevent easy access or enclosed within a steel wire fence or equivalent not less than six feet in height with any gate or similar opening fastened and locked.

(r) No person shall place food in the open for feeding of any birds, animals or domesticated fowl except in such containers as will prevent the scattering of such food upon the ground. After such feeding, such food shall not be allowed to remain where it is accessible to rodents. Food for birds, animals and domesticated fowl shall be stored in such manner as to not be accessible to rodents. Feed for animals, pets and fowl shall not be left in feed pans, troughs, and other feeder containers overnight unless such feeder equipment is made inaccessible to rodents or insects.

(s) No person shall burn garbage or rubbish in any manner without a permit from the Ohio Environmental Protection Agency or Columbus Division of Fire.

(t) No owner or other person, except a public utility company or private supplier for nonpayment of a utility bill, shall remove, shut off, discontinue, interrupt or cause the removal, shutoff, discontinuance or interruption of any service utility which is required under this Health Code from any occupied dwelling or occupied business building except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during emergencies when discontinuance is approved by the Health Commissioner. Failure or neglect by an owner who has responsibility for payment of a utility bill for any unit the owner does not occupy to pay such bill with a resulting shut-off of the utility shall be construed as causing the shut-off.

(u) The owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the dwelling and premises thereof including the pavements, gutters and dedicated portion of the street or alley abutting such premises.

(v) Every occupant of a dwelling or dwelling unit and premises thereof which the occupant occupies and controls shall keep the same in a clean and sanitary condition including the pavements, gutters and dedicated portion of the street or alley abutting such premises. Clean and sanitary maintenance shall include, but not be limited to, keeping all floors and walking surfaces free of dirt, filth, garbage, human and animal waste, litter, refuse and other unsanitary matter and keeping all walls, ceilings, windows and doorways clean and free of dirt, greasy film, soot and other unsanitary matter. Every occupant of a dwelling or dwelling unit shall dispose of all rubbish, garbage and ashes in the receptacles provided. Discarded or abandoned articles of such bulk as to preclude disposal in such receptacles shall be conveyed by the occupant to an appropriate City or approved private disposal area.

(w) Every dwelling unit shall contain at least 140 square feet of floor space for the first occupant thereof and at least seventy additional square feet of floor area for every additional occupant thereof, the floor space to be calculated on the basis of the total habitable room area. For purposes of this section, a child under one year of age shall not be counted as an additional occupant.

221.03 MOSQUITO AND OTHER INSECT CONTROL

(a) No owner, person, occupant, tenant, lessee or developer of any public or private premises shall permit the accumulation upon that person's premises of water in puddles, ponds, depressions, ditches, containers for periods of time long enough to afford mosquito breeding or other insect breeding.

(b) The Health Commissioner shall make inspections of premises, public or private, to ascertain whether there is mosquito breeding (larva) or other insect breeding. When such conditions are found to exist, notice shall be given and the party or parties concerned shall proceed to eliminate such conditions by draining and/or filling or in some manner eliminating the stagnant water or apply such other methods as necessary to eliminate, prevent, and control mosquito breeding or other insect breeding.

221.04 STANDARDS RELATIVE TO WASTE MATERIALS.

(a) No person shall deposit or allow to accumulate in any building, premise, yard, court, lot, street, alley, sidewalk or any other place, except in authorized receptacles, any substance, solid, semi-solid or liquid, or animal, vegetable or mineral origin, that by its decay, decomposition, chemical action or by becoming a harbor for animal pests, would become an unsanitary condition or a health hazard.

(b) No person shall carry or convey in any vehicle or device, any earth, sand, gravel, dirt, rubbish, garbage, ashes or any substance, solid, semi-solid or liquid, or any article or matter of any kind whatsoever, so that the same shall be scattered, dropped or spilled therefrom; and all vehicles or devices conveying foul, dusty or offensive matter of any kind shall have a tight body and shall be closely and securely covered.

(c) No person, firm or corporation shall, without the consent of the owner or person in charge thereof, disturb, scatter, remove or pilfer any waste materials, refuse or rubbish placed in containers or containing structures.

(d) No person shall carry or convey in any vehicle or device through the streets or alleys, any soap, grease offal, butcher or meat dealer refuse, except in a vehicle or device with a tight body and tight cover, or in a vehicle or device in which are containers with tight-fitting covers, so that the substance placed therein will not become offensive, attract animal or insect pests or become an unsanitary condition or a health hazard, except when special permission is granted by the Health Commissioner if the Commissioner deems this permission is not detrimental to the public health. No person shall park a garbage truck or similar vehicle on any street, vacant lot, alley or driveway so as to create an odor, spillage problem or health hazard.

(e) No person shall allow any slaughter house, rendering establishment, factory, fertilizer plant, a business of any kind, or any premises thereof, by reason of being foul, nauseous or offensive, to create an unsanitary condition or become a health hazard.

221.05 STANDARDS RELATIVE TO ANIMALS AND FOWL.

(a) No person shall keep any equine, cow, sheep, goat, pig, llama or other large animal in any stable, barn or structure unless that stable, barn or other structure shall have a floor of impervious material and shall be so drained that all fluid excrement or refuse liquid shall be conducted into a City sanitary sewer. All manure and refuse shall be placed in tightly covered containers and removed from the premises before the manure and other refuse becomes offensive. The structure, animals and premises shall be kept in sanitary condition so that they shall not become offensive and so that they will not harbor animal or insect pests.

1) Exemption shall be made for any land annexed into the City of Columbus which is zoned agriculture and/or currently has livestock and/or domestic fowl at the time of annexation.

2) This exemption shall be in force as long as this land is zoned and/or used for agricultural purposes and poses no environmental or health hazards.

(Amended 3/1/92, Resolution 92-5)

(b) No person shall keep, store, maintain, shelter or care of, at any time, animals of the hog or goat kind, equine, cow, alligator, crocodile, caiman, sheep, goat, llama, captive wild fowl, and all domestic fowl in any pen or enclosure on any premise, lot or parcel of land in the City without written permission from the Health Commissioner. Anyone intending to keep such animals must first obtain a permit from the Health Commissioner. Each pen or enclosure for such animals shall have a floor of impervious material and be under cover. The Health Commissioner may grant permission on the above situations only after it is determined that the keeping of such animals:

(1) creates no adverse environmental or health effects;

(2) is in compliance with all other sections of this chapter; and

(3) in the judgment of the Health Commissioner, after consultation with the staff of the Health Department and with the surrounding occupants of the place of keeping such animals, and considering the nature of the community (i.e., residential or commercial single or multiple dwellings, etc.), is reasonably inoffensive.

The Health Commissioner may revoke such permission at any time for violation of this chapter or nay other just cause.

(Amended 3/1/92, Resolution 92-5)

(c) No person, owning or responsible for cows, rabbits, sheep, equine, captive wild fowl and domestic fowl, shall knowingly or negligently permit any of them to run at large in any street, alley or unenclosed lot within the City. (Amended 3/1/92, Resolution 92-5)

(d) No person shall allow the house, kennel, runs, yards or the premises where dogs, cats, or other small animals are kept to become offensive due to unsanitary conditions. Dogs, cats and other small animals shall not be allowed to create an unsanitary condition on the streets, alleys or sidewalks, or premises of others.

1) Offensive, unsanitary conditions shall include but not be limited to odor, accumulated urine, urine soaked ground, feces, and rodent harborages.

2) When a owner, harborer, or keeper is cited the third time in a twelve (12) month period for unsanitary conditions, the Health Commissioner or representative, on the recommendation of the Environmental Health staff, may limit the number of dogs, cats, or other small animals that may be maintained on a premise.

(Amended 3/1/92, Resolution 92-5)

(e) No person shall allow any animal suffering from a zoonotic and/or communicable disease to run at large or to come in contact, either directly or indirectly, with any other animal or any person, except the owner or keeper of the animal, household member or a licensed veterinarian, and employees of any animal hospital, Capital Area Humane Society or Franklin County Animal Control. (Amended 3/1/92, Resolution 92-5)

(f) Upon the death of an animal the owner or keeper of the animal shall promptly notify the Division of Refuse Collection requesting the removal of the animal body or make arrangements for other proper disposition of the dead animal.

(g) No person shall stable a horse except in a stall large enough for the horse to turn around, and to be able to be bedded in a minimum depth of six (6) inches of either sawdust, wood shavings or other approved material. . (Amended 10/17/90, Resolution 90-20)

(h) No person shall operate a stable used by a horse carriage company unless the following requirements are met:

1. All stable locations shall be approved by the Health Department.

2. The stable shall be of sufficient size to house all horses, vehicles, food supplies and equipment utilized in

the horse carriage company.

3. The stable is well ventilated to minimize odor, humidity and maintain temperature.

4. A minimum of forty (40) foot candles of light are provided in all stable areas.

5. Complete restroom facilities which shall include a hand sink with hot and cold running water are on the premises.

6. All windows are screened.

7. All grain or grain-type feed is stored in rodent-proof containers, hay is stored off the floor and at least eighteen (18) inches away from any wall.

8. Stalls are picked and cleaned twice daily and stripped every seven (7) days.

Horses shall not be tethered, kept, washed and/or groomed outside of the stable facility, except as needed, when being worked outside of the stable facility. Horses shall not be washed while at a designated Tether Location.

(Amended 10/17/90, Resolution 90-20)

221.06 STANDARDS RELATIVE TO CARRIAGE HORSES.

(a) Each horse shall be identified by a brand, mark or tag, uniquely identifying the horse. A description (including photograph) of each horse, including brand, mark or tag, age, breed, sex, color and other identifying markings shall be filed with the City veterinarian. (Amended 10/17/90, Resolution 90-20)

(b) A certificate of well being shall be issued within thirty (30) days prior to use by horse carriage company. The horse shall be examined for soundness of its teeth, legs, hoofs, shoes and cardiovascular system, as well as for signs of drug abuse, injury, disease or deficiency. Each horse shall have flesh muscle tone, and weight sufficient to pull a carriage. This examination shall be performed by a veterinarian and a statement of this examination forwarded to the City Veterinarian. Each horse deemed to have met the standards of this section shall be issued a certificate of well being. The certificate shall identify the horse by breed, color, sex, and markings and shall state the type of carriage the horse can pull safely without causing injury to the horse. (Amended 10/17/90, Resolution 90-20)

(c) The City veterinarian shall examine and/or accept a veterinarian's statement of examination of any horse ordered out of service for injury, illness or any horse involved in an accident. A re-certification statement shall be issued when the veterinarian finds the horse fit to return to service. (Amended 10/17/90, Resolution 90-20)

Chapter 223
Private Water Systems
(Last Amended 4/17/2007)

223.01 Approval of State Regulations.

223.02 Fee schedule for water sample collection and bacteriological analysis.

223.03 Fee schedule for installation permits and water hauler inspection.

CROSS REFERENCES

Ohio Health Department rules - see OAC Ch. 3701.28

223.01 APPROVAL OF STATE REGULATIONS.

Chapter 3701-28 of the Ohio Administrative Code is hereby approved by the Board of Health as the minimum compliance standard for enforcement by the Health Department in the City. (Resolution 81-2, adopted 2/25/1981)

223.02 PRIVATE WATER SYSTEM REQUIREMENTS (Amended 4/17/07)

(A) Any property owner intending to construct, develop, or install a private water system or component thereof; or have such operations performed by another person shall, either in person or through a designated agent, make application, in accordance with chapter 3701-28 of the Ohio Administrative Code, to Columbus Public Health for a permit prior to the start of work.

(B) Any property owner intending to alter a private water system, or component thereof; or have such operations performed by another person shall, either in person or through a designated agent, make application, in accordance with chapter 3701-28 of the Ohio Administrative Code, to Columbus Public Health for a permit prior to the start of work. Emergency alterations in situations deemed acceptable by Columbus Public Health may be made without prior permit application providing application for a permit is made within two working days to Columbus Public Health after commencement of the emergency alteration.

(C) All transportation equipment used in the distribution of water from an approved public water system shall be inspected and approved annually, provided that the owner's principle place of business is located within the jurisdiction of Columbus Public Health.

(D) The owner of a private water system for other an a single-family dwelling house, as defined by Chapter 3701-28 of the Ohio Administrative Code, shall be required to

annually provide a water sample for bacteriological examination. The collection procedure shall be approved by the Health Commissioner. The owner shall pay to Columbus Public Health all fees established for such examination.

223.03 FEE SCHEDULE FOR WATER SAMPLES, PERMITS AND WATER HAULER INSPECTIONS (Amended 4/17/07)

There is levied and assessed in each fee category specified in section 3701-28-061 of the Ohio Administrative Code that amount as specified in chapter 3701-28 of the Ohio Administrative Code which is required to be transmitted to the State of Ohio, plus the following fee:

(A) Each application for a permit to construct or install a new private water system for a single-family dwelling shall be accompanied by a fee of two hundred dollars ($200.00).

(B) Each application for a permit to construct or install a new private water system for other than a single-family dwelling shall be accompanied by a fee of two hundred forty-five dollars ($245.00) for the first two (2) service connections, plus forty-five dollars ($45.00) for each additional service connection.

(C) Each application for a permit to alter an existing private water system for a single-family dwelling shall be accompanied by a fee of one hundred fifty dollars ($150.00).

(D) Each application for a permit to alter an existing private water system for other than a single-family dwelling shall be accompanied by a fee of one hundred ninety-five dollars ($195.00) for the first two (2) service connections, plus forty-five dollars ($45.00) for each additional service connection.

(E) Each application for a permit to seal a private water system for a single-family dwelling shall be accompanied by a fee of sixty-five dollars ($65.00).

(F) Each application for a permit to seal a private water system for other than a single-family dwelling shall be accompanied by a fee of sixty-five dollars ($65.00).

(G) Each application for a variance, to be issued under section 3701-28-21 of the Ohio Administrative Code, shall be accompanied by a fee of one hundred dollars ($100.00).

(H) Each water hauler vehicle inspected shall be assessed a fee of thirty dollars

($30.00), and shall display a current approval sticker issued by Columbus Public Health.

(I) A fee of fifty dollars ($50.00) shall be added to the applicable fees established under paragraphs (A) to (F) of this section when the Health Commissioner determines that the installation, alteration, or sealing of a private water system commenced prior to a permit being issued in accordance with chapter 3701-28 of the Ohio Administrative Code.

(J) A fee of forty-five dollars ($45.00) shall be assessed, due and payable, in advance, for each water sample collected for bacteriological analysis.

(K) The water sample fee specified in paragraph (J) of this section shall not apply to water samples collected for bacteriological analysis as the result of a permit issued under paragraphs (A) to (D) of this section or as the result of a public health investigation conducted by Columbus Public Health.

(L) The fees specified in this section are not refundable.

223.04 ALL PRIVATE WATER SYSTEMS, WITHOUT REGARD TO THE DATE OF CONSTRUCTION, WHICH OBTAIN WATER FROM CISTERNS, PONDS, OR SPRINGS SHALL BE CONTINUOUSLY DISINFECTED.

CHAPTER 225
Household Sewage Treatment Systems
(Amended by BOH Resolution #10-08 - 4/20/10)

225.01 Definitions
225.02 Sewage disposal requirements
225.03 Subdivisions
225.04 Permits
225.05 Fees
225.06 Responsibility for compliance, demonstration of competency, and registration requirements
225.07 Installers
225.08 Septage haulers
225.09 Service providers
225.10 General provisions and prohibitions
225.11 Site and soil evaluation
225.12 Permits for installation, alteration, and Operation
225.13 Layout plans, design plans and as-built records
225.14 Sewage source, building sewer, and related fixtures
225.15 Tanks, pumps, and controls
225.16 Effluent quality standards and pretreatment provisions
225.17 Soil absorption provisions
225.18 Leaching trench requirements
225.19 Mound with pressure distribution requirements
225.20 Drip distribution
225.21 Site modification
225.22 Leaching pits, privies and tight vaults
225.23 Residuals management
225.24 Sts abandonment
225.25 Variance
225.99 Penalties

CROSS REFERENCES

Ohio Revised Code §3707.01 (Powers of a local Board of Health)

Ohio Health Department rules - see OAC Ch. 3701-29

Section 225.01 DEFINITIONS.

As used in this chapter:

(A) "AASHTO" mean the American association of state highway and transportation officials.

(B) "Aerobic type treatment system" means any system which utilizes the principle of oxidation in the decomposition of sewage by the introduction of air into the sewage or by surface absorption of air for a sufficient period of time to effect adequate treatment.

(C) "Alter" means to change by making substantive replacements of, additions to, or deletions in the design or materials or to change the location of an existing sewage treatment system. For the purposes of this chapter, the terms "alter" or "alteration" shall not include the replacement of an existing sewage treatment system or the repair of a sewage treatment system by making minor corrections to existing components or substituting parts of a component with like parts as would occur during the servicing and maintenance of a sewage treatment system.

(D) "ANSI" means the American national standards institute.

(E) "ARCPACS" means the federation of certifying boards in agriculture, biology, earth and environmental sciences.

(F) "ASTM" means the American society for testing and materials or ASTM international.

(G) "Bedrock, rock and other fragments" means bedrock underlying the soil or exposed at the surface of the ground and rock and other fragments that are discrete particles greater than two millimeters including, but not limited to, gravel, cobbles, flagstones, stones and boulders. For the purposes of this chapter, a limiting condition shall include soils having bedrock, rock or other fragments greater than fifty per cent by volume.

(H) "Bedroom" means any room within a dwelling that might reasonably be used as a sleeping room including but not limited to rooms designated as a den, office, or study.

(I) "Board of Health" means the Board of Health of the City of Columbus.

(J) “Columbus Public Health” means the Health Department of the City of Columbus.

(K) "CSA or CAN/CSA" means the Canadian standards association or CSA international.

(L) "Department of health" means the department of health of the state of Ohio.

(M) "Director of health" means the director of the department of health of the state of Ohio and includes any authorized representative of the director.

(N) "Domestic septage" means the liquid or solid material removed from a sewage treatment system, septic tank, portable toilet, or type III marine sanitation device as defined in 33 C.F.R. 159.3. (as published in the July 1, 2005 Code of Federal Chapters) "Domestic septage" does not include grease removed from a grease trap.

(O) "Drainage system" means a drain or drains designed to effectively lower seasonally ponded or shallow subsurface water to establish or increase an unsaturated vertical separation distance uniformly beneath a soil absorption component.

(P) "ETV water quality protection center" means the program established by the United States environmental protection agency and the national sanitation foundation to verify commercial-ready technologies that protect ground and surface waters from contamination. Under the program, technologies are evaluated by a third party organization following technically sound test procedures with appropriate quality assurance and quality control to provide purchasers, specifiers, and permitters with credible and relevant data.

(Q) "Gradient drain" means a drain designed to create a hydraulic gradient to facilitate the flow of subsurface water away from the area of a soil absorption component to allow effluent from a sewage treatment system to infiltrate the soil.

(R) "Graywater" means sewage that does not include flows from toilets and urinals, and in some cases also does not include flows from kitchen sinks carrying food wastes.

(S) "Ground water" means all water occurring in an aquifer. For the purposes of this chapter, ground water includes an apparent water table.

(T) "Hardscape" means any constructed surface area on the landscape of a site such as a driveway, parking area, patio, building slab, or other similar surface area.

(U) “Household sewage disposal system” means “household sewage treatment system.”

(V) "Household sewage treatment system (HSTS)" means any sewage treatment system, or part of such a system, that receives sewage from a single-family, two-family, or three-family dwelling and residential dwellings or appurtenances including but not limited to:

(1) A bed and breakfast, residential facility, or other residence as described in divisions (B)(2), (B)(4), and (B)(13) of section 3717.42 of the Revised Code.

(2) An ancillary restroom associated with a dwelling in a location such as a barn or personal garage that is not used as an additional dwelling, sleeping area, or business and the users of the ancillary restroom are the same users as the dwelling. An ancillary restroom shall not be available for public use.

(3) Vacation rental cabins provided there is a separate HSTS for each cabin.

(4) A dwelling with a home business having no access for the general public and does not generate additional sewage as part of its operation.

(W) "IAPMO" means the international association of plumbing and mechanical officials.

(X) "Infiltrative surface" means the contact area where sewage is applied to the soil or sand fill for the purpose of treatment and/or dispersal.

(Y) "In situ soil" means soil that has been naturally deposited or formed in its present location with adequate texture, structure and consistence necessary for treatment and/or dispersal, or in the case of reclaimed or filled areas, has had sufficient time to form the texture, structure and consistence necessary for treatment and/or dispersal.

(Z) "Inspection" means the on-site evaluation or analysis of the functioning of a sewage treatment system.

(AA) "Installer" means any person who engages in the business of installing or altering or who, as an employee of another, installs or alters any sewage treatment system.

(BB) "Interceptor drain" means a drain designed to intercept the horizontal flow of subsurface water to reduce its impact on a down gradient soil absorption component.

(CC) "Limiting condition" means a restrictive soil layer, bedrock, ground water, a perched seasonal high water table or other condition or combination of conditions that severely limit the treatment and/or dispersal of sewage or effluent.

(DD) "Linear loading rate (LLR)" means the volume of effluent applied daily along the landscape contour expressed in gallons per day per linear foot. The LLR may also be referred to as the hydraulic linear loading rate. The LLR is used to determine the required length of the distribution system parallel to surface contours.

(EE) "Lot" means a legally recorded parcel of land.

(FF) "Manufacturer" means any person that manufactures a sewage treatment system or components of a sewage treatment system.

(GG) "Monitoring" means the activity of verifying performance requirements and may include, but is not limited to, sampling of effluent from a sewage treatment system component. For the purpose of this chapter, monitoring activities shall be conducted by either the Board of Health or a registered service provider.

(HH) "NPDES" means national pollutant discharge elimination system.

(II) "NRCS" means the natural resources conservation service.

(JJ) "NSF" means the national sanitation foundation or NSF international.

(KK) "ODNR" means the Ohio department of natural resources.

(LL) "OEPA" means the Ohio environmental protection agency.

(MM) "O&M" means operation and maintenance.

(NN) "Order one soil survey" means a soil inventory produced for very intensive land use that requires detailed information about soils. Standards are described in section 655.04 of the national soil survey handbook. Order two soil survey information is available in county soil surveys.

(OO) "Perched seasonal high water table" means the shallowest depth of soil which is saturated with water above an unsaturated zone for at least three weeks or longer periods of time, often with repeated occurrences during the winter and/or spring seasons of the year.

(PP) "Perennial stream" means natural waters of the state with a defined stream bed and bank and constant source of flowing water.

(QQ) "Person" has the same meaning as in section 1.59 of the Ohio Revised Code and also includes any state, any political subdivision of a state, and any department, division, board, commission, agency, or instrumentality of a state or political subdivision.

(RR) "Pressure distribution" means dispersal of effluent in a manner that assures no more than a ten per cent difference in flow rate between the proximal and distal orifices on each distribution lateral and within the total distribution network.

(SS) "Public health nuisance" means any condition of sewage or effluent that is potentially injurious to the health and safety of the public. A public health nuisance shall be deemed to exist when inspections conducted by Columbus Public Health documents odor, color, or other visual manifestations of raw or poorly treated sewage that is being discharged from a lot.

(TT) “Public nuisance” has the same meaning as in section 6111.04(A) of the Ohio Revised Code.

(UU) "Replacement" means the installation of a new sewage treatment system to replace an existing system.

(VV) "Restrictive soil layer" means a compacted or dense soil layer such as a fragipan, a soil layer with a brittle and firm or very firm consistence, a soil layer having a massive structure or having a platy structure inherited from bedrock or other soil layer similarly restricting vertical flow.

(WW) "Sanitary sewerage system" and "sanitary sewers" means pipelines or conduits, pumping stations, force mains, and all other constructions, devices, appurtenances, and facilities that convey sewage to a central sewage treatment plant and that are required to obtain a permit under Chapter 6111. of the Revised Code.

(XX) "Septage hauler" means any person who engages in the collection, transportation, disposal, and land application of domestic septage.

(YY) "Service provider" means any person who services, but does not install or alter, a sewage treatment system.

(ZZ) "Sewage" means liquid waste containing animal or vegetable matter in suspension or solution that originates from humans and human activities. "Sewage" includes liquids containing household chemicals in solution commonly discharged from a residence or from commercial, institutional, or other similar facilities.

(AAA) "Sewage treatment system (STS)" means an HSTS, a small flow on-site sewage treatment system, or both, as applicable.

(BBB) "Small flow on-site sewage treatment system (SFOSTS)" means a system, other than an HSTS, that treats not more than one thousand gallons of sewage per day and that does not require a national pollutant discharge elimination system permit issued under section 6111.03 of the Revised Code or an injectiion well drilling or operating permit issued under section 6111.043 of the Revised Code. A structure or structures served by a SFOSTS shall include but is not limited to:

(1) Vacation rental cabins with multiple cabins served by an SFOSTS.

(2) A dwelling and an ancillary building both served by an SFOSTS where the ancillary building may be open to the public and is used by more than the residents of the dwelling.

(3) Two dwellings, including arrangements such as a dwelling and a detached garage with living space.

(4) A dwelling with a home business that may be open to the public, generates sewage in excess of the daily design flow or waste strength for an HSTS, and has no wastewater going to the SFOSTS other than sewage as defined in this section.

(CCC) "Soil depth credit" means the use of the design mechanisms of elevation, pretreatment, and/or distribution as substitutes for in situ soil treatment to compensate for inadequate vertical separation distance between the infiltrative surface and the limiting condition.

(DDD) "Soil loading rate" means the daily volume of effluent applied per unit area of in situ soil expressed in gallons per day per square foot. The "soil loading rate" may also be referred to as the basal loading rate or the infiltration loading rate. The "soil loading rate" determines the size of the soil absorption area. The "soil loading rate" and the LLR determine the dimensions of the soil absorption area.

(EEE) "Subdivision" means that which is defined by section 711.001 of the Revised Code.

(FFF) "Timed dosing" means a mechanism that attenuates flows resulting from high water use periods and allows for controlled dosing intervals through use of a timing device.

(GGG) "UIC" means underground injection control and relates to the OEPA underground injection control program authorized by sections 6111.043 and 6111.44 of the Revised Code.

(HHH) "UL" means underwriters laboratories incorporated.

(III) "USDA" means the United States department of agriculture.

(JJJ) "USEPA" means the United States environmental protection agency.

(KKK) "Vertical separation distance" means the depth from the infiltrative surface of the distribution system of the soil absorption component to a limiting condition.

(LLL) "Waters of the state" means that which is defined in division (H) of section 6111.01 of the Revised Code as all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems,

and other bodies or accumulations of water, surface and underground, natural or artificial, regardless of the depth of the strata in which underground water is located, that are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface or underground waters.

Section 225.02 SEWAGE DISPOSAL REQUIREMENTS.

(A) The design, construction, installation, location, maintenance and operation of household sewage treatment systems and small flow on-site sewage treatment systems shall comply with these sections.

(B) Whenever a sanitary sewerage system becomes accessible to a dwelling or structure served by a sewage treatment system, the dwelling and/or structures shall be connected to the sanitary sewage system and the sewage treatment system shall be abandoned in accordance with section 225.26 of this chapter.

(C) Off-lot disposal shall not be permitted for new construction.

(D) Off-lot disposal shall not be permitted for the replacement of sewage treatment system except where soil absorption is not feasible. An off-lot discharging sewage treatment system shall meet NPDES requirements and require an NPDES discharge permit in accordance with the Ohio Revised Code and the Ohio Administrative Code.

Section 225.03 SUBDIVISIONS.

(A) Any person proposing to create a subdivision shall submit to the Board of Health, for approval, plans clearly showing that the provision of this chapter can be adequately met, before any of the lots in the subdivision are sold or offered for sale, whether or not such sale entails a transfer of title or deed.

(1) The individual lot size, in any proposed subdivision which will not utilize a central sewage system, shall not be less than two (2) acres.

(2) Household sewage disposal systems in new subdivisions shall utilize soil absorption fields and shall not discharge off-lot.

(B) No person shall install household sewage disposal systems in new subdivisions, unless it is considered to be impracticable or inadvisable by the Board of Health and the Ohio Environmental Protection Agency to install a central sewage system.

(C) If household sewage disposal systems are proposed, the plans shall show:

(1) The total land area to be used;

(2) Location and size of all lots;

(3) The properties and characteristics of the soils in the subdivision;

(4) Depth to normal ground water table and rock strata;

(5) Location of all bodies of water, streams, ditches, sewers, drain tile, existing and proposed potable water supply sources and lines on this or adjacent lots within one hundred feet of the proposed subdivision, or any other

information which may affect the installation or operation of household sewage disposal systems or the enforcement of this chapter;

(6) Existing and finished grade of all lots.

(D) If the proposed subdivision is to be served by either a sanitary sewerage system or a water supply system or both, plans shall be submitted to the Ohio Environmental Protection Agency as required by Ohio R.C. 6111.44

Section 225.04 PERMITS.

(a) No person shall maintain or operate a household sewage disposal system installed after the effective date of this section without an operation permit.

(b) No person shall maintain or operate a household sewage disposal system which discharges off-lot or which utilizes an electric motor without obtaining an off-lot/mechanical treatment device operation permit.

(c) The installation and operation of a household sewage disposal system or any part thereof shall conform with the requirements of this chapter and all terms of the permit as required by the Board of Health.

(d) The application for an installation, replacement or alteration permit for a sewage treatment system shall be in writing and contain pertinent information as required by the Board of Health and this chapter. Such information includes, but is not limited to:

(1) A site and soil evaluation.

(2) A copy of the sewage treatment system installer's surety bond.

Section 225.05 FEES. (Amended 4/20/10, Resolution #10-08)

There is levied and assessed in each fee category specified in Chapter 3701-29 of the Ohio Administrative Code that amount as specified in Chapter 3701-29 of the Ohio Administrative Code which is required to be transmitted to the State of Ohio, plus the following fee:

(a) Application fee for the installation, replacement, or alteration of a household sewage treatment system, one-hundred dollars ($100.00) for household and application fee for a small flow sewage treatment system, two hundred dollars ($200.00).

(b) Permit fee for the installation or replacement of a household sewage treatment system, two-hundred twenty-five dollars ($225.00).

(c) Permit fee for the installation or replacement of a small flow on-lot sewage treatment system, five-hundred dollars ($500.00).

(d) Permit fee for the alteration of a household sewage treatment system, two-hundred dollars ($200.00).

(e) Permit fee for the alteration of a small flow on-lot sewage treatment system, two-hundred-fifty dollars ($250.00).

(f) Annual permit fee for the operation of an on-lot household sewage treatment system that utilizes any electrical motor or other electrical device, fifty dollars ($50.00).

(g) Annual permit fee for the operation of an off-lot household sewage treatment system, fifty dollars ($50.00).

(h) Annual permit fee for the operation of a small flow on-lot sewage treatment system, seventy-five dollars ($75.00).

(i) Annual registration fee for installers, service providers, and septage haulers, one hundred twenty-five dollars ($125.00).

(j) Annual vehicle permit fee for septage haulers, fifty dollars ($50.00).

(k) Sewage system inspection with written report that is requested for real estate purposes, one hundred dollars ($100.00).

(l) Application fee for a variance under rule 3701-29-20 of the Ohio Administrative Code, one-hundred fifty dollars ($150.00).

(m) Permit fee for septic tank abandonment, seventy-five dollars ($75.00).

(n) Permit fee for sewer tap extension application, fifty dollars ($50.00).

Section 225.06 RESPONSIBILITY FOR COMPLIANCE, DEMONSTRATION OF COMPETENCY, AND REGISTRATION REQUIREMENTS.

(A) The property owner is responsible for the proper sitting, design, installation, alteration, operation, monitoring, maintenance, and abandonment of an STS. The owner shall comply with all applicable provisions of the law and this chapter and shall operate the STS in compliance with O&M instructions and any conditions of an operation permit issued by the Board of Health.

(B) A site and soil evaluator shall comply with the requirements of sections 225.03 and 225.11 of this chapter. A site and soil evaluator shall be capable of properly conducting site and soil investigations and accurately recording required information. Demonstration of competency shall include certification as a professional soil scientist by the association of Ohio pedologists or ARCPACS.

(C) A designer shall comply with the requirements of this chapter and all other applicable laws and sections when submitting design plans for an STS, including details on system components, construction, and O&M sufficient for regulatory review and determination of compliance. Design plans shall be completed in accordance with section 225.13 of this chapter. Demonstration of competency shall include licensure as a Professional Engineer or Professional Surveyor and as such he/she must be able to perform the following to demonstrate competency:

(1) Estimate and report any expected variations in STS daily design flows and SFOSTS pollutant concentrations and mass loads exceeding residential waste strength.

(2) Select appropriate system components capable of meeting performance requirements based on site and soil evaluation information.

(3) Prepare scaled design plan, profile, and detail drawings depicting STS layout, dimensions, and materials and equipment specifications including construction, and O&M information.

(4) Conduct installation oversight as necessary to assure provision of an adequate installer as-built record documenting installation in accordance with approved design plans.

(D) An installer, septage hauler, or service provider shall comply with the general conditions for registration required in this section and the specific provisions and competency requirements respectively applicable in sections 225.07, 225.08, and 225.09 of this chapter.

(1) An application for registration shall be submitted to the Board of Health and shall include all information required by the Board of Health, the registration fee, verification of the competency requirements of this chapter, and proof of a City of Columbus surety bond as required under this section.

(a) A registrant that is a partnership, corporation, or other business association, shall designate one partner, officer, or other responsible full-time employee who shall be the company's representative registrant.

(b) Registration is not required of any person who performs labor or services under the direct supervision of a registrant. For the purposes of this section "direct supervision" means that a registrant instructs and controls the person claimed to be supervised and that the registrant is responsible for the actions of that person and is reasonably available if and when needed, even though such registrant may not be physically present at the site.

(2) An installer, septage hauler, or service provider shall comply with testing requirements established by Columbus Public Health. If a registration is revoked or suspended in accordance with paragraph (D)(6) of this section, the registrant shall be required to again comply with testing requirements before a registration is reinstated or a new registration is issued by the Board of Health.

(3) An installer, septage hauler or service provider shall obtain a surety bond which provides coverage for all work performed on an STS in the City of Columbus, on an original bond agreement form provided by the Board of Health.

(a) The surety bond required for registration shall establish a contractual relationship between the principal, and the surety, and shall be executed by the applicant as principal and a surety company authorized to do business in the state as surety.

(b) The surety bond shall be for the benefit of any aggrieved party for damages incurred as a result of a violation of this chapter. For purposes of this section aggrieved party means Columbus Public Health, property owner or the agent of the property owner who contracts with an installer, service provider or septage hauler and whose STS is not installed, altered, serviced, maintained or abandoned in compliance with the provisions of this chapter.

(c) The surety bond shall be issued to provide insurance coverage for the calendar year of the registration application for any work performed in the City of Columbus. The surety bond shall provide that the aggregate liability of the surety for any and all breaches of the conditions of the bond shall in no event exceed the penal sum of the bond for each calendar year for which the bond is issued.

(d) If the surety bond for the registration is canceled, the registrant shall immediately submit to Board of Health proof of a new surety bond in accordance with the requirements of this section. The surety company shall give thirty days written notice to the Board of Health prior to the effective date of cancellation.

(e) An installer, service provider, and septage hauler shall maintain a surety bond of not less than twenty-five thousand dollars for each category of registration.

(f) Any person who alleges to be an aggrieved party shall give written notification to the surety, the Board of Health, and the installer, service provider, or septage hauler as applicable within one year of the date of completion of the work on the STS. The Board of Health may conduct an investigation as necessary to determine if a violation of this chapter has occurred.

(4) A registration shall not be transferable and shall expire annually on the thirty-first of December.

(5) A registrant shall maintain and submit to the Board of Health such complete and accurate records and information that may be required for determining compliance with this chapter.

(6) A registrant shall submit to and be subject to the compliance and enforcement provisions established in section 225.99 of this chapter. When the Board of Health finds that a registrant is or has engaged in practices in violation of this chapter, the Board of Health shall provide the registrant with written notification of the alleged violation, indicate if the registration may be revoked or suspended, and afford an opportunity for a hearing if the registrant does not agree to voluntary compliance. The Board of Health may revoke or suspend a registration when a registrant fails to timely correct violations in compliance with this chapter.

Section 225.07 INSTALLERS.

(A) In addition to compliance with the general registration requirements in section 225.06 of this chapter, and as a specific condition of registration, an installer shall demonstrate competency through one of the following mechanisms:

(1) Achieve and maintain status as an installation qualified (IQ) contractor through the Ohio onsite wastewater association (OOWA), or

(2) Achieve and maintain status as a certified installer of onsite wastewater treatment systems (CIOWTS) through the National Environmental Health Association (NEHA).

This condition of installer registration shall be effective, January 1st to December 31st of the calendar year. Registrants shall provide proof of compliance with this paragraph at the time of initial registration and all subsequent renewals of registration.

(B) A registered installer shall provide proof of compliance with any training, qualification, or certification conditions required for a component or system and shall comply with any installation instructions in accordance with an installation permit issued by the Board of Health.

(C) As a condition of an installation permit, a registered installer shall warrant that the STS has been installed in accordance with all applicable chapters and design specifications. A registered installer shall prepare an as-built record for each completed installation in accordance with section 225.13 of this chapter.

(D) In lieu of a design plan, a registered installer may submit a layout plan for an HSTS in accordance with section 225.13 and in compliance with sections 225.18 and 225.19.

Section 225.08 SEPTAGE HAULERS.

(A) In addition to compliance with the general registration requirements in section 225.06, a septage hauler shall demonstrate competency through compliance with the following specific conditions of registration:

(1) Achieve and maintain certification as a vacuum truck technician through the national association of wastewater transporters (NAWT) or the Ohio Waste Hauler Association (OWHA). This condition of septage hauler registration shall be effective January 1st to December 31st of the calendar year. Registrants shall provide evidence of compliance with this paragraph at the time of initial registration and all subsequent renewals of registration.

(2) Obtain a permit from the Board of Health for each vehicle used to haul septage, report tank capacity for each vehicle, allow each vehicle and its equipment to be inspected if required by the Board of Health, and maintain vehicles in compliance with paragraph (B) of this section.

(3) Manage the pumping, hauling, disposal and land application of septage in compliance with all applicable rules and chapters, and provide information to the Board of Health on the locations and methods of septage disposal.

(4) Provide to the owner a report of the services conducted including the date of service and comply with any additional reporting requirements established by the Board of Health or required in this section.

(B) Any vehicle and equipment used for septage hauling shall comply with the following:

(1) The company name and phone number is legibly written on the vehicle in words and numbers no less than four inches in height.

(2) All septage hauling equipment is maintained in proper operating condition and managed in a manner that prevents leakage or spills while in operation, transit, or storage.

(C) Violation of these provisions as determined by the Board of Health may be cause for immediate suspension of a vehicle permit.

Section **225.09 SERVICE PROVIDERS.**

(A) In addition to compliance with the general registration requirements in section 225.06, and as a specific condition of registration, a service provider shall demonstrate competency through one of the following mechanisms:

(1) Achieve and maintain status as an Ohio Waste Hauler Association (OWHA) qualified service provider, or

(2) Achieve and maintain certification in the National Association of Wastewater Transporters (NAWT) O&M or inspector programs.

(B) Registrants shall provide evidence of compliance with this section at the time of initial registration and all subsequent renewals of registration.

(C) A registered service provider shall provide proof of compliance with any training, qualification or certification conditions required by the manufacturer or distributor of a component or system and shall comply with O&M requirements in accordance with an installation permit or operation permit issued by the Board of Health. In addition to any such conditions or requirements, a service provider shall:

(1) Provide manufacturer and/or general O&M information to the owner of the STS as applicable, and to the Board of Health if required, either in writing or through reference to available resources.

(2) Understand the treatment processes, all O&M requirements, and servicing schedule for any STS for which the service provider offers and conducts O&M services.

(3) Conduct routine O&M services on schedule and according to requirements.

(4) Provide to the owner a report of the services conducted including the date of service and notation of any evidence of clear water infiltration, STS component deterioration, or other problem conditions.

(D) A registered service provider shall comply with any reporting or records retention requirements established by the Board of Health as authorized by this chapter.

Section 225.10 GENERAL PROVISIONS AND PROHIBITIONS.

(A) The siting, design, installation, alteration, operation, monitoring, maintenance, and abandonment of an STS shall comply with this chapter. An STS subject to this chapter shall not be installed or operated without an approved permit from the Board of Health. Unless connected to a sanitary sewerage system or utilizing an existing STS, a dwelling or structure shall not be occupied or utilized without an approved STS.

(B) An HSTS shall serve only one dwelling. An SFOSTS may serve multiple dwellings or structures. In the case where two or more dwellings or structures are served by an SFOSTS, the entire SFOSTS shall be owned and operated by one person.

(C) A STS shall comply with the following performance requirements and prohibitions:

(1) An STS shall be maintained in proper working condition.

(2) An STS shall comply with the conditions specified in an installation and/or operation permit issued by the Board of Health.

(3) No STS or part thereof shall create a public health nuisance or safety hazard nor pollute surface water or ground water.

(4) No STS shall discharge to any ditch, stream, pond, lake, natural or artificial waterway, drain tile, other surface water conveyance or to the surface of the ground unless authorized by an NPDES discharge permit pursuant to Chapter 6111 of the Revised Code or otherwise specified in this chapter.

(5) No STS shall discharge to an abandoned well, drainage well, a dry well or cesspool, a sink hole or other connection to ground water. If classified as a class V injection well, an HSTS serving a two or three family dwelling or an SFOSTS shall comply with 40 C.F.R. 144 (as published in the July 1, 2005 Code of Federal Regulations) and the registration requirements pursuant to section 3745-34-13 of the Administrative Code.

(6) No STS shall receive water from roof drains, foundation drains, clear water sumps, swimming pools, or other sources that do not convey or generate sewage from the structures served by the STS.

(7) No STS shall be permitted for the holding, treatment, or dispersal of industrial waste or storm water for industrial activities. For the purpose of this section, the normal use of housekeeping products does not constitute industrial waste.

(D) An STS shall utilize soil absorption as the means for final treatment and/or dispersal, except for the HSTS conditions and limitations described in paragraph (D)(2) of this section when soil absorption is not feasible as demonstrated through the site and soil evaluation conducted in accordance with section 225.11.

(1) An STS shall not be permitted for use in any new lot or new subdivision when soil absorption is not feasible.

(2) When soil absorption is determined to be infeasible by the Board of Health for a replacement HSTS for an existing dwelling or a new HSTS for an existing lot, a discharging HSTS shall only be permitted by the Board of Health in compliance with NPDES requirements.

(E) STS shall be sited in compliance with this chapter including the following:

(1) Sufficient suitable area shall be available to accommodate an STS including a designated area for complete relocation and replacement of an STS, the minimum horizontal isolation distances as required in paragraph (E)(3) of this section, and any additional horizontal isolation distance determined by the Board of Health as necessary to accommodate lateral flow due to shallow limiting conditions identified in the soil and site evaluation conducted in accordance with section 225.11.

(2) Sites on which private water systems are to be installed shall be of sufficient area to provide horizontal isolation of the private water system from both the proposed STS and the area intended for any STS relocation or replacement on this or adjacent sites as required in paragraph (E)(3) of this section and Chapter 3701-28 of the Administrative Code.

(3) An STS shall maintain minimum horizontal isolation distances of ten feet from any utility service line, driveway or other hardscape, property line or right-of-way boundary, and any building or other structure, and fifty feet from any water supply source, surface water impoundment, lake, river, or perennial stream.

(4) A permanent legal easement shall be required for any portion of an STS not sited on the same parcel as the structures or dwelling served by the STS. When an easement is required under this paragraph, an STS installation permit shall not be issued by the Board of Health until a certified copy of the legally recorded easement is provided.

(F) STS shall not be sited under the following conditions:

(1) An HSTS shall not be sited in an area identified as a flood way, nor within any part of the one-hundred year flood plain where prohibited by federal, state, or local regulations or ordinances. An SFOSTS shall comply with the flood plain criteria established by OEPA.

(2) An STS shall not impact or be sited within a jurisdictional wetland subject to a U.S. army corp of engineers 404 permit and/or OEPA 401 certification or within an isolated wetlands subject to sections 6111.02 to 6111.029 of the Revised Code.

(3) An STS shall not be sited within the sanitary isolation radius of a public water system well as determined in accordance with section 3745-09-04 of the Administrative Code. An SFOSTS shall have additional design and/or management controls when sited within the inner management zone of a drinking water source protection area determined to be highly susceptible to contamination by the OEPA source water assessment and protection program for a community or non-transient non-community public water system as defined in section 3745-81-01 of the Administrative Code.

(4) An STS shall not be sited under soil and site conditions that prohibit compliance with this chapter. The following are examples of conditions that may be prohibitive or may require additional siting, design or management conditions:

(a) Exposed bedrock, boulders, stones, gravel, and coarse sand at or above the surface of the ground or underlain within a foot of the ground surface.

(b) Slopes in excess of the limits of the design, installation, maintenance or operation of the proposed STS or when there is risk of slippage, slump, or land slide.

(c) Filled, reclaimed, or disturbed areas where soil and site conditions may not be adequate to provide treatment and/or dispersal.

(G) The Board of Health shall consult with appropriate sewer entity personnel as necessary to determine sanitary sewer accessibility:

(1) An STS shall not be sited, permitted, or installed where a sanitary sewage system is accessible and has capacity to accept additional flows.

(2) An STS shall not be altered, replaced, maintained, operated, or used where a dwelling or structure is accessible to a sanitary sewerage system.

(3) Whenever a sanitary sewerage system becomes accessible to a dwelling or structure served by an STS, the dwelling and/or structures shall be connected to the sanitary sewage system and the STS abandoned in accordance with section 225.3701-29-17 of the Administrative Code.

(H) In the absence of other legal authority governing the access to a sanitary sewage system, the Board of Health shall determine accessibility and the conditions and schedule for sanitary sewer connection and abandonment of an STS. The Board of Health may utilize the criteria established in division (C) of section 6117.51 of the Revised Code for an existing HSTS. In the case of an SFOSTS, the Board of Health shall comply with any criteria established by the OEPA.

(I) No person shall discharge, or permit to be discharged, treated or untreated sewage, the overflow drainage or contents of a sewage tank, or other putrescible, impure or offensive waste, into an abandoned well, spring or cistern or into a natural or artificial well, sink hole, crevice extending into bedrock, stream, ditch, or surface of the ground.

Section 225.11 SITE AND SOIL EVALUATION.

(A) The Board of Health shall conduct a site review for any proposed STS installation to complete, or review the completeness of, the site and soil evaluation information required in this section. Any person conducting a site and soil evaluation shall assess and record information in accordance with this section. The Board of Health shall utilize the site and soil evaluation information to determine the feasibility of siting an STS in compliance with this chapter.

(B) The site and soil evaluation shall include the assessment and documentation of the following:

(1) Designation of the described soil boring and/or excavation locations and the information required in paragraphs (B)(3) and (B)(4) of this section on the site plan required in section 225.12 of this chapter or on a preliminary site drawing adequate to provide the required site and soil evaluation documentation. A scaled site drawing shall at least include:

(a) The dimensions of the lot or the proposed lot;

(b) Any existing dwellings and/or structures and any proposed dwellings and/or structures if known;

(c) Any site disturbances, existing driveways and other hardscapes, and proposed hardscapes or related site disturbances if known;

(d) Location of all private water systems and surface water features on the lot and within fifty feet of the lot boundary, or within fifty feet of the locations specified in paragraph (B)(3) of this section; and

(e) North orientation arrow.

(2) Record of site and soil characteristics for each soil boring and/or excavation location designated in paragraph (B)(1) of this section using USDA NRCS nomenclature on a form acceptable to the Board of Health including but not limited to:

(a) Site descriptions: landscape position, slope, vegetation, drainage features, rock outcrops, erosion and other natural features;

(b) Detailed soil profile descriptions: color, texture, structure, consistence, and the depth of each soil horizon or layer and characterization of all limiting conditions; and

(c) Documentation of any relevant surface hydrology, geologic and hydrogeologic risk factors for the specific site or in the surrounding area that may indicate vulnerability for surface water and ground water contamination.

(3) Drawings and dimensions on the site plan or site drawing of at least two locations on the site that have been evaluated and determined to have the capacity for the treatment and/or dispersal of sewage from the proposed dwelling or structures including adequate length parallel to the land contour to accommodate the soil and linear loading rates for the conditions recorded.

(4) Identification on the site plan or site drawing of the area for which each soil profile description is representative and designation of any areas with conditions that would prohibit or impact the siting of an STS in accordance with this chapter.

(C) An installation permit for an STS shall not be approved by the Board of Health in the absence of an evaluation conducted in accordance with this section:

(1) The Board of Health shall assure that a site and soil evaluation is conducted in accordance with this section and shall:

(a) Determine compliance with soil absorption requirements in section 225.17 of this chapter, and

(b) Consider area risk factors related to the subdivision and lot review requirements in section 225.03 of this chapter and permitting requirements in section 225.12 of this chapter, including risks of pathogen or nutrient contamination to surface or ground water.

(2) The Board of Health may only waive the requirements of paragraphs (B)(2) and (B)(3) of this section when soil treatment and/or dispersal is not feasible for an HSTS replacement for an existing dwelling due to the absence of adequate area for sizing the HSTS.

Section 225.12 PERMITS FOR INSTALLATION, ALTERATION, AND OPERATION.

(A) The Board of Health shall require a site review application for any proposed installation of a new or replacement STS. No person intending to install a new STS or replace an existing STS shall be issued an installation permit without the Board of Health first approving a site review application.

(1) A site review application shall include the application fee and all information required by the Board of Health, including the following as applicable:

(a) The completed site and soil evaluation as required in section 225.11 of this chapter and the design plan or layout plan required in section 225.13 of this chapter, or

(b) The completed site and soil evaluation as required in section 225.11 of this chapter when the Board of Health is providing the design plan in accordance with section 225.11(B) of this chapter, or

(c) A scaled site drawing as required in section 225.11(B)(1) of this chapter in the case where the Board of Health will conduct the soil and site evaluation in accordance with section 225.11 of this chapter and is providing the design plan in accordance with section 225.11(B) of this chapter, or

(d) A scale site drawing as required in section 225.11(B) of this chapter in the case where the Board of Health will conduct the soil and site evaluation in accordance with section 225.11 of this chapter, but will not provide a design plan. In this case the design plan or layout plan shall not be prepared for Board of Health review until the Board of Health has conducted the site and soil evaluation and has provided to the applicant the resulting site and soil evaluation documentation.

(2) A site review application for an STS alteration may be required by the Board of Health, and when required, shall contain all pertinent information and the application fee required by the Board of Health. In the case where an alteration involves the expansion of a soil absorption component, the Board of Health shall determine when a site and soil evaluation shall be conducted or required in compliance with section 225.11 of this chapter.

(3) The Board of Health shall review the application information to determine whether the proposed design plan or layout plan, or proposed STS alteration as applicable, is in compliance with this chapter. When the Board of Health determines that a proposed STS is subject to the NPDES or UIC requirements of sections 225.09(C)(4) and 225.09(C)(5) of this chapter, the Board of Health shall assure compliance with NPDES or UIC requirements prior to issuing a permit in accordance with paragraph (B) of this section.

(4) The Board of Health shall deny a site review application if the application information is incomplete or inaccurate or if the application information, site review by the Board of Health, or site and soil evaluation indicates that the provisions of this chapter cannot be met.

(5) The Board of Health shall approve a site review application when the information, site review by the Board of Health, and site and soil evaluation demonstrate that the provisions of this chapter can be met. An approved site review application shall be valid for one year from the date of approval.

(B) No person shall install or replace an STS without an approved and valid installation permit issued by the Board of Health. No person shall alter an STS without an approved and valid alteration permit issued by the Board of Health. The installation, replacement, or alteration of an STS shall only be conducted by an installer registered in compliance with section 225.07 of this chapter except in the case of a homeowner who may install, replace, or alter an HSTS for a single family dwelling that will serve or serves as the homeowner's primary permanent residence when competency is demonstrated through compliance with the testing requirements of section 225.07(D)(2) of this chapter.

(1) An installation permit, or alteration permit as applicable, shall not be issued by a Board of Health without an approved and valid site review application as required in paragraph (A) of this section. The Board of Health may deny the approval of an installation or alteration permit if there are changes to site conditions or the site review application information and may require re-application including a fee to reapply.

(2) The Board of Health may specify terms and conditions of an installation or alteration permit governing the siting, design, installation, alteration, operation, monitoring, maintenance, or abandonment of the STS.

(3) An approved installation permit or alteration permit issued by the Board of Health shall be valid for one year from the date of issuance or until the installation or alteration is completed and approved by the Board of Health within the one year period. The Board of Health may extend the permit period for an additional six months for permits issued pursuant to this section.

(4) An approved installation or alteration permit may be revoked by the Board of Health prior to its expiration if a change in site conditions, the quality of the installation or alteration work, or other circumstances arise that may prevent compliance with this chapter.

(5) The Board of Health shall inspect a completed installation or alteration. The as-built record, any applicable system start-up information, or other documentation required in section 225.13 of this chapter shall be available at the time of inspection. The Board of Health may require advance notification from the registered installer or the designer of the STS to accommodate inspections during the progress of the installation or alteration.

(6) The Board of Health shall approve an installation or alteration upon the satisfactory completion of all work and documentation required by this chapter and the terms and conditions of the permit.

(C) No person shall operate an STS without an approved and valid operation permit from the Board of Health.

(1) An operation permit shall be in effect upon Board of Health approval of an installation, a replacement, or an alteration of an STS. The responsible party, whether it is the STS owner, a responsible management entity recognized by the Board of Health, or both, shall be subject to the terms and condition of an operation permit.

(2) The Board of Health shall specify any operation permit fees and the terms and conditions of the operation permit consistent with this chapter governing the operation, monitoring, maintenance, and abandonment of the STS. The Board of Health shall require an STS service contract as a condition of an operation permit in accordance with this chapter and the requirements of paragraph (C)(5) of this section.

(3) A Board of Health shall inspect an STS after its installation to ensure that the system is not a public health nuisance and is operating properly.

(4) An operation permit may be renewed, suspended, or revoked by the Board of Health subject to the requirements of this chapter, the terms and conditions of the permit, and the O&M management provisions established by the Board of Health. An operation permit shall be valid until it expires or is suspended or revoked by the Board of Health. An operation permit is subject to suspension or revocation conditional upon the responsible party's or parties' compliance with this chapter and the terms and conditions of the permit.

(5) An operation permit shall require a service contract for an STS under the following conditions and as otherwise required by the Board of Health:

(a) Any HSTS subject to an NPDES permit.

(b) Any STS with a pretreatment component subject to section 225.16(H) of this chapter.

(c) Any STS with a soil absorption component subject to sections 225.17(C)(3) and 225.17(D)(1) of this chapter.

(d) When required as a condition of an STS component or system approval granted by the director of health in accordance with sections 225.20 or 225.25(B) of this chapter.

Section 225.13 LAYOUT PLANS, DESIGN PLANS AND AS-BUILT RECORDS.

(A) A registered installer may submit a layout plan in compliance with section 225.14 or section 225.15 of this chapter. A layout plan may substitute for the design plan required in paragraph (B) of this section when the proposed HSTS does not utilize a soil depth credit for pathogen reduction. A layout plan shall include:

(1) A site plan drawn to scale on eight and a half inch by eleven inch or larger paper showing HSTS layout elevations corresponding to flagged or staked locations at the site. The designated HSTS area shall be protected from disturbance. The site plan shall also verify horizontal isolation distances and include the designated area for complete relocation and replacement of the HSTS as required in section 225.10(E) of this chapter.

(2) Written details on the daily design flow, selected loading rates based on the site and soil evaluation, system configuration with absorption area dimensions, and, if applicable, pump selection information and pressure distribution network description and calculations.

(3) Product information and written description of materials and system components including size of all tanks and distribution component materials including mechanical distribution and diversion mechanisms.

(4) Manufacturer O&M requirements or instructions for components not addressed in general O&M information available through the Board of Health or the department of health.

(5) Any additional information requested by the Board of Health related to components, materials, and installation or O&M specifications.

(B) A design plan in compliance with this paragraph shall be required unless a layout plan is provided by a registered installer in compliance with paragraph (A) of this section. A design plan shall be legible, readable, and of sufficient detail to demonstrate compliance with the provisions of this chapter. A design plan shall include:

(1) Documentation of the rationale for design decisions used to address site and soil limitations including justification for selected loading rates and the use of any soil depth credits. The site and soil evaluation shall be available with the design plan.

(2) Description of the dwelling and/or structures to be served by the STS with a designated daily design flow including any anticipated variations. The STS shall be designed to handle peak daily design flows or the design shall include flow equalization with designated reserve and surge capacity and timed dosing in compliance with section 225.15 of this chapter.

(3) Description of the treatment processes used to meet performance requirements including information necessary to confirm compliance with any applicable NPDES effluent quality standards or applicable standards established in section 225.16 of this chapter. In addition, if applicable, documentation of pollutant concentrations and mass loading in excess of residential waste strength, including the design for treatment to reduce higher strength wastewater to typical residential waste strength prior to distribution to a soil absorption component.

(4) Plan notes designating that the STS area shall be protected from disturbance, and additional plans notes as needed to explain any siting, installation, or O&M requirements or restrictions, including any preconstruction meetings at the site, conditions on the selection of an installer, STS start-up procedures or other designer-designated conditions.

(5) A site plan, drawn to a scale of one inch equals fifty feet or less, sufficient to demonstrate compliance with this chapter including but not limited to:

(a) North directional arrow.

(b) Identified vertical and horizontal reference point or benchmark with its location clearly marked at the site.

(c) Designation of the described soil boring and/or excavation locations from the soil and site evaluation.

(d) Outline of existing and proposed structures, driveways and other hardscapes, and other related items on the property.

(e) Location of STS components and a replacement area.

(f) The dimensions of the property with horizontal isolation distances to the STS and replacement area from the items designated in section 225.10(E) of this chapter, including but not limited to private water systems and surface water features.

(g) Topography for the areas of the dwelling and/or structures to be served and the proposed STS and designated replacement areas including an indication of drainage features in these and surrounding areas.

(h) Designation of any easements, disturbed areas, or wooded areas within fifty feet of the proposed STS and replacement area, or other site characteristics or obstructions that may affect the installation or operation of the STS.

(i) Means of access for O&M equipment to service the STS.

(6) Enlarged plan view drawings of the STS components if the site plan scale does not allow for sufficient detail.

(7) Profile drawing showing elevations relative to surface grade sufficient to demonstrate compliance with this chapter including the invert elevations necessary to assess the hydraulic profile of STS components and any gravity or pumped discharge outlet elevations.

(8) Plan and section views for the STS components and/or attachments of component and material specification information.

(9) Installation and O&M instructions.

(10) Plan note requiring that the STS installer consult with the designer regarding any intended changes to the plan and requiring installer/designer coordination on the provision of an accurate as-built record.

(C) An as-built record shall be required to be completed by the registered installer for a completed STS installation or alteration as a condition of the installation or alteration permit and as a condition of registration in accordance with 225.07 of this chapter. The as-built record does not substitute for a layout plan or design plan required in accordance with this section. A designer shall provide oversight as necessary to assure that the registered installer prepares an as-built record documenting installation in accordance with a design plan prepared in accordance with paragraph (B) of this section. An as-built record shall include:

(1) A legible record on eight and a half inch by eleven inch or larger pages with copies provided to the owner and the Board of Health for inclusion in the permit file. Use of layout plan or design plan documents or as-built template forms may be acceptable.

(2) Any changes to the approved design plan or layout plan including distances from installed STS components to any items having applicable horizontal isolation distances. A change in location of an STS from that designated on a layout or design plan shall not be made without prior approval by the Board of Health and shall not violate horizontal isolation distances required by this chapter.

(3) A designated vertical and horizontal reference point or benchmark with its location marked at the site.

(4) Plan view drawing with elevations for installed STS components per the design plan or layout plan.

(5) Profile drawings with pipe and component elevations to confirm depths for hydraulic flow, freeze protection, and other related installation functions.

(6) Any additional information for components and materials may be required by the Board of Health including but not limited to manufacturer or supplier provision of component installation or O&M instructions and verification of compliance with any start-up procedures or aggregate specifications.

(7) The as-built record shall include a statement by the registered installer, and the designer as applicable in accordance with paragraph (B)(10) of this section, indicating that the STS was installed in accordance with all applicable regulations and plan specifications.

(D) A registered installer completing an as-built record in compliance with this section or requesting a Board of Health inspection required in accordance with section 225.12(B)(5) of this chapter shall avoid delays that could result in damage to STS components and affect the STS operational performance.

Section 225.14 SEWAGE SOURCE, BUILDING SEWER, AND RELATED FIXTURES.

(A) The owner or owner's agent shall provide information on the sources of sewage from the dwelling or structures to be served by an STS for the Board of Health determination of compliance with this section. The Board of Health may require submission of building and plumbing plans including plumbing fixture details and other information as needed.

(B) The daily design flow estimate for an STS shall comply with the following general provisions unless otherwise specified in this chapter:

(1) Except as provided in paragraphs (B)(3) and (B)(4) of this section, the daily design flow for an HSTS shall be a peak flow of one hundred twenty gallons per day per bedroom.

(2) The daily design flow for an SFOSTS shall be determined in accordance with the design flow table established by OEPA. For an SFOSTS with periodic large daily flows that are stored to avoid exceeding the one thousand gallon per day treatment limit, the peak daily design flow shall be greater than the average of the daily flows and no actual daily flow shall exceed three thousand five hundred gallons.

(3) An increase in the daily design flow estimate for an STS shall be required by the Board of Health when there is an indication that the flows established in accordance with paragraph (B)(1) or (B)(2) of this section will be exceeded. Any required increase in daily design flow shall be documented on the installation permit and operation permit.

(4) A reduction in daily design flow may be approved by the Board of Health when the information submitted indicates conditions that justify reduced flow such as limited fixtures, waterless toilets, in-house graywater recycling, or other circumstances that may warrant a reduction in daily design flow. Justification for a proposed reduction in daily design flow shall be included in the site review application and, if approved, shall be documented on the installation permit and operation permit.

(C) The waste strength estimate for an STS shall be determined for design purposes in accordance with the following general provisions unless otherwise specified in this chapter:

(1) Sewage generated by a dwelling served by an HSTS shall be judged to be typical residential sewage following primary treatment when the total suspended solids (TSS) content is not expected to exceed one hundred and fifty milligrams per liter (mg/L), the five-day biochemical oxygen demand (BOD_5) is not expected to exceed two hundred and fifty milligrams per liter (mg/L), or the contents of fats, oils, and greases (FOG) is not expected to exceed twenty five milligrams per liter (mg/L). Consideration shall be given to eliminating the use of garbage disposals in kitchen sinks to assist in maintaining residential waste strength below these maximum levels and to reduce residuals and the frequency of septage removal.

(2) Any waste prohibited by UIC chapters for introduction into an SFOSTS shall be source separated and regulated by OEPA.

(3) When the waste strength for an STS is expected to exceed or has exceeded the typical residential waste strength described in paragraph (C)(1) of this section:

(a) The design plan shall include loading calculations using values in accordance with the loading table established by OEPA. Any variation from the loading table values shall be justified in the design plan including waste strength characterization information. Board of Health approval for any reduction or increase in loading estimates shall be documented on the installation permit and operation permit.

(b) Additional pretreatment shall be provided to assure that the STS soil absorption component receives a waste strength within the range of typical residential sewage. The method of pretreatment to reduce waste strength shall be justified in the design plan, reviewed by the Board of Health for compliance with this chapter, and, if approved, shall be documented on the installation permit and operation permit.

(c) When an external grease interceptor is a component of the proposed pretreatment to reduce waste strength, the external grease interceptor shall be located, designed, and installed in a manner that will allow access for inspection and maintenance, including the following:

(i) A source segregated inlet line, when feasible;

(ii) Sized to account for flow volume and temperature; and

(iii) Watertight access risers extended to grade with secure covers.

(D) Building sewers shall carry all sewage flow from the dwelling or structure, including graywater or other segregated sewage, and shall be connected to an STS in compliance with this chapter. Building sewers shall comply with the following:

(1) The elevation of a building sewer shall be aligned to accommodate the plan elevations of the subsequent STS components and shall be properly bedded in native soil or sand at a uniform grade of not less than one per cent or one eighth of an inch per foot.

(2) A building sewer shall be a minimum of ten feet from any household water supply source and water service line, unless otherwise specified in applicable state or local chapters.

(3) A building sewer shall be watertight, have a minimum diameter of four inches and be constructed of durable material conforming to ASTM D 2661 for ABS plastic pipe or ASTM D 2665 for PVC plastic pipe (type DWV) or equivalent. Pipe, fittings, and joining materials shall be chemically and physically compatible.

(4) Cleanouts shall be required in a building sewer at any turn in the pipe greater than forty-five degrees and at the point a building sewer pipe exceeds one hundred feet and at every one hundred feet interval thereafter. No turn in the building sewer pipe shall exceed 90 degrees.

(5) A building sewer shall allow for proper venting of STS components. Traps shall not be installed in a building sewer.

(6) Casing or other form of protection shall be provided for any portion of a building sewer located in areas of vehicle traffic or when the building sewer is subject to other loads that may cause damage.

Section 225.15 TANKS, PUMPS, AND CONTROLS.

(A) Tanks subject to this chapter shall be manufactured to be watertight and structurally sound including septic tanks, other treatment component tanks, dosing tanks, pump vaults, HSTS holding tanks and privy vaults, or other applicable STS components.

(1) The Board of Health may require watertight testing of any STS component and may accept certifications granted by the Ohio Department of Health.

(2) Tank connections shall comply with the following specifications:

(a) Joint connections shall be watertight. Any joint sealants for concrete riser connections and tank seams shall be of a butyl rubber blend meeting material, manufacture, and physical requirements specifications of ASTM C 990.

(b) Inlet and outlet pipe connections to a tank shall be watertight. Connectors shall be provided by the tank manufacturer and shall meet material and manufacture specifications of ASTM C 923.

(3) The Board of Health may request manufacturer verification that any STS component is structurally sound. The structural integrity of an STS component may be demonstrated through the manufacturer's provision of component design information verifying structural capacity for expected loads and conditions as certified by a professional engineer or through structural tests conducted in accordance with recognized standards for the component or component materials.

(B) Septic tanks used in an STS shall be labeled with the manufacturer's name and the tank capacity on the top of each septic tank and shall comply with the following requirements and specifications:

(1) Minimum liquid capacities:

(a) One to two bedrooms – one thousand gallons

(b) Three bedrooms – one thousand five hundred gallons in two tanks or compartments

(c) Four to five bedrooms – two thousand gallons in two tanks or compartments

(d) Six or more bedrooms – one thousand gallons plus an additional 250 gallons for each bedroom in two tanks or compartments

(e) SFOSTS – one thousand gallons minimum in two tanks or compartments with at least two and half times the daily design flow

In two compartment tanks, the first compartment shall not be less than one half or more than two-thirds of the total capacity of the septic tank and the transfer port in the center wall shall ensure transfer of liquid from the clear zone only. When using two tanks, the septic tanks shall be connected in series, and if differing in size, the first tank in the series shall be the larger of the two.

(2) The invert level of the inlet shall be not less than two inches above the liquid level of the tank. A vented inlet baffle or tee shall be fitted by the tank manufacturer to divert the incoming sewage downward and shall penetrate at least six inches below the liquid level but shall not be greater than that for the outlet device.

(3) Unless otherwise specified in this chapter, the outlet shall be fitted by the tank manufacturer with a vented tee or baffle that shall extend not less than six inches above and not less than eighteen inches below the liquid level of the tank, and shall include an effluent filter device that retains solids greater than one sixteenth of an inch in size.

(4) The septic tank shall have a liquid drawing depth of not less than four feet and the air gap between the liquid level and internal surface of the top of the tank shall be at least nine inches. An alternative means of compliance with this paragraph includes an air gap of at least fifteen percent of the liquid capacity by volume with the outlet baffle depth required in paragraph (B)(3) of this rule section adjusted as needed to access the middle of the clear zone.

(5) The septic tank access openings shall be located above the inlet and outlet of the tank and shall allow adequate space for pumping of the tank and inspection and maintenance. An access opening and cover shall be provided above the compartment wall in a two compartment tank unless the transfer port in the center wall is a pass through opening that allows a shared liquid level in both compartments. The cover or riser lid shall weigh a minimum of sixty-five pounds or be secured against unauthorized access.

(6) The tank shall be installed with a minimum of two watertight risers extended to grade or above grade to provide access to the inlet and outlet of the tank. The connection of the riser to the tank and the connection of additional Riser sections shall incorporate joint grooves or adapters to prevent lateral movement of the riser. Riser lids shall prevent infiltration of water and have secured covers.

(7) The septic tank shall be installed, bedded, and backfilled in accordance with manufacturer specifications to assure the structural integrity of the tank. The tank shall be level. To allow for ease of access, the septic tank shall be installed no deeper than two feet below grade unless the terms of the installation permit allow for greater septic tank depth and the tank is designed to withstand the additional load.

(C) Dosing tanks shall be designed and manufactured in accordance with the following:

(1) Dosing tanks shall be easily accessible and have secured covers. All connections shall comply with applicable specifications under paragraphs (A)(2)(a) and (A)(2)(b) of this section.

(2) Dosing tanks shall be selected to accommodate the volume below maximum drawdown, the maximum design dose including any drainback, and the design portion of the reserve and surge capacities as applicable. The STS design shall provide a reserve capacity for high water alarm events that is not less than the daily design flow. If time dosed, the STS design shall accommodate combined reserve and surge capacities of not less than one hundred and fifty per cent of the daily design flow.

(3) A septic tank second compartment or a second septic tank in series may be used for low volume dosing if all conditions under paragraph (C)(2) of this section are met and a filtered step system or screened vault is used in lieu of, or in addition to, the effluent filter device required under paragraph (B)(3) of this section.

(D) Pumps shall meet the following specifications:

(1) A pump shall be rated for effluent service by the manufacturer and be a UL or CSA listed product.

(2) The pump shall be properly sized to meet the design flow rate and total dynamic head requirements specified for the STS.

(3) A quick disconnect shall be accessible in the pump discharge piping, with adequate lift attachments provided for removal and replacement of the pump and water level control assembly without having to either enter the dosing tank or pump the tank to lower the liquid level.

(E) A dosing siphon may only be used if the STS design requirements, including the design flow rate, dose capacity, and any pressure distribution parameters, can be met and maintained.

(F) Switches, controls, alarms, and electrical components shall be UL or CSA listed products, shall be installed in a manner easily accessible for routine monitoring and maintenance, and shall comply with the following:

(1) Switches and controls shall accommodate the minimum and maximum dose capacities of the specified distribution component.

(2) An elapsed time meter, counter, and/or flow meter shall be included in those STS having any dosing component. Time dosed STS shall include flow meters, counters, and control panels with programmable timers, manual pump operation, test features, and as applicable, adjustable override settings for high water alarm conditions.

(3) Controls shall have both audible and visual alarms. Alarms and controls shall be on a separate frequently used circuit from dedicated circuits for each pump or motor. The Board of Health may require that the alarm be located in closer proximity to the dwelling or structure when the STS location is remote.

(4) Control panels and alarms shall be mounted in an easily accessible exterior location, shall be field-tested to assure compliance with the STS specifications, and shall include written instructions related to standard operation and alarm events.

(G) The designer and/or installer shall assure that all electrical wiring meets the national electric code.

(H) STS components described in this section shall be installed, operated and maintained as specified by the manufacturer or the approved plan.

Section 225.16 EFFLUENT QUALITY STANDARDS AND PRETREATMENT PROVISIONS.

(A) The following effluent quality standards are performance standards applied in advance of effluent distribution to a soil absorption component, excluding effluent generated from a septic tank or other means of primary treatment. Pretreatment components approved in compliance with this section are deemed to comply as applicable for effluent quality standards in this paragraph and are not subject to routine sampling for performance monitoring.

(1) BOD_5/TSS standard – Compliance with this standard requires that effluent meet the thirty-day average of less than thirty milligrams per liter (mg/L) for five-day biochemical oxygen demand (BOD_5) and total suspended solids (TSS) to utilize STS sizing criteria addressed in section 225.17(F)(1)(a) of this chapter.

(2) Fecal coliform standards – Compliance with the pathogen reduction standards listed below requires that effluent meet the thirty-day geometric mean of the standard to utilize the soil depth credits or other applicable provisions of section 225.17 of this chapter.

(a) less than or equal to ten thousand colonies/one hundred mL allows for a one foot soil depth credit

(b) less than or equal to one thousand colonies/one hundred mL allows for a two foot soil depth credit

(c) less than or equal to two hundred colonies/100 mL required for restricted surface application

(d) less than or equal to twenty colonies/one hundred mL required for unrestricted surface application

Alternate E.coli standards may also be used to determine compliance if approved by the director of health.

(3) Nutrient standards – Nutrient reduction standards for pretreatment components shall be established when there is a significant risk of nutrient contamination to surface or ground water due to risk factors identified in the site evaluation or risk due to proximity to local, state, or federally recognized nutrient sensitive environments.

(B) Pretreatment components shall be designed to have effluent sampling capability at the endpoint of the treatment process prior to dispersal or discharge. In addition, pretreatment components combining separate treatment and disinfection units shall provide effluent sampling capability between the treatment and disinfection units. Disinfection units shall not discharge disinfection residuals to a soil absorption component.

(C) Covers shall be secured and be easily accessible for monitoring and maintenance of the entire pretreatment component.

(D) Pretreatment components that are housed in a septic tank second compartment or a second septic tank in series shall assure that the pretreatment component design, or the STS design which includes the pretreatment component, prevents passage of solids greater than one sixteenth of an inch in size.

(E) Installation shall be conducted in a manner consistent with manufacturer or designer specifications to allow for proper O&M and monitoring of the pretreatment component. All pretreatment components shall have written O&M instructions with time lines for service and the registered installer shall provide the O&M instructions to both the owner and the Board of Health as a condition of installation approval.

(F) STS pretreatment components shall be operated, maintained, and monitored as necessary to assure compliance with any applicable effluent quality standards established in this section or the final effluent limitations set forth in a valid NPDES permit for HSTS. Sampling of NPDES discharges shall be performed in accordance with the NPDES permit monitoring requirements.

(G) To assure that a pretreatment component is operated and maintained in accordance with O&M instructions for the life of the component, as a condition of the operation permit required in section 225.12(C) of this chapter, the Board of Health shall require the STS owner to obtain and maintain a service contract for any pretreatment component or components permitted for BOD_5/TSS sizing reduction, pathogen reduction soil depth credit, nutrient reduction, or NPDES compliance.

Section 225.17 SOIL ABSORPTION PROVISIONS.

(A) Soil absorption components shall maintain a vertical separation distance of at least two feet to any limiting condition with the exception of bedrock, rock, and other fragments which require at least three feet of vertical separation distance. The vertical separation distance is the depth from the infiltrative surface of the distribution system of the soil absorption component to a limiting condition.

(B) A minimum vertical separation distance of one foot of in situ soil shall be maintained. A vertical separation distance established in paragraph (A) of this section may be reduced through the use of soil depth credits as specified in paragraph (C) of this section, provided the minimum one foot vertical separation distance is maintained within suitable in situ soil. The area of the suitable in situ soil to be used for the soil absorption component shall be free of any limiting conditions within the horizontal and vertical distances designated for treatment and dispersal.

(C) Soil depth credits for infiltrative surface elevation, pretreatment pathogen reduction and/or timed micro-dosed distribution shall be available as follows and in accordance with this chapter. A one foot credit may be applied for those limiting

conditions requiring a two foot vertical separation distance. For bedrock, rock and other fragments requiring a four foot vertical separation distance, soil depth credits may be used individually or in combinations not to exceed a maximum of two feet of credit:

(1) A one-to-one equivalency soil depth credit shall apply to soil absorption components that elevate the infiltrative surface of the distribution system to achieve vertical separation distance. Sand fill material in an elevated soil absorption component such as a mound system shall comply with applicable design specifications including the preparation of the sand soil interface and sand placement requirements. The loading rate for the sand fill material shall not exceed 1.0 gpd/ft^2. Concrete sand meeting ASTM C 33 for fine aggregate may be used provided the material meets the following specifications:

(a) An effective size in the range of 0.15 to 0.30 mm;

(b) A uniformity coefficient in the range of four to six;

(c) No more than twenty per cent by weight is gravel greater than two mm; and

(d) No more than five per cent by weight is silt and clay less than 0.053 mm.

(2) Soil depth credits shall apply for pathogen reduction as specified for effluent meeting the fecal coliform standards and pretreatment component requirements of section 225.16 of this chapter.

(D) The Board of Health, in its discretion, may only grant a variance to paragraphs (A) and (B) of this section in accordance with this paragraph and section 225.25 of this chapter.

(1) The Board of Health may grant a variance to the minimum one foot vertical separation distance required in paragraph (B) of this section when the Board of Health cannot support limiting STS to sites having at least one foot of suitable in situ soil above a perched seasonal high water table due to the prevalence of such conditions. If such a variance is granted, the following provisions shall apply:

(a) Sand fill requirements for use in applying soil depth credits for elevation shall provide a minimum vertical separation distance of at least one foot within elevated sand fill and suitable in situ soil.

(b) Distribution requirements shall include timed dosing and minimized dose volumes to attenuate peak flows and promote treatment. The STS design shall provide an application rate that distributes the peak daily design flow to the infiltrative surface at no greater than six square feet per point of dispersal with each dose not to exceed one eighth of the daily design flow distributed proportionally over a twenty-four hour period per day

(c) A gradient drain intended to facilitate the subsurface flow of a perched seasonal high water table may be permitted but shall not allow for a reduction in the length of the soil absorption component in accordance with paragraph (F)(2) of this section. A gradient drain for an STS permitted by variance in accordance with paragraph (D)(1) of this section shall be no closer than a horizontal distance of four feet from the closest edge of the infiltrative surface area of the distribution network and shall have a horizontal separation from any sand fill material of at least one foot of undisturbed in situ soil. The outlet and outfall of the gradient drain shall comply with section 225.21(D)(3) of this chapter.

(d) If the Board of Health chooses to grant a variance for the perched seasonal high water table conditions described in paragraph (D)(1) of this section, all other requirements of this chapter shall apply and a service contract for at least annual O&M shall be a condition of the variance.

(2) The Board of Health may grant a variance reducing the vertical separation distances required in paragraph (A) of this section for perched seasonal high water tables and associated restrictive soil layers when the Board of Health contends that allowing the use of HSTS specified by variance on sites with these two related limiting conditions will provide sufficient treatment to warrant a reduction in vertical separation distance and to protect public health and the environment. Any such variance shall only be approved by the Board of Health in accordance with the following provisions and performance requirements:

(a) The infiltrative surface of the soil absorption component shall be installed at or above the perched seasonal high water table and above the associated restrictive soil layer.

(b) A gradient drain or drainage system permitted by variance in accordance with paragraph (D)(2) of this section that is intended to influence the perched seasonal high water table shall be considered a component of the HSTS and shall comply with the following as applicable:

(i) A gradient drain intended to facilitate the subsurface flow of a perched seasonal high water table shall be no closer than a horizontal distance of eight feet from the closest edge of the infiltrative surface and shall be placed no deeper than the restrictive layer.

(ii) A drainage system designed to lower a perched seasonal high water table shall only be approved by variance when the HSTS design includes the drainage system specifications, projected drawdown below the soil absorption component based on the peak daily loading rate, annual precipitation, and soil characteristics, and a means to measure the depth of the water table at multiple locations within the area of the soil absorption component.

(iii) The outlet and outfall of a drain shall comply with section 225.21(D)(3) of this chapter.

(c) An HSTS approved under the conditions of paragraph (D)(2) of this section shall meet a treatment performance standard of less than two hundred fecal coliform colonies per one hundred mL at sampling locations as follows:

(i) At the outlet of a drain permitted in accordance with paragraph (D)(2)(b) of this section or a sampling well installed in advance of an inaccessible drain outlet in accordance with department of health requirements.

(ii) In the case where a drain is not used, sampling ports shall be installed in accordance with department of health requirements at a horizontal isolation distance of ten feet from the HSTS soil absorption component.

(E) The following requirements for effluent distribution to the soil absorption component shall be met, as applicable:

(1) Gravity distribution of effluent shall be used in accordance with this chapter and any referenced design specifications in accordance with paragraph (G)(6) of this section and in compliance with the following conditions and limitations:

(a) Septic tank effluent may be distributed by gravity to an in situ soil absorption component meeting the vertical separation distances described under paragraph (A) of this section.

(b) Effluent from a pretreatment component meeting the BOD_5/TSS soil loading rate selected in accordance with paragraph (F)(1)(a) of this section may be distributed by gravity to in situ soil having at least two feet of vertical separation distance from the shallowest limiting condition.

(c) Effluent from a pretreatment component meeting the one foot pathogen reduction credit may be distributed by gravity to in situ soil having at least three two feet of vertical separation distance to bedrock, rock, and other fragments provided there are no shallower limiting conditions.

(d) Effluent meeting the BOD_5/TSS and/or pathogen reduction standards in section 225.16 of this chapter shall not be applied by gravity distribution to the infiltrative surface of in situ soils that have loamy sand or coarser textures and allow rapid access to ground water.

(2) Uniform distribution of effluent across the infiltrative surface of the soil absorption component shall be used in accordance with this chapter and any referenced design specifications in accordance with paragraph (G)(6) of this section and in compliance with the following conditions and limitations:

(a) Uniform distribution shall be required when applying effluent to the sand fill infiltrative surface of an elevated soil absorption component.

(b) Uniform distribution shall be required when using pretreatment component effluent quality meeting the BOD_5/TSS and/or pathogen reduction standards in section 225.16 of this chapter except as specified in paragraph (E)(1) of this section.

(c) The means of distribution may include but are not limited to pressure distribution in a low pressure pipe system for leaching trenches or mounds and drip distribution in accordance with this chapter.

(3) Surface application of effluent meeting fecal standards under sections 225.16(A)(2)(c) and (A)(2)(d) of this chapter shall comply with this chapter and any referenced design specifications in accordance with paragraph (G)(6) of this section.

(F) The soil absorption component area shall be of adequate size and configuration to disperse the effluent and prevent surface seepage. When sizing the soil absorption area the following requirements shall be met:

(1) Soil loading rates, including basal loading rates for sand fill systems, shall be based on effluent quality and on soil structure, texture, and consistence and shall be justified through reference to soil and site evaluation information.

(a) The selection of soil loading rates based on effluent quality shall be limited to a rate for septic tank effluent or a rate for effluent meeting the BOD_5/TSS standard under section 225.16(A)(1) of this chapter.

(b) The structure, texture, and consistence of the most limiting in situ soil layer within the vertical separation distance shall be used to determine a soil loading rate.

(2) Linear loading rate (LLR) estimates shall be used to determine the required length of the distribution system parallel to surface contours and shall be based on soil characteristics, land slope, and depth to limiting conditions. LLR estimates shall be justified through reference to soil and site evaluation information and the loading rate estimates referenced in the appendix to this chapter. If site and soil conditions indicate horizontal subsurface flow, the minimum horizontal isolation distances shall be increased in undisturbed areas around the perimeter or downslope of the soil absorption component as necessary for adequate dispersal and prevention of surface seepage.

(G) General requirements for designing an STS soil absorption component are as follows:

(1) Effluent dispersal components shall be oriented parallel to natural surface contours and shall not be sited on slopes exceeding limitations specified in this chapter or applicable design manuals or product specification as referenced in accordance with this paragraph.

(2) Observation ports shall be provided to monitor the infiltrative surface of the soil absorption component as required in this chapter and when determined to be necessary by the Board of Health.

(3) Designs shall prevent damage to components or operational failures due to freezing temperatures.

(4) For short term repairs or resting of a soil absorption component, easily accessible shut-off mechanisms shall be provided to allow for segregation of flows to portions of the soil absorption component. Examples of such mechanisms include but are not limited to shut-off valves at a mound manifold split or drop box plugs for serial distribution leach lines.

(5) Pressure distribution networks shall have a means of measuring design pressure or operating head for both initial baseline measurement and future monitoring of orifice clogging and other network operations and shall include a means of scouring or flushing distribution laterals.

(6) The design plan or layout plan for a soil absorption component may include referenced design manuals, proprietary soil absorption component specifications including those for gravelless and chamber products, or alternative aggregate product specifications provided these do not conflict with this chapter. Unless an available internet source for any referenced manual or specification is included in a design plan or layout plan, the design manual, proprietary soil absorption component specifications, or alternative aggregate product specifications shall accompany the plan. Inclusion of referenced resources does not substitute for critical information or calculations required for Board of Health approval of a design or layout plan.

(H) Installation shall be conducted by a registered installer in a manner consistent with an approved plan to assure proper operation and future servicing or monitoring of the soil absorption component.

(1) Soil moisture conditions shall be evaluated at the time of installation, and the excavation or preparation of the soil infiltration interface, such as a trench or basal area, shall not proceed when there is a risk of smearing or compaction as evidenced by a deformability test, commonly referred to as ribboning, or other means established by the Board of Health.

(2) Proprietary soil absorption components or alternative aggregate product specified in an approved design plan or layout plan shall be installed in accordance with the manufacturer's installation instructions or product specifications provided these do not conflict with this chapter.

(3) Testing of any pressure distribution components shall be conducted prior to installation approval by the Board of Health. Flow rate and distal pressure or operating head shall meet specifications and a baseline shall be recorded for future performance monitoring.

(4) Baseline records and any soil absorption component O&M instructions shall be provided by the installer to both the owner and the Board of Health as a condition of installation approval.

(I) STS soil absorption components shall be operated, maintained, and monitored as required by the operation permit issued by the Board of Health to assure compliance with the requirements of this chapter. A registered service provider offering a service contract for an STS that includes a soil absorption component along with the component or components targeted for service, shall also service and/or monitor the soil absorption component.

Section 225.18 LEACHING TRENCH REQUIREMENTS.

(A) Leaching trench soil absorption components are subject to this chapter including the following conditions:

(1) Paragraph (B) of this section shall only apply to leaching trench soil absorption components with gravity distribution from a septic tank or pretreatment component in compliance with this chapter and the provision in section 225.17(E)(1) of this chapter.

(2) Site modification and siting limitations for leaching trench soil absorption components include but are not limited to the following:

(a) Gradient drains shall not be used with leaching trench soil absorption components except as provided in 225.17(D)(2)(b) of this chapter. A leaching trench soil absorption component shall be sited to avoid natural drainage features and depressions that may hold surface water. The plan for a leaching trench STS shall address surface water diversion as needed. An interceptor drain in compliance with section 225.21(D) of this chapter may be used upslope of a leaching trench soil absorption component.

(b) A leaching trench shall not be sited on slopes greater than fifteen percent unless the STS plan includes special installation criteria.

(c) Sites with large trees or numerous smaller trees are less desirable for leaching trenches and such conditions shall be avoided or shall be identified and addressed in the STS plan.

(B) A registered installer providing a layout plan for a leaching trench HSTS shall comply with section 225.13(A) of this chapter and this paragraph. While a design plan prepared in accordance with section 225.13(B) of this chapter may vary from the requirements of this paragraph, a leaching trench soil absorption component layout plan prepared by a registered installer shall comply with the following:

(1) The soil loading rate and linear loading rate shall be determined from the site and soil evaluation information required in section 225.11 of this chapter. For the purpose of sizing, the soil loading rate shall apply to the trench length and the trench width specified for the leaching trench material or component. The trench shall have a minimum width of eight inches and shall not exceed two feet in width. The depth shall be a minimum of eighteen inches but not more than thirty inches. The linear loading rate shall be used to establish the minimum total length of the soil absorption area required parallel to the natural surface contours. This minimum length and the specified trench width shall be used to determine the number of leaching trenches needed to accommodate the daily design flow. A leaching line shall have a maximum length of one hundred fifty feet. Additional leaching trench may be specified for the purpose of providing capacity for resting a portion of the absorption area.

(2) A pipe and gravel leaching trench shall have a minimum of twelve inches of gravel extending two inches above and six inches below a four inch perforated pipe. Gravel shall be washed or thoroughly rinsed to avoid the accumulation of fines in the trench and shall meet an AASHTO M 43 sizing for coarse aggregate with at least seventy per cent by weight in the range of three-fourth to one and one-half inch. Use of other leaching trench material such as alternative aggregate or proprietary gravelless and chamber components shall be specified in accordance with section 225.17(G)(6) of this chapter.

(3) A leaching trench bottom shall be level along its length and shall follow the natural surface contour maintaining the specified trench depth from the natural surface of the ground along the entire trench length. The grade shall not exceed a fall of three inches in fifty feet. For shallow trenches with sidewalls extending above grade, the layout plan shall specify the trench materials or components and any fill or backfill specifications. Any fill placed prior to trench excavation shall be in compliance with section 225.21(A)(3) of this chapter.

(4) The minimum center to center distance between two trenches shall be six feet. This distance shall be increased on wooded sites and sites with slope or irregular contours as necessary to avoid trees and to accommodate variations in the surface contour. The minimum distance between any leaching line and interceptor drain shall be eight feet.

(5) The means of flow distribution and management in accordance with section 225.17(G) of this chapter and this section shall include:

(a) Specification of either parallel or serial distribution with components to be used having access to grade and a mechanism for flow diversion.

(b) Distribution component connections between the tank or another distribution component and to a leaching trench shall be watertight and shall include properly supported rigid solid wall pipe to prevent settling and damage under normal loads and operating conditions.

(c) A means for determining the liquid level or capacity of a leaching trench shall be provided. If an inspection port is used or required by the Board of Health, the port shall be anchored and accessible with at least a four inch opening and a removable watertight cap.

(6) Geotextile fabric or straw covering for aggregate trenches or other barrier as specified for proprietary components shall be used to prevent introduction of soil fines and allow for free movement of air and water.

(7) The soil cover shall have a depth of at least six inches after settling or as specified for a proprietary product and shall be of a quality to allow for oxygen transfer and growth of vegetation.

(C) In addition to the applicable installation requirements of section 225.17(H) of this chapter and the as-built record required in section 225.13(C) of this chapter a leaching trench installation shall comply with the following requirements:

(1) The full soil absorption area shall be free of any site disturbance. If any disturbance or damage has occurred, installation shall not proceed and the registered installer shall contact the owner and the Board of Health.

(2) Prior to excavation the registered installer shall check all elevations in the layout plan relative to the established benchmark including the surface contour and proposed bottom elevation of each trench and the flow line elevation of other STS components to assure proper flow through the system.

(3) When soil conditions are suitable, leaching trenches shall be installed to meet all of the specifications and requirements of this chapter. The as-built record shall provide sufficient documentation of excavated trench bottom and natural surface grade elevations to prove compliance. Leaching trench material shall be placed in a manner that prevents compaction of the infiltrative surface. Open trenches shall be avoided for any length of time to prevent impacts from sediments in runoff and windblown silt.

(4) Suitable backfill and cover material as required in this section or proprietary component specifications shall not be compacted and shall allow for settling unless otherwise specified by the proprietary product installation instructions. The completed STS area shall be protected from erosion through surface water diversion and provision of suitable vegetative cover, mulching, or other specified means of protection. The land surface shall be graded so as to exclude surface drainage from the HSTS.

(D) In conjunction with any operation permit conditions or O&M management provisions required in this chapter or by the Board of Health, the O&M of a leaching trench STS shall include but is not limited to monitoring the liquid level or capacity of the leaching trench soil absorption component, management of flow diversion mechanisms for the purpose of resting portions of the soil absorption area, and checking for surface water infiltration or clear water flows from the dwelling or structures into the STS or onto the soil absorption area.

Section 225.19 MOUND WITH PRESSURE DISTRIBUTION REQUIREMENTS.

The source of effluent for all mound soil absorption systems shall be an aerobic type pretreatment component.

(A) Mound soil absorption components are subject to this chapter including the following conditions:

(1) Site modification and siting limitations include but are not limited to the following:

(a) An interceptor drain in compliance with section 225.21(D) of this chapter may be used upslope of a mound soil absorption component. Gradient drains shall not be used with mound soil absorption components addressed in this section. The mound component shall be sited to avoid natural drainage features and depressions that may hold surface water. A plan for a mound soil absorption component shall address surface water diversion as needed.

(b) A mound soil absorption component shall not be sited on a slope greater than fifteen percent.

(c) Sites with boulders or numerous trees are less desirable for a mound soil absorption component. Such conditions shall be avoided or the STS plan shall increase the basal area to compensate for losses due to boulders or flush cut trees and shall include special instructions for the basal area preparation under such conditions.

(B) In addition to the applicable installation requirements of section 225.17(H) of this chapter and the as-built record required in section 225.13(C) of this chapter, a mound soil absorption component installation shall comply with the following requirements:

(1) The full soil absorption area shall be free of any site disturbance. If any disturbance or damage has occurred, installation shall not proceed and the registered installer shall contact the owner and the Board of Health.

(2) Prior to excavation the registered installer shall check all elevations in the layout plan relative to the established benchmark including the surface contour and the flow line elevation of other STS components to assure proper flow through the system.

(3) When site conditions are suitable, the mound soil absorption component shall be installed to meet all of the specifications and requirements of this chapter. The as-built record shall provide sufficient documentation of installed components and natural surface grade elevations to prove compliance.

(4) The mound shall be installed according to the layout plan and any referenced resource and shall comply with the following:

(a) All vegetation shall be cut close to the ground and removed from the site. Stumps, roots, sod, topsoil, and boulders shall not be removed. The force main should be installed from the upslope side. All vehicle traffic on the basal area and downslope area of the mound should be avoided with installation work being conducted from the upslope side or end of the mound basal area.

(b) The basal area of the mound shall be prepared to provide a sand/soil interface and to improve infiltration if needed. The basal area preparation shall not damage the structure of the soil infiltrative surface. Any basal scarification or other basal area preparation shall be conducted working along the contour. An inspection of the basal area is required by the Board of Health prior to placement of sand fill. Sand may be incorporated into the basal area during the preparation process. Following basal preparation, a layer of sand fill shall be placed on the entire basal area to prevent damage from precipitation and foot traffic.

(c) The specified depth and sufficient amount of sand fill shall be placed to cover the basal area, form the absorption area, and shall not exceed 3:1 side slopes. The distribution area shall be formed to the specified dimensions and the sand surface of the distribution area shall be level.

(d) Construct and install all components of the distribution network and observation ports. An inspection of the distribution network is required by the Board of Health prior to placement of required soil cover.

(e) Cover the distribution area with straw, geotextile fabric, or other product as applicable and place the required soil cover over the mound.

(5) The completed STS area shall be protected from erosion through surface water diversion and provision of suitable vegetative cover, mulching, or other specified means of protection.

(6) The as-built record shall include the observed height of the distal pressure head and float switch settings as baseline measures for future O&M and monitoring.

(C) In conjunction with any operation permit conditions or O&M management provisions required in this chapter or by the Board of Health, the O&M of a mound soil absorption system shall include but is not limited to checking the mound vegetative cover for erosion or settling and any evidence of seepage on the sides or toes of the mound, flushing of distribution laterals, checking for ponding in the distribution area, monitoring the dose volume and distal pressure head of the distribution system, and checking for any surface water infiltration or clear water flows from the dwelling or structures into STS components or around the mound soil absorption area.

Section 225.20 DRIP DISTRIBUTION.

Drip distribution systems must obtain Ohio Department of Health system assurance approval or Technical Advisory Committee special device approval prior to consideration for installation within Columbus.

Section 225.21 SITE MODIFICATION.

(A) Site modification involving fill material shall comply with the following:

(1) Prior to consideration of siting a soil absorption component in settled non-compacted fill material that over time may have developed the characteristics of soil, the material shall be thoroughly evaluated as to its treatment and dispersal capacity in conjunction with the soil and site evaluation required in section 225.11 of this chapter.

(2) No fill material shall be present in the vertical separation distance below the infiltrative surface of the distribution system, other than that found suitable under paragraph (A)(1) of this section or sand fill material specified for a soil absorption component in compliance with section 225.17(C)(1) of this chapter.

(3) Fill material applied to the natural ground surface prior to the excavation of shallow in situ soil leaching trenches shall be a sandy texture soil or sandy loam soil capable of maintaining trench sidewall stability during installation and shall be applied in a manner that both protects and creates an interface with the underlying in situ soil.

(B) When siting an STS, an existing drain tile, drainage system, or other artificial subsurface drainage shall be avoided whenever possible with at least ten feet of horizontal separation from any component of an STS. If necessary, an existing drainage tile may be abandoned and rerouted to maintain at least the ten feet of separation and the abandoned section of tile shall be plugged. If existing drainage tile cannot be avoided or abandoned and rerouted and will be present in the area of a soil absorption component, the top of the drainage tile shall be considered a limiting condition subject to the three four foot vertical separation distance in section 225.17(A) of this chapter.

(C) When surface water runoff will infiltrate or cause ponding on or around STS components, diversion swales shall be designed to intercept and divert surface water with specifications indicated in the layout plan or design plan. STS components shall not be sited in depressions where surface water runoff cannot be properly managed through

diversion. Diversion of surface water associated with an STS shall not negatively impact other property or stormwater management.

(D) Any artificial subsurface drain designed to influence a STS shall comply with the following as applicable:

(1) An interceptor drain shall be sited upslope of an STS when horizontal subsurface flow of water would impact a down gradient soil absorption component. The specifications for the interceptor drain, including the upslope distance from STS components and the interceptor drain outlet and outfall in accordance with paragraph (D)(3) of this section shall be included in the layout plan or design plan.

(2) A gradient drain or drainage system intended to impact a perched seasonal high water table shall only be used in accordance with section 225.17(D) of this chapter.

(3) A drain outlet shall comply with the following:

(a) The drain outlet, including rigid solid wall pipe and animal guard, shall be designed to allow for free flow from the invert of the pipe for the purpose of sampling.

(b) The invert of the pipe for a gravity flow outlet shall be at least four inches above whichever is closer of the receiving water level or ground surface.

(c) A drain shall achieve gravity flow at the outlet.

(d) The receiving area for a drain outlet shall not pond and shall allow free flow away from the outlet during both dry and wet weather conditions to an established drainage feature.

(e) Written permission shall be obtained for placement of a drain outlet within a right-of-way or legally established public drainage improvement. A drain outlet associated with an STS shall be subject to the easement provisions of section 225.10(E)(4) of this chapter.

Section 225.22 LEACHING PITS, PRIVIES AND TIGHT VAULTS.

Installation of a leaching pit, privy or tight vault shall not be approved as an acceptable HSTS, except as a replacement or substitute for a malfunctioning existing HSTS.

(A) A holding tank or privy vault shall only be installed by a registered installer when authorized by the Board of Health in compliance with this chapter.

(B) The superstructure shall be vented and minimize entry of insects or animals.

(C) A holding tank shall be easily accessible for frequent pumping.

(D) The size of the holding tank shall take into account the design flow criteria established under section 225.14.

(E) The Board of Health shall establish a required frequency of pumping for the tank as a condition of the installation permit. As an alternative to a scheduled pumping frequency, a high water alarm may be installed in compliance with section 225.15(F).

(F) The owner of a privy or holding tank shall have a registered septage hauler remove the contents of the vault or tank before the capacity is exceeded.

Section 225.23 RESIDUALS MANAGEMENT.

The land application of STS residuals is prohibited in Columbus.

Section 225.24 STS ABANDONMENT.

(A) Any person who is no longer using an STS or an applicable component of an STS shall properly abandon all tanks, dosing tanks, and/or pretreatment components that are no longer in use in accordance with this section.

(B) All tanks, dosing tanks, and/or pretreatment components shall have the sewage contents pumped and removed by a registered septage hauler. If there is a need to remove solid materials such as filter media or other STS components, these shall be taken to an approved solid waste disposal facility or shall be managed in a manner that prevents a public health nuisance and contamination of surface or ground water.

(C) Upon removal of the contents of the tank, dosing tank and/or pretreatment component, the top shall either be completely removed or shall be collapsed and at least one side collapsed to prevent containment of water in the abandoned tank or component. The resulting void shall be filled to the ground surface with inert and clean fill materials such as sand, gravel, or compacted soil in an amount and manner that allows for settling and prevents ponding of surface water.

(D) Any person who abandons an STS system shall notify the Board of Health in writing that the STS has been properly abandoned, and shall provide the following information that shall be retained by the Board of Health:

(1) The owner and location of the abandoned STS and the date of abandonment.

(2) The name of the registered septage hauler and the name of the person or registered installer that performed the STS abandonment.

(3) The manner in which the tank, dosing tanks, and/or pretreatment components were abandoned or removed.

(E) When a the Board of Health has taken responsibility for SFOSTS in accordance with paragraph (A) of section 225-03 of this chapter, the Board of Health shall notify the OEPA within sixty days when an SFOSTS that was previously permitted to be installed by the OEPA has been abandoned in accordance with this section.

Section 225.25 VARIANCE.

(A) The Board of Health may grant a hearing to a person and authorize, in specific cases, such variance from the requirements of this chapter as will not be contrary to the public interest, which the person shows that because of practical difficulties or other special conditions, compliance with this chapter will cause unusual and unnecessary hardship. However, no variance shall be granted that will defeat the spirit and general intent of this chapter, or be otherwise contrary to the public interest.

(B) Pursuant with section 3714.04 of the Ohio Revised Code, STS or STS components differing in design or function from systems or components, the use of which is authorized under this chapter, may qualify for use if the director of health has approved the use of such systems or components.

Section 225.99 PENALTIES

Pursuant with Section 135.99 of the Columbus City Code, whoever violates any provision of this chapter is guilty of the offense of failure to comply with Columbus Public Health Household Sewage Disposal Systems regulations, a misdemeanor of the third degree. Each day of violation shall constitute a separate violation.

CHAPTER 226
Semi-Public Sewage Disposal Systems
(ENACTED 1/86)
(LAST AMENDED 11/2000)

226.01 Approval of state regulations.
226.02 Definitions.
226.03 Fees.
226.04 Sewage disposal requirements.

226.01 APPROVAL OF STATE REGULATIONS.

Chapter 6111 of the Ohio Revised Code and the rules adopted pursuant thereto are hereby approved by the Board of Health as the minimum compliance standard for enforcement by the Health Department in the City.

226.02 DEFINITIONS.

(a) As used in this chapter, "semi-public disposal system" means a disposal system which treats the sanitary sewage discharged from publicly or privately owned building or places of assemblage, entertainment, recreation, education, correction, hospitalization, housing, or employment, but does not include a disposal system which treats sewage in amounts of more than twenty-five thousand (25,000) gallons per day; a disposal system for the treatment of sewage from a single-family, two-family, or three-family dwellings; or a disposal system for the treatment of industrial waste. (Amended 10/16/85, Resolution 85-19)

(b) Terms defined in Section 6111.01 of the Ohio Revised Code have the same meaning as in that section. (Amended 10/16/85, Resolution 85-19)

226.03 FEES.

There is hereby levied and assessed upon the owner or operator of a semi-public disposal system (except for any House Trailer Park, Recreational Vehicle Park, Recreation Camp, or Combined Park-Camp that is licensed under O.R.C. 3733.03) an annual inspection fee due and payable, in advance, to the City Treasurer on the first business day of each year. Said fee shall be based upon the amount of designed sewage discharge capacity as follows:

(a) If the system has a capacity of five thousand (5,000) gallons per day, or more, the fee shall be one hundred fifty dollars ($150.00).

(b) If the system has a capacity of less than five thousand (5,000) gallons per day, the fee shall be one hundred fifty dollars ($150.00).

(c) Any system which does not require off-lot discharge of effluent shall have a fee of fifty dollars ($50.00) in lieu of the above.

(Amended 12/15/00, Resolution 00-23)

226.04 SEWAGE DISPOSAL REQUIREMENTS.

(a) No sewage disposal device or equipment shall be installed, maintained, or operated on property accessible to a sanitary sewerage system. (Amended 4/17/91, Resolution 91-5)

(b) No license for a semi-public disposal system shall be granted for a property which is accessible to a

sanitary sewerage system. (Amended 4/17/91, Resolution 91-5)

(c) Whenever an approved sanitary sewerage system is or becomes accessible to the property, any semi-public sewage disposal system shall be abandoned within a reasonable time and the sewerage system shall be connected to the public sewer in an approved manner. (Amended 4/17/91, Resolution 91-5)

CHAPTER 227
Public Swimming Pools and Spas
(Retitled 3/18/92, Resolution 92-4)
(Last Amended 3/23/12, Resolution 12-02)

227.01 Definitions.
227.02 Compliance and license required, Fees.
227.03 Approval of State Standards.
227.04 Health and Safety.
227.05 Temporary or Permanent Closing of Pools
227.06 Variance
227.07 Other Public Bathing Places

CROSS REFERENCES

Ohio Health Department Rules - See OAC Ch. 3701-31.

Private Swimming Pools - See CCHC. Ch.229.

As used in this chapter, certain terms are defined as follows:

(A) "Health Commissioner" means the Health Commissioner of Columbus Public Health or his/her authorized designee

(B) "Other Public Bathing Places" mean impounding reservoirs, basins, quarries, ponds, lakes, creeks, rivers, and other similar natural bodies of water.

(C) "Perimeter Barrier" means a fence, wall, building wall or combination thereof that completely surrounds the public swimming pool and obstructs access to the public swimming pool by way of gates or doors that are self-closing, self latching, and lockable. Perimeter barriers have a height of 48 inches with any gaps between vertical members and / or the ground four inches or less, unless the perimeter barrier was constructed prior to January 1, 1999 with a height of at least forty-two inches and gaps six inches or less unless otherwise specified.

(D) "Safety Pool Cover" means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with Standard F 1346-91.

227.02 COMPLIANCE AND LICENSE REQUIRED, FEES.

(A) Chapter 3701-31 of the Ohio Administrative Code is hereby approved by the Board of Health as the minimum compliance standard for enforcement by Columbus Public Health.

(B) No person shall construct or install a new public swimming pool until the plans therefore have been submitted to and approved in accordance with Chapter 3701-31 of the Ohio Administrative Code.

(C) No person shall alter an existing public swimming pool to affect the manner or re-circulation or basic design of the system until plans for such alteration have been submitted to and approved in accordance with Chapter 3701-31 of the Ohio Administrative Code.

(D) A complete set of approved plans and specifications shall be registered with the Director on any new or altered public swimming pool before a written authorization to operate is given.

(E) No person shall operate or maintain a public swimming pool unless the standards of the Columbus Board of Health have been complied with and a current license for the operation of such a swimming pool has been obtained from the Health Commissioner.

(F) Whenever grounds exist for suspending or revoking a license such suspension or revocation shall not take place until the Health Commissioner has first notified such licensee, calling specific attention to the infractions of this regulation, and affording a reasonable time and opportunity to correct same. If such notice is not complied with in the time period specified, then the Health Commissioner may suspend or revoke such license after an opportunity for an administrative hearing to contest such suspension or revocation is afforded to the licensee in accordance with ORC 119.01 to 119.13.

(G) When in the judgment of the Health Commissioner such infractions constitute an imminent health hazard, the Health Commissioner may immediately order the pool to be closed until such time as the imminent health hazard has been corrected and the Health Commissioner has inspected and approved the pool to reopen.

(1) Immediate Closure - A public swimming pool shall be immediately closed if any of the following conditions exist:

(a) The water clarity is not sufficient to see the main drain.
(b) The main drain is not secure or is missing.
(c) The disinfectant level cannot be measured.
(d) If none of the following are available:
    (i) reach pole
    (ii) personal flotation device
    (iii) spine board
(e) The disinfection system is not in compliance with OAC §3701-31-04(D)(2) and §3701-31-04(D)(7).
(f) No lifeguard is on duty when required.
(g) The emergency phone is not accessible or operating properly and is not in compliance with OAC §3701-31-04(E)(2)(e)
(h) The presence of a hazardous object or substance in the swimming pool.
(i) Cyanuric acid above 100ppm

(2)When the public swimming pool is closed by the Health Commissioner under CCHC 227.02 a sign or other visible indication must be posted at the public swimming pool point of entry.

(3)When the public swimming pool is closed by the Health Commissioner under CCHC 227.02 the public swimming pool shall not reopen until the Health Commissioner verifies the abatement of the reason(s) for closure through an inspection.

(H) Any person, firm, association or corporation whose license has been suspended or revoked may appeal from such order to the Board of Health in accordance with CCHC 203.08.

(I) There is levied and assessed upon the owner or operator of each public swimming pool or public spa an annual fee equivalent to the amount which is required to be transmitted to the State of Ohio for each license issued, as per Section 3701-31-03 of the Ohio Administrative Code, plus the following license fee:

CATEGORY	LICENSE FEE
1. Individual Public Swimming Pool	394.00
2. Individual Public Spa	394.00
3. Additional Public Pool or Spa at same location	213.00
4. Individual Special Use Pool	394.00
5. Government Operated Public Pool or Spa	33.00

(J) If payment of a fee established under section ORC 3709.09 (D) is not postmarked or received by the day on which payment is due, the board of health shall assess a penalty. The amount of the penalty shall be equal to twenty-five percent of the applicable fee. The applicable fee applies to the local fee only.

227.03 APPROVAL OF STATE STANDARDS.

Chapter 3701-31 of the Ohio Administrative Code is hereby approved by the Board of Health as the minimum design requirements for plan approval by Columbus Public Health.

227.04 HEALTH AND SAFETY.

(A) A safety pool cover, when provided for any purpose, shall completely cover the pool cavity and be of sufficient strength to support the weight of a person up to 225 pounds walking or crawling on the cover.

227.05 SEASONAL OR PERMANENT CLOSING OF POOLS.

(A) All public swimming pools which close for the season or permanently shall utilize one of the following methods:

(1) Completely drain pool and maintain so for the period of closure. Provide perimeter barrier in accordance with CCHC 227.01(C). Provide a responsible person to inspect the facilities at least twice per month during closure, correct violations or other problems and record such inspections. Provide name, address and phone number of person to whom the Health Commissioner can direct orders or make other communications.

(2) Either leave pool filled or partially drain pool to depth recommended by designer or installer and provide a complete cover of sufficient strength to support the weight of a person up to 225 pounds walking or crawling on it. Provide a perimeter barrier in accordance with CCHC 227.01(C) as an alternative to subsection (c)(1) hereof. Provide a responsible person to inspect at least twice per month, correct violations and record such inspections.

(3) Partially drain the pool to a depth recommended by the designer or installer. Provide a perimeter barrier at least six (6) feet high. Provide a responsible person to inspect weekly, to correct violations and record such inspections.

(4) Partially drain pool in accordance with recommendations by the pool designer or installer. Provide a perimeter barrier in accordance with CCHC 227.01(C). This alternative can only be used when there is a responsible, designated on-site resident pool manager or resident manager who has frequent observance of the pool. Such manager shall inspect the pool weekly during closure to correct violations and record such inspections.

(B) When a public swimming pool is closed, gates or doors giving direct access to the swimming pool shall be securely locked except for inspectional, maintenance or emergency purposes.

(C) For any public pool which is not licensed for a period of more than twelve (12) months:

(1) Pool and appurtenances must be demolished and the area must be returned to grade. All work shall be performed by a registered and bonded demolition contractor pursuant to Columbus City Code 1959, Section 4114.921; or

(2) Plans for renovation or alteration must be submitted to the Ohio Department of Health pursuant to Ohio Revised Code, Chapter 3749.

227.06 VARIANCE

The Board of Health may grant a variance from the requirements of this chapter as will not be contrary to the public interest, were a person shows that because of practical difficulties or other special conditions, a strict application will cause unusual and unnecessary hardship. However, no variance shall be granted that will defeat the spirit and general intent of this chapter, or be otherwise contrary to the public interest.

227.07 OTHER PUBLIC BATHING PLACES.

No person shall operate or maintain a public bathing place other than a public swimming pool or private swimming pool without written authorization from the Board of Health. The terms, conditions and expiration date for operation of the bathing place shall be set forth in the written authorization and failure to comply with such terms, conditions and expiration date shall constitute a violation of this chapter.

CHAPTER 228
Public Spas
(Repealed 3/18/92, Resolution 92-4)

CHAPTER 229
PRIVATE SWIMMING POOLS
(Last Amended 2/17/09, Resolution 09-14)

229.01 Definitions
229.02 Approval of Plans
229.03 Repealed 3/86
229.04 Prohibited Pools
229.05 Maintenance and Operation
229.06 Construction, Equipment and Appurtenances
229.07 Repealed 2/17/09
229.08 Repealed 2/17/09
229.09 Repealed 2/17/09
229.10 Drains and Water Disposal
229.11 Recirculation Equipment
229.12 Fencing
229.13 Closure

CROSS REFERENCE
Public Swimming Pools - See CCHC Ch. 227
Ordinance Provisions - See Columbus City Codes Ch. 4127

229.01 DEFINITIONS.
As used in this chapter, certain terms are defined as follows:
(a) "Building Official" when used without clarification means the authorized representative in the Department of Development or his or her designee charged with enforcing building regulations.
(b) "Deck" means those areas surrounding the pool which are specifically constructed or installed for the use of the bathers.
(c) "Other bodies of water" mean any artificially created impoundment of water such as a pond, wading pool, spa, quarry, hot tub or ditch which does not meet the definition of a private swimming pool.
(d) "Private swimming pool" means any structure intended for swimming or recreational bathing that is more than 24 inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.
(e) "Safety Cover" has the same definition as ASTM Standard F 1346-91

229.02 APPROVAL OF PLANS.
No person shall provide or install a private swimming pool or make a change in such pool or appurtenance thereof until such plans and specification have been approved by the Department of Development's Building Official.

229.03 (REPEALED 3/19/86, RESOLUTION 86-14)

229.04 PROHIBITED POOLS.
Rivers, creeks, ditches, lakes, ponds, water filled quarries and other natural bodies of water shall not be used for private swimming pools.

229.05 MAINTENANCE AND OPERATION.

(a) The water shall be kept in a safe and sanitary manner and in such condition as not to breed mosquitoes, cause a nuisance, or health hazard.
(b) The water shall have sufficient clarity so that the bottom of the deepest part of the pool shall be visible.
(c) Safety covers, both manual and automatic, when provided must comply with ASTM Standard F 1346-91

229.06 CONSTRUCTION, EQUIPMENT AND APPURTENANCES.

The construction, equipment and appurtenances shall comply with chapter 4127.01 of the Columbus City Code.

229.07 (REPEALED 2/17/2009, RESOLUTION 09-14)

229.08 (REPEALED 2/17/2009, RESOLUTION 09-14)

229.09 (REPEALED 2/17/2009, RESOLUTION 09-14)

229.10 DRAINS AND WATER DISPOSAL.

Drains, installed and maintained according to City building laws and regulations, shall drain directly into a sanitary sewer, or the pool water shall be disposed of in a manner approved by the Health Commissioner.

229.11 RECIRCULATION EQUIPMENT.

(a) If recirculation equipment is used it shall be installed and maintained according to City building laws and regulations.

229.12 FENCING OR OTHER BARRIER.

All pools, except those exempted by having an approved safety cover, shall be provided with a fence or other barrier a minimum of forty-eight (48) inches in height as required in Columbus City Code chapter 4127.01.

229.13 CLOSURE.

(a) All private swimming pools shall be covered or drained when closed for the winter season or not intended to be used for a period of time greater than two (2) weeks.
(b) During mosquito breeding season, April through September, the pool cover shall be constructed and maintained so that no standing water shall remain on the pool cover for more than one (1) day after cessation of precipitation

CHAPTER 234
CONSTRUCTION & DEMOLITION DISPOSAL FACILITIES
(Enacted 12/17/97, Resolution 97-39, Effective 1/1/98)

234.01 Definitions
234.02 Public Health Nuisance
234.03 Disposal of Wastes
234.04 Construction & Demolition Disposal Facility Operation
234.05 Operating License
234.06 Financial Assurance
234.07 Contracting With Another Political Subdivision
234.08 Separability

234.01 DEFINITIONS

(a) "Alter or alteration" means to change by making substantive additions or deletions in location, design or mode of operation of a clean fill disposal facility or demolition disposal facility.

(b) "Board of Health" means the Board of Health of the City of Columbus, Ohio.

(c) "Cell" means compacted waste materials in a demolition disposal site that are enclosed by cover material.

(d) "Clean fill" shall mean clay, earth, rock, sand, and other unaltered nontoxic geological materials which have not been used in any type of industrial process; paving brick and stone; asphalt and other paving materials, including reinforced and non-reinforced concrete pavement; inert building material such as concrete, brick, clay tile which may accumulate as a result of construction or demolition operations. Clean fill shall not include garbage, lumber, wood, paper, or other combustible or putrescible materials.

(e) "Clean Fill Disposal Facility" shall mean any facility, location, tract of land or site open to the general public for the disposal of clean fill; any facility, location, tract of land or site to which a fee or other assessment is charged for the disposal of clean fill; or any facility, location, tract of land or site larger than one acre which is used for the disposal of clean fill as defined by this chapter.

(f) "Closure" refers to those measures performed, after a demolition disposal facility can no longer accept waste for disposal, or after the effective date of an order revoking the license of the facility to protect public health or safety, to prevent air or water pollution, or to make the facility suitable for other uses. Closure shall include the establishment and maintenance of a suitable cover of soil and vegetation over cells in which construction and demolition waste is buried; minimization of erosion, the infiltration of surface water into such cells, the production of leachate, and the accumulation and runoff of contaminated surface water; and the final construction of facilities for the collection and treatment of leachate and contaminated surface water runoff.

(g) "Commercial Waste Hauler" means any private person, firm, corporation, association, or partnership whose primary occupation involves the regular or systematic collection and transportation of solid wastes, construction and demolition wastes, infectious wastes, yard wastes, and other regulated wastes, to a facility for disposal, treatment, reprocessing and/or recycling. This definition includes, but is not limited to, private trash and garbage collection services, solid waste collection services, recyclable collectors, demolition contractors and infectious waste transporters. This definition does not include "light haulers".

(h) "Commercial and Industrial Premises" means those places other than one, two or three family dwellings where solid waste is or may be generated, including manufacturing operations, public facilities, commercial and retail establishments, food service operations, manufactured home parks, and multi-family dwellings containing

four or more units.

(i) "Composting Facility" means any commercial or public facility, subject to registration and/or licensing under Ohio Administrative Code Chapter 3745, including classification under section 3745-27-40, at which yard waste, grass, shrubbery, leaves, animal wastes and vegetation are biologically decomposed by controlled, predominantly aerobic conditions.

(j) "Construction & Demolition Disposal Facility", "Demolition disposal facility", "Demolition disposal site", or Demolition landfill" shall mean any facility, location, tract of land or site used for the disposal of construction and demolition wastes.

(k) "Construction and Demolition Waste" means the unwanted residue resulting from the alteration, construction, demolition or repair of any building or other structure, including, but not limited to, roofing, concrete and cinder block, plaster, lumber, structural steel, plumbing fixtures, electrical wiring, heating and ventilation equipment, windows and doors, interior finishing materials such as woodwork and cabinets, siding and sheathing and aged railroad ties. "Construction and Demolition Waste" does not include materials identified or listed as solid waste, infectious waste or hazardous waste pursuant to Ohio Revised Code Chapter 3734, pallets, cardboard, plastic containers, yard wastes, white goods, furniture, carpeting, clean fill or paving brick and stone, reinforced and non-reinforced concrete pavement, and asphalt which is stored for a period less than two years for recycling into a usable construction material.

(l) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any wastes into or on any land, ground, surface water or air, except if the deposition or placement constitutes storage, treatment or reuse of the waste material.

(m) "Dump" means a solid waste landfill facility.

(n) "Existing Facility" means any facility that is in operation upon the effective date of this regulation.

(o) "Facility" means: (1) any site, location, tract of land, installation, or building used for the disposal of any type of waste. This definition does not include a construction site where construction and demolition waste, and trees and brush removed from the construction site are used as fill material on the same site where the materials are generated or removed, and does not include any site where materials composed exclusively of reinforced and non-reinforced concrete pavement, asphalt, clay tile, and building or paving brick are used as fill material, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates, in legitimate fill operations for construction purposes or to bring the site up to a consistent grade; or (2) any site, location, tract or land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes; for the transfer of solid wastes; for the treatment of infectious wastes; or for the storage, treatment, or disposal of hazardous waste.

(p) "Fixtures" means anything that is attached to a structure, such as piping and wiring, or which has been built into the structure. Fixtures include plumbing equipment, such as bathtubs, wash basins, toilets, and sinks, heating equipment, electrical devices, cabinets and other woodwork.

(q) "Hazardous Waste" means any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form that is considered to pose a threat to the health and safety because it is toxic, reactive, corrosive or ignitable. Hazardous waste includes any substance identified by regulation as hazardous waste under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C. 6921, as amended, and does not include any substance that is subject to the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C. 2011.

(r) "Health Commissioner" means the Health Commissioner or an authorized representative of the Columbus Health Department.

(s) "Health District" means the City of Columbus and any contracting political subdivisions.

(t) "Infectious Waste" means those substances that possess the properties and characteristics as defined in Ohio Revised Code section 3734.01(r).

(u) "Intermittent Waste Hauler" means those persons, corporations, firms, associations, or partnerships who engage in the collection, transportation and disposal of solid waste, construction and demolition waste, clean fill, and yard waste generated as a consequence of their primary occupation. This definition includes, but is not limited to, landscapers, remodeling contractors, roofers, plumbers and plumbing contractors, builders, paving contractors, and excavators.

(v) "Landscape Waste" or "Yard Waste" means grass clippings, leaves, brush, garden waste, tree trunks, holiday trees, tree trimmings and other plant waste that is generated as a result of gardening, landscaping, or similar activities. Under Section 3745-27-01 of the Ohio Administrative Code, landscape waste is a form of solid waste.

(w) "Leachate" means liquid that has come in contact with or been released from construction and demolition waste.

(x) "Licensed" means a facility has the approval of the Columbus Health Department to operate.

(y) "Light Hauler" means any private person, corporation, firm, association, or partnership whose primary occupation relies upon the ownership and/or operation of one collection vehicle performing the regular collection and transportation of solid wastes, construction and demolition wastes, yard wastes, and clean fill to a licensed or registered facility for disposal, treatment, reprocessing and/or recycling.

(z) "Manifest" means the form used for identifying the quantity, composition, origin, routing, and destination of special waste during its transportation from the point of generation to the point of disposal, treatment, or storage.

(aa) "Material Recovery Facility" shall mean any structure, location or facility where mixed solid wastes are separated and recycled, reprocessed or recovered, and remaining solid wastes are transported to a licensed solid waste disposal facility.

(bb) "MRF" shall mean material recovery facility.

(cc) "Nuisance" means any condition that presents or may present a threat or hazard to the public health, public safety, and the environment.

(dd) "NPDES Permit" means a sewage discharge permit issued by the Ohio Environmental Protection Agency under the National Pollutant Discharge Elimination System (NPDES) Permit Program.

(ee) "Open Burning" means the burning of any waste materials in an open area or burning of solid wastes in a type of chamber or vessel that is not approved in rules adopted by the director of the Ohio Environmental Protection Agency under chapters 3704 and 3714 of the Ohio Revised Code.

(ff) "Open Dumping" means the depositing of solid wastes, treated infectious wastes, or untreated infectious wastes into a body or stream of water or onto the surface of the ground at any site that is not currently licensed as a solid waste facility under section 3734.05 of the Revised Code.

(gg) "On-site Separation" means the removal of materials for recycling, salvage, or reuse conducted at or near the working area of a solid waste disposal facility or a construction and demolition facility.

(hh) "Person" means the State of Ohio, any political subdivision, public or private corporation, partnership, firm association, individual or other legal entity defined as a person under section 1.59 of the Ohio Revised Code.

(ii) "Permit to install" means the written approval by the Health Commissioner and the Board of Health of plans to operate, maintain, manage, establish, or significantly alter a clean fill disposal facility or Construction &

Demolition Disposal Facility.

(jj) "Premise" means (1) a geographically contiguous property; or (2) a noncontiguous property that is connected by a right-of-way that the property owner controls and to which the public does not have access. Two or more pieces of property that are geographically contiguous and divided by a public right-of-way or rights-of-way are a single premise.

(kk) "Public Waste Hauler" means any political subdivision that operates and maintains one or more vehicles for the purpose of routinely collecting and transporting solid wastes, infectious wastes, construction and demolition wastes, clean fill, and other regulated wastes for disposal, recycling, or reprocessing.

(ll) "Recycling Center" means any facility at which source-separated solid wastes are accepted for short-term storage until shipment to a facility that will remanufacture the waste into a similar product.

(mm) "Recycling Collection Receptacles" mean those containers that are placed on public and private property for the use of the public or a community, for the consolidation or collection or recyclable solid waste.

(nn) "Registered" means a facility for which plans have been submitted to the Columbus Health Department consistent with section 234.05 of this chapter.

(oo) "Reprocessing Facility" means any site, location, or facility at which solid wastes are physically or chemically altered or modified so that they are reusable. "Reprocessing facilities" include, but are not limited to: facilities that convert any form of solid waste to fuel; municipal and private yard waste composting facilities exempt from Revised Code Chapter 3745 composting rules; waste oil collection facilities; and appliance recycling operations.

(pp) "Solid Wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from mining, construction, or demolition operations, or other waste materials of the type that would normally be included in construction and demolition waste, nontoxic fly ash, spent nontoxic foundry sand, slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, tires, combustible and non-combustible material, street dirt, and debris. "Solid waste" does not include any material that is an infectious waste or a hazardous waste, but does include tires, pallets, landscape waste, automobile parts, and discarded appliances, white goods and machinery.

(qq) "Temporary Storage" means the holding of any wastes for less than thirty (30) days in such a manner that it remains retrievable and substantially unchanged physically and chemically, for reuse, recycling, reclamation, or conversion to fuel.

(rr) "Transfer Station" means any site that is designed to accept solid waste for compaction and/or reloading for transportation to a licensed disposal facility.

(ss) "White Goods" mean residential and commercial appliances that are composed primarily of steel and other metals, including, but not limited to, refrigeration equipment, laundry equipment, ranges, furnaces, heating equipment, and water heating devices.

(tt) "Yard Waste" or "Landscape Waste" means grass clippings, leaves, brush, garden waste, tree trunks, holiday trees, tree trimmings and other plant waste that is generated as a result of gardening, landscaping, or similar activities. Under Section 3745-27-01 of the Ohio Administrative Code, yard waste is a form of solid waste.

(uu) "Owner" means the person who holds title to the property on which is located any type of facility regulated under this regulation.

(vv) "Operator" means that person operating a facility or holding a permit to operate a facility.

(ww) "Tire Generator" means any person, including but not limited to, tire retailers, automobile service stations and garages, fleet yards, junk yards, and salvage yards, that collects, produces, or possesses fifty (50) or more waste tires or used tires on a monthly basis.

234.02 PUBLIC HEALTH NUISANCE

No person shall permit, cause, dump, deposit, or allow to remain on any property owned, occupied, leased, or otherwise controlled by such person, the accumulation of solid waste, garbage, construction and demolition waste, salvage material, recyclable material, brush, junk, tires or other regulated waste in such quantities to constitute a public health nuisance.

234.03 DISPOSAL OF WASTES

All waste not transported and stored for salvage, recycling or reuse, shall be properly disposed. All solid waste shall be disposed of in a licensed solid waste disposal facility. Hazardous waste shall be disposed of in a licensed hazardous waste facility. All infectious waste shall be disposed of in a licensed disposal or treatment facility. Construction and demolition waste shall be disposed of in a licensed Construction & Demolition Disposal Facility.

234.04 CONSTRUCTION & DEMOLITION DISPOSAL FACILITY OPERATION

(a) The Health Commissioner is authorized to enter and examine the premise at any reasonable time where the operations of the Construction & Demolition Disposal Facility are conducted to verify compliance with this chapter. No person shall knowingly and willfully resist, obstruct or abuse the Health Commissioner in the performance of the Commissioner's duties.

(b) The owner, operator, or employee controlling access to the facility shall prohibit any material that is classified as solid waste, hazardous waste, or infectious waste from being disposed of at a Construction & Demolition Disposal Facility. No liquid or semi-solid material shall be disposed at such a facility.

(c) The Construction & Demolition Disposal Facility shall operate in strict compliance with the Permit to Install, approved by the Board of Health under Chapter 234 and the provisions of Ohio Revised Code Chapter 3714.

234.05 OPERATING LICENSE

(a) No person, firm, association or corporation shall operate, maintain, manage or conduct a Construction & Demolition Disposal Facility until all requirements of this chapter have been met and a current operating license has been obtained from the Health Commissioner.

(b) Any license issued for the operation of a Construction & Demolition Disposal Facility shall expire on the last day of December of each year. No license may be transferable with respect to person or location.

(c) All applications for an operating license shall be submitted on forms prescribed by the Health Commissioner at least thirty (30) days prior to the opening of a new facility or to the expiration of the current license.

(d) Whenever grounds exist for suspending or revoking a license, such suspension or revocation shall not take place until the Health Commissioner has first notified such licensee, calling specific attention to the infractions of these regulations, and affording a reasonable time and opportunity to correct same. If such notice is not complied with, then the Health Commissioner may suspend or revoke such license.

(e) When, in the judgment of the Health Commissioner, such infractions constitute a life-threatening situation, the Health Commissioner may immediately suspend the license and order the Construction & Demolition Disposal Facility to be closed until such time as the violation has been corrected and the Health Commissioner has inspected and approved the facility and reinstated the license.

(f) There is levied and assessed upon the owner or operator of each Construction & Demolition Disposal Facility an annual license fee equal to that specified in Section 3714.07 of the Ohio Revised Code.

234.06 FINANCIAL ASSURANCE

Additionally, financial assurance shall be provided for each facility in accordance with Section 3745-400-13 of the Ohio Administrative Code, which shall name the Columbus City Treasurer as Obligee

234.07 CONTRACTING WITH ANOTHER POLITICAL SUBDIVISION

The Health Commissioner may contract with the Franklin County Board of Health or another political subdivision to inspect, license, and administer Construction & Demolition Disposal Facilities within Columbus in accordance with Chapter 3714 of the Ohio Revised Code, Chapter 3745-400 of the Ohio Administrative Code, and Chapter 234 of the Columbus City Health Code. The contracting political subdivision shall have the same authority, rights, and obligations as the Columbus Board of Health with regard to Chapter 3714 of the Ohio Revised Code, Chapter 3745-400 of the Ohio Administrative Code, and Chapter 234 of the Columbus City Health Code with the exception of the financial assurance. Financial assurance is to be maintained as per Section 234.06 of this chapter. Construction & Demolition Disposal Facility license fees are to be retained by the contracting subdivision in consideration for the services rendered.

234.08 SEPARABILITY

In the event that any section, paragraph or portion of these regulations are declared unconstitutional or unenforceable, the remaining parts thereof, shall not be affected and shall remain in full force and effect. In the event of any conflict between the provisions of any law or requirement, rule or regulation of the State of Ohio, the provisions imposing the higher standard or the more stringent requirement shall be controlling.

CHAPTER 237
MANUFACTURED HOME PARKS
ENACTED 12/18/2002

237.01 Approval of State Regulations.
237.02 License Fees

CROSS REFERENCES

OAC CHAPTERS 3701-25 AND 3701-27

237.01 APPROVAL OF STATE REGULATIONS.

Chapters 3701-25 and 3701-27 of the Ohio Administrative Code is hereby approved by the Columbus Board of Health as the minimum compliance standard for enforcement by the Columbus Health Department. (Amended 12/17/02, Resolution 02-31)

237.02 LICENSE FEES

The license fee for a Manufactured Home Park, Recreational Vehicle Park, Recreation Camp, Combined Park-Camp, and Temporary Park-Camp shall be an annual fee equivalent to the amount which is required to be transmitted to the State of Ohio for each license issued, as per Chapters 3701-25 and 3701-27 of the Ohio Administrative Code, plus the following license fee:

CATEGORY		LICENSE FEE
1.	Manufactured home park with 50 or fewer units	200.00
2.	Manufactured home park with 50 or more units	200.00 + 3.00 per additional unit
3.	Recreational vehicle parks, recreation camps, or combined park-camps with 50 or fewer units	75.00
3.	Recreational vehicle parks, recreation camps, or combined park-camps with 50 or more units	100.00 + 0.75 per additional unit

(Amended 10/17/06, Resolution 06-14)

CHAPTER 239
Laundries

(Repealed 12/18/12; Resolution No. 12-17)

CHAPTER 241
Rabies Control Regulation
(Amended 1/19/10, Resolution 10-01)

241.01 Definitions
241.02 Biting Animal to be Confined; Veterinarian to Report
241.03 Control Reports, Observations, Examinations and Disposition
241.04 Immunization
241.05 Repealed 1/19/2010
241.06 Unconstitutionality Clause
241.99 Penalties

241.01 DEFINITIONS

A. "Animal" shall mean any animal capable of being infected with rabies and/or transmitting rabies, other than man.

B. "Exposed Animal" shall mean any susceptible animal that directly or indirectly has come in contact with a rabid, or suspected rabid animal.

C. "Health Commissioner" shall mean the Health Commissioner of the City of Columbus or the Commissioner's authorized representative.

D. "Human Exposure" shall mean all persons having been bitten by or having contact with a susceptible animal.

E. "Immunization" shall mean the administration by or under the direct supervision of a licensed veterinarian of a biological product licensed by the U. S. Department of Agriculture and deemed adequate to provide protection to the animal so vaccinated against rabies.

F. "Isolation" shall mean the placing of a rabid animal or suspected rabid animal or an exposed animal separate and apart from all other susceptible animals or persons so that the transmission of rabies is impossible.

G. "Mammal" shall mean a class of warm-blooded vertebrate animals that have, in the female, milk-secreting organs for feeding the young, and are capable of being infected with rabies and/or transmitting rabies.

H. "Owner" shall mean any person owning, keeping, possessing, harboring, maintaining or having the care, custody or control of an animal.

I. "Person" shall mean an individual, company, partnership, firm, municipal corporation, corporation or association, or any combination of individuals, or any employee, agent, or officer thereof.

J. "Public Health Veterinarian" shall mean the veterinarian of the City of Columbus, Ohio or the veterinarian's authorized representative, otherwise defined as the "City Veterinarian".

K. "Quarantine" is the limitation of freedom of movement of rabid or suspected rabid animals, or exposed animals, for a period of time equal to the longest usual incubation period of the disease, in such manner as to prevent the spread of the rabies virus.

L. "Rabid Animal" shall mean any animal showing observable clinical signs of rabies or which has been confirmed as having rabies by a laboratory acceptable to the Health Commissioner or Public Health Veterinarian.

M. "Susceptible Animal" shall mean any animal to which rabies can be transmitted.

N. "Suspected Rabid Animal" shall mean a susceptible animal showing, to a limited degree, observable clinical signs of rabies or a susceptible animal that has bitten a person or has come in contact with a person in such a manner that rabies could be transmitted to or by that person.

O. "Veterinarian" shall mean a veterinarian duly licensed under the laws of the State of Ohio or a duly licensed veterinarian from another state either practicing in that state or practicing under reciprocity in the State of Ohio.

241.02 BITING ANIMAL TO BE CONFINED; VETERINARIAN TO REPORT

(A) Biting animals.

1) Whenever it is reported to the Health Commissioner or Public Health Veterinarian that any dog, cat, or ferret has bitten an individual, that dog, cat, or ferret shall be quarantined under an order issued by the Health Commissioner or Public Health Veterinarian. The dog, cat, or ferret shall be quarantined in a pound or kennel or may be quarantined by its owner or by a harborer in cases approved by the Health Commissioner or Public Health Veterinarian. In all cases, said quarantine shall be under the supervision of the Health Commissioner or Public Health Veterinarian and shall be at the expense of the owner or harborer. Quarantine shall continue until the Health Commissioner or Public Health Veterinarian determines that the dog, cat, or ferret is not afflicted with rabies. The quarantine period hereby required shall not be less than ten days from the date on which the person was bitten. If at any time during the quarantine, the Health Commissioner or Public Health Veterinarian requires the dog, cat, or ferret to be examined for symptoms of rabies, then the examination shall be by a veterinarian. The veterinarian shall promptly report to the Health Commissioner or Public Health Veterinarian the conclusions reached as a result of the examinations. The examination by a licensed doctor of veterinary shall be at the expense of the owner or harborer. No dog, cat, or ferret shall be released from the required quarantine unless and until it has been properly vaccinated against rabies by a veterinarian.

2) If any quarantined dog, cat, or ferret dies before the quarantine period expires, then the head of the dog, cat, or ferret shall be submitted to the Ohio Department of Health's Bureau of Public Health laboratories for rabies examination.

3) If the owner or harborer of the dog, cat, or ferret is unknown, the Health Commissioner or Public Health Veterinarian may direct that the dog, cat, or ferret be humanely killed in which case the head of the dog, cat, or ferret shall be submitted to the Ohio Department of Health's Bureau of Public Health laboratories for rabies examination.

4) Any dog, cat, or ferret bitten by a known rabid mammal, or that had reasonable probability to have been bitten by a wild carnivorous mammal or bat that is not available for rabies testing shall be regarded as having been exposed to the rabies virus.

a) Dogs, cats, or ferrets not currently vaccinated against the rabies virus or when vaccination cannot be verified shall be humanely killed; or if sufficient justification for preserving the dog, cat, or ferret exists, the exposed dog, cat, or ferret shall be quarantined by the Health Commissioner or Public Health Veterinarian. The quarantine period shall be for not less than six months. The dog, cat, or ferret shall be vaccinated against rabies by a veterinarian one month before the end of the quarantine period required by this paragraph.

b) Dogs, cats, or ferrets with a current rabies vaccination shall be given a booster rabies vaccination immediately and quarantined under an order issued by the Health Commissioner or Public Health Veterinarian. The quarantine period shall be for not less than forty-five days.

(B) Home quarantine by the owner is acceptable provided the following criteria are met:

(1) The owner assumes all risk related to the animal during home quarantine.

(2) Animals confined indoors must be confined to a house, building or other enclosure in such a way that human contact other than with the owner(s), or with susceptible animals, cannot occur.

(3) If an animal quarantined indoors is taken outside, it must be on a leash, not to exceed six feet in length, and under direct supervision of an adult capable of controlling and handling the animal.

(4) Animals confined outdoors must be confined in a fenced kennel with an enclosed top and a secured bottom, or other enclosure suitable to the Health Commissioner or Public Health Veterinarian, and/or in such a location or manner suitable to the Health Commissioner or Public Health Veterinarian that reasonably prevents human contact, other than with the owner(s), or with other susceptible animals.

(C) Confinement may be obtained at the Franklin County Animal Shelter for a ten day period, at a daily charge to the owner.

(D) If the Franklin County Department of Animal Control captures or confines the animal due to running at large or not under owner control, the animal, if quarantined, will not be released until the quarantine period is over and the daily confinement cost is paid by the owner.

(E) If an animal does not have a current rabies immunization, the owner must take the animal to a veterinarian within 24 hours after the last day of the quarantine, or as otherwise directed by the Health Commissioner or Public Health Veterinarian for examination and/or rabies vaccination. Proof of such vaccination shall be immediately submitted to the Health Commissioner or Public Health Veterinarian by the veterinarian or the owner.

(F) No person shall remove an animal that has bitten a person within the jurisdiction of the Columbus Board of Health from this jurisdiction until a quarantine period, as determined by the Health Commissioner or Public Health Veterinarian, has been completed.

(G) No person shall kill an animal that has bitten any person until quarantine requirements, as specified in Section 241.03, have been completed unless otherwise directed by the Health Commissioner and/or the Public Health Veterinarian or the owner of the animal elects to sacrifice the animal for immediate laboratory analysis.

(H) During the quarantine period imposed by the Health Commissioner or Public Health Veterinarian, no animal shall be immunized against rabies.

241.03 CONTROL REPORTS, OBSERVATIONS, EXAMINATIONS, AND DISPOSITION

(A) Veterinarians, owners or persons caring for an animal shall promptly report to the Health Commissioner or Public Health Veterinarian all cases of rabid or suspected rabid animals. If no veterinarian is in attendance of a rabid or suspected animal, the owner or person caring for the animal shall make the report to the Health Commissioner or Public Health Veterinarian as soon as possible.

(B) The attending veterinarian, owner or person caring for the suspect rabid animal, shall, after the death of the animal, deliver to the Ohio Department of Health's Bureau of Public Health laboratories or other recognized laboratory, the head of the suspected rabid animal for examination and laboratory diagnosis.

(C) The veterinarian, owner or person caring for the rabid or suspected rabid animal or exposed animal shall give the Health Commissioner or Public Health Veterinarian all data pertaining to the animal. This data shall include the name and addresses of all persons having been bitten or having contact with the animals; names and addresses of the owners or persons caring for animals bitten by or having contact with the rabid or suspected rabid animal; chances of infection and any other pertinent information.

(D) All rabid animals shall be destroyed by some suitable and acceptable humane method.

(E) All suspected rabid animals shall be held in isolation under observation in a place suitable to the Health Commissioner or Public Health Veterinarian for a period of not less than ten days in order to determine the development of observable clinical signs of rabies. Whenever the Health Commissioner or Public Health Veterinarian requires a veterinarian to observe or examine a suspected rabid animal for symptoms of rabies, the veterinarian shall report the results(s) of the observation, and conclusions reached,

to the Health Commissioner or Public Health Veterinarian within 24 hours. The examination by a veterinarian shall be at the expense of the owner.

(F) If any animal dies before the quarantine period expires, the veterinarian, owner, or person caring for the animal shall make arrangements with the Health Commissioner or Public Health Veterinarian to remove the head by an approved agency or individual and to submit the head of the suspected rabid animal for examination and laboratory diagnosis to the Ohio Department of Health's Bureau of Public Health laboratories or other recognized laboratory.

(G) All exposed animals shall be destroyed by some suitable and acceptable humane method, or shall be held in quarantine under observation for clinical signs of rabies for a period of at least one hundred eighty days. This quarantine shall be held in some place authorized by the Health Commissioner or Public Health Veterinarian where no persons or susceptible animals can come in contact with the possible rabid animal.

(H) Whenever it is reported to the Health Commissioner or Public Health Veterinarian that any animal that is known to transmit rabies has bitten a person or resulted in a human exposure to rabies, the Health Commissioner or Public Health Veterinarian, at his or her discretion, may direct the immediate killing of said mammal by a suitable humane method. The head of said mammal shall then be submitted to the Ohio Department of Health's Bureau of Public Health laboratories for rabies examination.

(I) All suspected rabid animals or exposed animals may be sacrificed if showing, to a limited degree, observable clinical signs of rabies. The Health Commissioner or Public Health Veterinarian shall determine if the suspected rabid animal or exposed animal should be destroyed and may require all such animals to be examined by a licensed veterinarian at the expense of the owner. The veterinarian shall report to the Health Commissioner or Public Health Veterinarian the results of the examination and conclusions reached within 24 hours.

(J) The place of keeping and the premises where a rabid animal has been quartered shall be cleaned and disinfected to the satisfaction of the Health Commissioner or Public Health Veterinarian.

(K) Whenever a person is bitten by a susceptible animal, prompt report of such bite shall be made to the Health Commissioner or Public Health Veterinarian. The report herein required shall be made by the physician attending the person bitten, or, if such person is received at a hospital or other health care facility for treatment, the report herein required shall be made by the person in charge of the hospital or health care facility. This report shall include name, age and address of the person bitten, the part of the body where the bite was inflicted, and if known, the name and address of the owner or person caring for the animal inflicting the bite. When a physician was not consulted or the person bitten was not taken to a hospital or other health care facility, the report shall be made by the person bitten or any other person who has knowledge of the facts.

(L) Whenever a veterinarian is called upon to observe a susceptible animal that has bitten a person, the veterinarian shall promptly report the result of the observation to the Health Commissioner or Public Health Veterinarian. Any susceptible animal inflicting a bite on a person shall be placed in isolation on the owner's premises or in a place deemed suitable by the Health Commissioner or Public Health Veterinarian until it is determined to the satisfaction of the Health Commissioner or Public Health Veterinarian that the animal is not affected with rabies. The isolation period shall not be less than ten days from the day the person was bitten, and there shall be at least 2 observations made by a veterinarian or health department representative, or as otherwise designated by the Health Commissioner or Public Health Veterinarian. A veterinarian or health department representative shall make the final observation on the tenth or final designated day of the isolation period whenever possible, except where the animal does not have a current rabies vaccination. If the animal does not have a current rabies vaccination, a veterinarian must examine and vaccinate the animal as specified in Section 241.02 (E).

(M) When a report is made to the Health Commissioner or Public Health Veterinarian of a person bitten by a susceptible animal, the Health Commissioner or Public Health Veterinarian shall notify the owner or a person caring for the animal inflicting the bite that this animal shall be held in quarantine for at least ten (10) days from the date of the bite and that at least two (2) observations shall be made by a veterinarian or a health department representative, or as otherwise designated by the Health Commissioner or Public Health Veterinarian. The quarantine shall remain in effect until final observation is made by a

veterinarian or health department representative. The place of quarantine may be, if suitable, the premises of the owner or the person caring for the animal, a veterinary hospital, or an animal shelter approved by the Health Commissioner or Public Health Veterinarian. All susceptible animals held under such quarantine shall be boarded and cared for at the expense of the owner or person caring for the animal.

(N) Any rabies vaccination given in the City of Columbus must be administered in accordance with the recommendations of the National Association of State Public Health Veterinarians (NASPHV) Compendium of Animal Rabies Prevention and Control as existing or hereinafter amended or any other method approved by the Health Commissioner or Public Health Veterinarian.

(O) If it is determined that a mammal is rabid, the Health Commissioner shall take such action as is necessary to prevent the occurrence of rabies in individuals or mammals known or presumed to have been exposed to such rabid mammal.

241.04 IMMUNIZATION

(A) Any person who owns, keeps or harbors dogs, cats or ferrets within the jurisdiction of the Columbus Board of Health shall have such dogs, cats or ferrets immunized or re-immunized against rabies by a licensed veterinarian in accordance with recommendations in the current National Association of State Public Health Veterinarians (NASPHV) Compendium of Animal Rabies Prevention and Control as existing or hereinafter amended or any other method approved by the Health Commissioner or Public Health Veterinarian, provided that dogs, cats or ferrets need not be immunized before reaching the age of three (3) months. Dogs, cats or ferrets entering this jurisdiction for shows, exhibitions and/or breeding purposes shall not be allowed out of the owner's, keeper's or handler's control unless properly immunized. All dogs, cats or ferrets entering this jurisdiction for field trials or any other purpose shall be properly immunized. Immunized dogs, cats and ferrets shall be accompanied by an immunization certificate or certified acknowledgment by a licensed veterinarian that the dog, cat or ferret has been properly immunized.

(B) All veterinarians immunizing or re-immunizing dogs, cats or ferrets against rabies shall keep a record of such immunization or re-immunization and shall, without delay, give to the owner, keeper or harborer of the dog, cat or ferret a certificate of immunization. The certificate of immunization shall be made on National Association of State Public Health Veterinarians Form 51 (Rabies Vaccination Certificate) as existing and hereinafter amended or an equivalent form as approved by the Health Commissioner or Public Health Veterinarian. The certificate of immunization shall include the rabies tag identification number prescribed in 241.04(C). The veterinarian, owner, keeper, or harborer shall also provide the information required on the rabies vaccination certificate described in this Section to the Health Commissioner or Public Health Veterinarian upon request and without delay.

(C) All veterinarians that practice within the jurisdiction of the Columbus Board of Health who immunize or re-immunize a dog, cat or ferret against rabies whose owner, keeper or harborer resides in the jurisdiction of the Columbus Board of Health shall provide a rabies tag approved by the Health Commissioner or Public Health Veterinarian which shall have thereon permanently affixed the year the immunization or re-immunization expires and the unique identification number. The rabies tag identification number shall be recorded on the rabies vaccination certificate prescribed in 241.04(B). Such rabies tag shall be displayed on the dog or cat. Ferrets, however, are not required to wear or display a rabies tag. Animals that do not have a rabies tag displayed shall have a method or means of identification which shall include but not be limited to a brand or type of microchip implant, approved by the Health Commissioner or Public Health Veterinarian. The chosen method or means of identification shall be included with the rabies tag identification number on the rabies vaccination certificate.

(D) The rabies tag, described in 241.04(C), shall be provided to the veterinarians or veterinary practices by the Health Commissioner. A veterinarian or veterinary practice shall purchase such tags at a cost determined by the Board of Health. A veterinarian or veterinary practice may choose to charge and/or pass through such costs to the person requesting the vaccination. Any tags purchased by a veterinarian or veterinary practice, and not distributed by said veterinarian or veterinary practice may be returned to the Health Commissioner for credit towards future tag purchases. To be eligible for a credit, the veterinarian or veterinary practice shall return all non-issued rabies tags to the Health Commissioner for reimbursement by November first of the following year. A reimbursement of costs for returned rabies tags will be given in the

event that a veterinarian or veterinary practice ceases to operate or upon approval from the Health Commissioner. Rabies tags from the current year and previous year only shall be eligible for credit or reimbursement.

(E) Nothing in this regulation shall be interpreted to mean that dogs, ferrets or cats immunized or re-immunized shall be allowed to run at large in violation of any law, ordinance, regulation, or rabies quarantine.

(F) No person shall immunize an animal against rabies with a vaccine not labeled for use in such species, unless prior approval is obtained by the Health Commissioner or Public Health Veterinarian.

241.05 (Repealed)

241.06 UNCONSTITUTIONALITY CLAUSE

Should any section, paragraph, sentence, clause, or phrase of Chapter 241 of the Columbus City Health Code be declared unconstitutional or invalid for any reason, the remainder of said regulation shall not be affected thereby.

241.99 PENALTIES

Each and every violation of the provision of this rule and regulation shall constitute a separate offense. Violation of this rule and regulation is punishable by Section 3709.99 of the Ohio Revised Code.

CHAPTER 243
Nuisance, Dangerous, And Vicious Animals
(Amended 2/16/2010)

243.01 Definitions
243.02 Nuisance and Dangerous Animals
243.03 Vicious Animals
243.04 Redetermination Hearing for Specified Animals
243.05 Right to Appeal
243.99 Penalty

243.01 DEFINITIONS

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section:

(A) "Animal" means any animal, other than man.

(B) "Attack trained" shall mean:

(1) Any animal which has been specifically trained by any person to take a command to attack or injure a person or animal.

(2) Any animal which has been specially trained or disciplined to protect persons or property.

(3) "Attack trained" does not include animals possessed and used by a law enforcement officer in the performance of his or her official duties.

(C) "City Veterinarian" shall mean the veterinarian of the City of Columbus, Ohio or the veterinarian's authorized representative, otherwise defined as the "Public Health Veterinarian".

(D) "Dangerous Animal" shall mean any animal which represents a danger to any person(s) or to any other domestic animal, for any of the following reasons:

(1) If the animal is attacked trained as defined in section 243.01(B) of this chapter.

(2) Any animal that without provocation has chased or has attempted to bite or otherwise endangered any person, including but not limited to, health department official, law enforcement official, animal control officer, postal worker, meter reader, and/or commissioned humane agent off the premises of its owner.

(3) Any animal that has caused injury, other than serious injury, to any person.

(4) Any animal that has killed another domestic animal, with the exception of a dog that is at large and has killed another dog while at large.

(5) Any animal that has been declared a "Dangerous Animal" by the Health Commissioner and/or the City Veterinarian.

(E) "Health Commissioner" shall mean the Health Commissioner of the City of Columbus, Ohio or the Commissioner's authorized representative.

(F) "Nuisance Animal" shall mean any animal which represents a danger to any person(s) or to any other domestic animal, for any of the following reasons:

(1) Any animal that has been cited and/or impounded for running at large, and/or is required to be vaccinated for rabies and is not vaccinated for rabies, and/or not otherwise in compliance with Columbus City Health Code or Columbus City Code.

(2) Any animal that has been declared a "Nuisance Animal" by the Health Commissioner and/or the City Veterinarian.

(G) "Owner" shall mean any person owning, handling, keeping, harboring, maintaining or having the care, custody or control of an animal.

(H) "Public Health Veterinarian" shall mean the veterinarian of the City of Columbus, Ohio or the veterinarian's authorized representative, otherwise defined as the "City Veterinarian".

(I) "Vicious Animal" shall mean any animal which represents a danger to any person(s) or to any other domestic animal, for any of the following reasons:

(1) Any animal that has killed or seriously injured a person, which may, if decided by the Health Commissioner or City Veterinarian, include animals licensed, owned and used exclusively by law enforcement agencies which kill in the performance of their lawful duties.

(2) Any dog that is at large and kills another dog.

(3) Any animal that has been declared a "Vicious Animal" by the Health Commissioner and/or the City Veterinarian.

243.02 NUISANCE AND DANGEROUS ANIMALS

(A) The Health Commissioner and/or the City Veterinarian may declare any animal to be a "Dangerous Animal" which qualifies as defined above in Section 243.01(D) of this chapter. The Health Commissioner and/or the City Veterinarian may declare any animal to be a "Nuisance Animal" which qualifies as defined in Section 243.01(F) of this chapter.

(B) The Health Commissioner shall cause written notice to be served upon the owners of any animal declared a dangerous animal, or a nuisance animal, notifying them of the nature of the complaint and facts resulting in said designation. Said notice shall further specify the appropriate steps to be taken to properly house, confine, and control the animal.

(C) Any animal that has been declared dangerous or a nuisance pursuant to this chapter may not be permanently transferred within this political subdivision without prior written notice to the Columbus Health Department. If an animal declared dangerous or a nuisance in this political subdivision is permanently transferred to a new political subdivision, the Board of Health for the district in which the receiving property owner resides, and the Dog Warden of the county in which the receiving property owner resides will be notified as to the status and declaration of the animal.

(D) The owner of an animal that has been declared a nuisance pursuant to this chapter shall be required to obtain written permission from the Board of Health to keep that animal. Said permit shall be effective for a period not to exceed three (3) years from the date of issuance. A fee of thirty dollars ($30.00) shall be assessed for each permit to help defray associated administrative costs.

(E) The owner of an animal that has been declared dangerous pursuant to this chapter shall be required to obtain written permission from the Board of Health to keep that animal. Said permit shall be effective for a period not to exceed three (3) years from the date of issuance. A fee of sixty dollars ($60.00) shall be assessed for each permit to help defray associated administrative costs.

243.03 VICIOUS ANIMALS

(A) The Health Commissioner and/or the City Veterinarian may declare any animal to be a "Vicious Animal" which qualifies as defined in Section 241.01(I) of this chapter.

(B) Any animal that has been declared "Vicious" by another political subdivision, which has subsequently been transferred into the City of Columbus from that political subdivision, shall have a redetermination hearing by the Health Commissioner and/or the City Veterinarian.

(C) The Health Commissioner shall cause written notice to be served upon the owners of any declared or suspected "Vicious Animal" notifying them of the nature of the complaint and facts resulting in said designation.

(D) Said notice shall further specify the appropriate means of confinement for said animal pending the removal of the animal from the jurisdiction of the City of Columbus Board of Health, the euthanasia of the animal, or the outcome of the redetermination hearing by the Health Commissioner and/or the City Veterinarian. If the animal is a dog, the means of confinement shall minimally be as required in Ohio Revised Code 955.22 for dangerous or vicious dogs. The place of confinement may be, if suitable in the opinion of the Health Commissioner or City Veterinarian, the premises of the owner, a veterinary hospital or an animal shelter approved by the Health Commissioner or City Veterinarian. The Health Commissioner may cause the animal to be removed from the premises of the owner and placed in a suitable place of confinement without permission of the owner. All animals held in confinement shall be boarded and cared for at the expense of the owner.

(E) Said notice shall further specify the time, date and location of the redetermination hearing before the Health Commissioner and/or the City Veterinarian when an animal that has been declared "Vicious" by another political subdivision has been subsequently transferred into the City of Columbus from that political subdivision.

(F) Any animal that has been found "Vicious" pursuant to this chapter shall either be humanely destroyed by the Franklin County Department of Animal Care and Control or by a licensed veterinarian, or permanently removed from this political subdivision. When an animal that has been found "Vicious" pursuant to this chapter is to be removed from this political subdivision, the Board of Health for the district in which the receiving property owner resides, and the Dog Warden of the county in which the receiving property owner resides will be notified as to the status and declaration of the animal. Such relocation must be effected within thirty (30) days of the written determination.

243.04 REDETERMINATION HEARING FOR SPECIFIED ANIMALS

(A) A redetermination hearing shall be conducted by the Health Commissioner and/or the City Veterinarian when an animal

that has been declared "Vicious" by another political subdivision has been subsequently transferred into the City of Columbus from that political subdivision. Said hearing shall be conducted within thirty (30) days of serving notice to the owner, unless the Board of Health grants an extension for good cause shown.
(B) The Health Commissioner and/or the City Veterinarian shall determine whether to uphold, modify or reject the determination of "Vicious" by another political subdivision based upon evidence and testimony presented at the time of the hearing by the owner, witnesses to any incident(s) which may be considered germane to such determination, Health Department personnel, Animal Control personnel, police or any other person possessing information pertinent to such determination.
(C) In the determinations, the Health Commissioner and/or the City Veterinarian shall consider, but not be limited to, the following criteria:
(1) If an attack occurred, was it on or off the owner's property;
(a) Whether a bite occurred during the attack;
(b) Details of events surrounding the incident;
(c) Severity of injury to humans and/or domestic animals resulting from a bite and/or an attack;
(2) Past citations, bite history and/or vaccination record;
(3) Size and strength of animal;
(4) Aggressiveness and propensity to bite;
(5) Existing confinement;
(6) Responsibility of owner;
(7) Training background of animal;
(8) Public health, welfare, and safety.
(D) The Health Commissioner and/or the City Veterinarian shall issue written findings within five (5) days after a Hearing.

243.05 RIGHT TO APPEAL
(A) ADMINISTRATIVE APPEAL HEARING FOR RECONSIDERATION
All parties shall have the right to request an administrative hearing for reconsideration of "Nuisance Animal" or "Dangerous Animal" before the Health Commissioner or any specifically designated representative within five (5) days of the receipt of such findings. At the hearing, the animal owner shall have the opportunity to present his/her case orally or in writing and to confront and cross-examine witnesses. The animal owner may be represented by counsel and may review the case record before the hearing. The Health Commissioner or any specifically designated representative shall prepare a summary of the hearing and shall state the decision reached.
(B) APPEAL TO BOARD
All parties shall have the right to appeal a determination of "Vicious Animal" to the Board of Health within fifteen (15) days of the receipt of such findings.

243.99 DANGEROUS, NUISANCE OR VICIOUS ANIMALS -- VIOLATION
(A) No person shall own, keep, or harbor an animal within the City of Columbus that has been declared to be a vicious animal pursuant to Section 243.03 of this Chapter. A person who violates this division is guilty of the offense of keeping a vicious animal, a misdemeanor of the first degree.
(B) No person shall own, keep, or harbor an animal within the City of Columbus that has been declared to be a dangerous or nuisance animal pursuant to Section 243.02 of this Chapter unless he or she complies with the permitting and confinement requirements set forth in that section. A person who violates this division is guilty of the offense of keeping a dangerous or nuisance animal, a misdemeanor of the third degree. If the person has been previously been convicted for a violation of this division, or a violation of Section 955.22 of the Ohio Revised Code, or an equivalent municipal ordinance, a subsequent violation of this division is a misdemeanor of the first degree.
(C) Strict liability is intended for a violation of this section.

CHAPTER 245
MARINAS

(Repealed 12/18/12; Resolution No. 12-18)

CHAPTER 247
Tattoo and Body Piercing Establishments
(Enacted 10/21/98, Resolution 98-11, Effective 1998)
(Fees amended 9/16/08, Resolution 08-11)

247.01 Approval of State Regulations. 247.02 License Fees.

CROSS REFERENCES

Tattoo and Body Piercing - see Ohio Revised Code §§ 3730.01-3730.11 and §3730.99

Ohio Department of Health rules – see Ohio Administrative Code §§ 3701-9-01 - 3701-9-09

247.01 APPROVAL OF STATE REGULATIONS.

Sections 3730.01 to 3730.11 and 3730.99 of the Ohio Revised Code are hereby adopted by the Board of Health as the minimum compliance standard for the enforcement by the Health Department in the City of Columbus.

Chapter 3701-9 of the Ohio Administrative Code is hereby adopted by the Board of Health as the minimum compliance standard for the enforcement by the Health Department in the City of Columbus.

247.02 LICENSE FEES.

There is levied and assessed upon the owner or operator of each Tattoo and Body Piercing Establishment an annual license fee equivalent to the amount which is required by the State of Ohio for each license issued, as per Section 3701-9-03 of the Ohio Administrative Code, plus the following license fees:

CATEGORIES:		LICENSE FEES
1.	Tattooing services; or	$300.00*
2.	Body Piercing services; or	$300.00*
3.	Combined Tattooing and Body Piercing services	$300.00*
4.	Time-Limited Approval for a Specific Event	$30.00 per day

*These license fees reflect two inspections per year for each business.

TITLE FIVE - FOOD AND FOOD PRODUCTS

Chapter 251. Food Service Operations.
Chapter 253. Licensed Facility Public Health Information Signage Requirements.
Chapter 255. Food Establishments.
Chapter 257. Frozen Desserts.
Chapter 259. Food Salvage.
Chapter 271. Sign Warning Against Consuming Alcoholic Beverages During Pregnancy.

CHAPTER 251

Food Service Operations

251.01 Approval of State regulations.
251.02 License fee exclusive.
251.03 Approval of plans; fees.

CROSS REFERENCES

Food service operations – see Ohio R.C. Ch. 3732

Ohio Health Department rules – see OAC Ch. 3701-21

Food establishments – see Columbus City Codes Ch. 701; CCHC Ch. 255

251.01 APPROVAL OF STATE REGULATIONS.

Chapter 3701-21 of the Ohio Administrative Code is hereby approved by the Board of Health as the minimum compliance standard for enforcement by the Health Department in the City. The booklets published by the Ohio Department of Health entitled "Food Service Operation", "Vending Machine Food Service Operation", "Mobile Food Service Operation" and "Food Service Centers" shall be used by Health Department personnel as an interpretive guide in the enforcement of Chapter 3701-21 of the Ohio Administrative Code.

251.02 LICENSE FEE EXCLUSIVE.

Fees collected by the Board of Health as licensor of any food service operation under Ohio R.C. 3732.04 are exclusive if the principal business is a food service operation and no other license or inspection fee shall be collected from any licensee with respect to the operation of, ownership of, or employment by any licensed food service operation including the manufacture of sale of any bakery products or frozen desserts.

251.03 APPROVAL OF PLANS; FEES. (*Amended 12/18/12, Effective 1/01/13*)

(a) Food service operation and retail food establishment fees charged by the Columbus Health Department shall be as follows:

2013 FEE SCHEDULE

TYPE	CITY FEE
Commercial (less than 25,000 square feet)	
Risk Level 1	$276.00
Risk Level 2	$306.00
Risk Level 3	$556.00
Risk Level 4	$686.00
Commercial (more than 25,000 square feet)	
Risk Level 1	$384.00
Risk Level 2	$398.00
Risk Level 3	$1,320.00
Risk Level 4	$1,392.00
Non-Commercial (less than 25,000 square feet)	
Risk Level 1	$138.00
Risk Level 2	$153.00
Risk Level 3	$278.00
Risk Level 4	$343.00
Non-Commercial (more than 25,000 square feet)	
Risk Level 1	$192.00
Risk Level 2	$199.00
Risk Level 3	$660.00
Risk Level 4	$696.00
Mobile Food Operation	$430.00
Vending Machine Location	$36.50
Micro-markets (Risk Level 1)	$90.00
Temporary Food Operation	
Commercial	$63.00 / Per Day
Non-Commercial	$31.00 / Per Day

Facility Layout & Equipment Specifications Review

Risk Level 1< 25,000 sq. ft. Commercial	$200.00
Risk Level 2-4 < 25,000 sq. ft. Commercial	$400.00
Risk Level 1 > 25,000 sq. ft. Commercial	$400.00
Risk Level 2-4 > 25,000 sq. ft. Commercial	$800.00
Risk Level 1 < 25,000 sq. ft. Non Commercial	$100.00
Risk Level 2-4 < 25,000 sq. ft. Non Commercial	$200.00
Risk Level 1 > 25,000 sq. ft. Non Commercial	$200.00
Risk Level 2-4 > 25,000 sq. ft. Non Commercial	$400.00
Risk Level 1 Extensive Alteration < 25,000 sq. ft.	$100.00
Risk Level 2-4 Extensive Alteration < 25,000 sq. ft.	$200.00
Risk Level 1 Extensive Alteration > 25,000 sq. ft.	$200.00
Risk Level 2-4 Extensive Alteration > 25,000 sq. ft.	$400.00

(b) Any plan review applicant may include an additional one thousand dollar **($1000.00)** fee to expedite review of a plan for a proposed construction or extensive alteration of a Food Service Operation or Retail Food Establishment. After the complete application and the expedite fee have been received, the plans shall be reviewed within two (2) business days. The onsite inspection shall be scheduled no later than one (1) business day following the approval of the plans and notification that the facility has received approval on all other required permits. Columbus Public Health reserves the right to not offer this service based upon operational capacity.

CHAPTER 253

Licensed Facility Public Health Information Signage Requirements

(Enacted by BOH Resolution #07-02, 1/23/07)

(Effective 120 days after Board approved)

253.01 Definitions.

253.02 Public Health Information Sign Requirements.

253.03 Posting Requirements.

253.04 Public Health Information Sign – Period of Validity

253.05 Penalties.

253.01 Definitions

For the purpose of this chapter:

(A) "Board of Health" or "Board" means the Board of Health of the City of Columbus, Ohio.

(B) "Closed" means that the licensed facility may not operate because: 1. Its license has been suspended due to Columbus Board of Health action; 2. Its license has been revoked due to Columbus Board of Health action; or 3. The licensed facility has been ordered to close immediately by the Health Commissioner due to clear and present danger to the public health.

(C) "Columbus City Health Code" or "CCHC" means the regulations promulgated by the Board of Health.

(D) "Columbus Public Health Sanitarian" means the Registered Sanitarian or Registered Sanitarian-In-Training who is authorized by the Health Commissioner to conduct standard or non-standard health and safety inspections.

(E) "Compliance" means that the licensed facility, based upon the most recent standard inspection, has met the minimum standards set forth by the Columbus City Health Code. The licensed facility is considered to be in compliance unless in enforcement, ordered closed, or on probation.

(F) "Public Health Information Sign" means the placard (green, yellow, red, or white) that is issued by Columbus Public Health to the license holder following a standard health or safety inspection. Said public health information sign shall be five and one half (5.5) inches by four and one quarter (4.25) inches in size.

(G) "Enforcement" means that the licensed facility, after supervisory review, is currently involved in compliance and enforcement proceedings by Columbus Public Health.

(H) "Health Commissioner" means the Health Commissioner of the City of Columbus, Ohio, or the Commissioner's authorized representative.

(I) "Health Department" or "Columbus Health Department" or "Columbus City Health Department" or "Columbus Public Health" or "Department" means the Health Department of the City of Columbus, Ohio.

(J) "Licensed Facility" means any body art facility, campground, food service operation, manufactured home park, public spa, public special use pool, public swimming pool, retail food establishment, or solid waste facility licensed or approved to operate by Columbus Public Health. However, "Licensed Facility" does not include food service vending machine locations.

(K) "License Holder" means the person, firm, association, corporation or entity to which the license for the operation of the licensed facility was issued.

(L) "Proprietor" means the license holder, owner, manager, operator, or other person in charge or control of the licensed facility.

(M) "Probation" means that the licensed facility has been placed in a probationary status by the Columbus Board of Health.

(N) "Sanitarian" means Columbus Public Health Sanitarian.

253.02 Public Health Information Sign Requirements

(A) The public health information sign shall designate whether the licensed facility is inspected and in compliance, inspected and in need of a follow-up inspection, in the enforcement process, closed, or on probation.

(B) The public health information sign which designates that a licensed facility is in compliance shall be the color green and shall have the words "INSPECTED" and "passed."

(C) The public health information sign which designates that a licensed facility is in the enforcement process shall be the color yellow and shall have the words "INSPECTED" and "enforcement process."

(D) The public health information sign which designates that a licensed facility is closed by order of the Columbus Board of Health or the Health Commissioner shall be the color red and shall have the word "CLOSED."

(E) The public health information sign which designates that a licensed facility is on probation by order of the Columbus Board of Health and in need of follow-up inspections shall be the color white and shall have the word "INSPECTED."

253.03 Posting Requirements

(A) Upon receipt of a public health information sign, the proprietor shall post the public health information sign so as to be clearly visible to the general public and to patrons entering the licensed facility.

(B) The public health information sign shall be:

(1) Posted in the front window of the establishment so as to be visible from outside and located within five feet of the front door and not less than four (4) feet or more than six (6) feet from the floor; or

(2) Posted in a display case which is mounted on the outside front wall of the establishment and located within five feet of the front door and not less than four (4) feet or more than six (6) feet from the floor; or

(3) Posted in a location as directed and determined at the discretion of the Columbus Public Health Sanitarian to ensure proper notice to the general public and to patrons.

(C) In the event that the licensed facility is operated in the same building or space as another business, or in the event that a licensed facility shares a common patron entrance with another business, or in the event of both, the public health information sign shall, unless otherwise directed by the Columbus Public Health Sanitarian, be posted in the initial patron contact area or in a location as directed and determined at the discretion of the Columbus Public Health Sanitarian to ensure proper notice to the general public and to patrons.

(D) No proprietor shall cause or allow the public health information sign to be altered, defaced, marred, camouflaged, or hidden from view.

(E) The proprietor shall display only the most recent public health information sign.

253.04 Public Health Information Sign -- Period of validity

At the completion of each inspection of a licensed facility, at the time a licensed facility is closed by order of the Columbus Board of Health or at the time a licensed facility is closed by order of the Health Commissioner, Columbus Public Health shall issue and deliver a public health information sign to the proprietor in accordance with the provisions of this chapter. The proprietor shall continually maintain and display the most recent public health information sign issued by Columbus Public Health until a more recent public health information sign is issued by Columbus Public Health.

253.05 Penalties

(A) Pursuant with Section 135.99 of the Columbus City Code, whoever violates any provision of this chapter is guilty of the offense of failure to comply with Columbus Public Health Licensed Facility Signage Requirements, a misdemeanor of the third degree. Each day of violation shall constitute a separate violation.

(B) Strict liability is intended to be imposed for a violation of this chapter. No proprietor shall fail to display the health safety public health information sign.

(C) All fines and costs collected as a result of enforcement of the provisions of this chapter shall be paid directly to the Columbus Board of Health to fund future enforcement and education.

CHAPTER 255
Food Establishments

255.01 Definitions.

255.02 Permit required; exceptions, conditions and fees.

255.03 Permit application; issuance or denial.

255.04 Inspection; food wholesomeness and approved source.

255.05 Plan submission and approval.

255.06 Inspection and enforcement procedures of food establishments.

255.07 Sanitation requirements

255.08 Health of employees.

255.01 DEFINITIONS.

As used in this chapter, certain terms are defined as follows:

(a) "Approved bactericidal process" means the application of any method or substance for the destruction of pathogens and all other organisms, so far as practicable, which does not adversely affect the equipment or food or the health of the consumer.

(b) "Food establishment" means any place whether temporary or permanent, stationary or mobile, or whether it is considered public, semi-public or private, where food or drink is prepared, processed, manufactured, packaged, stored, served, sold or offered for sale. However, the following places are not included:

(1) Homes containing what is commonly known as the family unit and their nonpaying guests.

(2) Food service operations as defined in Ohio R.C. 3732.01.

(3) Establishments as defined in Ohio R.C. 3707.371 for the production, processing and transportation of milk and milk products in the City.

(4) Establishments as defined in Ohio R.C. 3717.52 and Chapter 257 of this Health Code for the sale and manufacture of frozen desserts.

(c) "Fixtures" include display cases, tables, counters, shelves, racks, refrigerators, stoves, hoods, sinks, and other similar equipment used in processing, manufacturing, packaging, displaying transporting and storing food.

(d) "Utensils" includes kitchenware, tableware, glassware, cutlery, containers, food slicing machines, grinders, mixers, choppers, saws and other similar equipment coming in contact with food during storage, preparation, processing, packaging, display, serving or transportation.

(e) "Equipment" includes utensils and fixtures.

(f) "Food" means any substance for human consumption as determined by the Health Commissioner.

(g) "Mobile food establishment" means one which may be moved without significant alteration of the structure or equipment after the structure and equipment have been moved from one location to another.

(h) "Operator" means the person, firm, association or corporation who is in responsible charge of conducting a food establishment.

(i) "Person" means any individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department bureau, agency or any other entity recognized by law.

(j) "Unwholesomeness" means adulterated as defined in Ohio R.C. 3715.59.

(k) "Retail" applies to all operations of a food establishment premittee wherein the food is furnished to the ultimate consumer and is not intended for resale.

(1) "Wholesale" applies to all operations of a food establishment permittee wherein the food is furnished to any other holder of a retail or wholesale permit for resale.

(m) "Nonresident" means the wholesale or retail distribution of food in the City wherein the food establishment is located beyond the corporate limits of the City.

(n) "Vending machine" means any self-service device offered for use which, upon insertion of a coin, coins or token, or by other means dispenses only bottled, canned or prepackaged nonperishable

beverages, or prepackaged nonperishable confections, crackers or cookies without the necessity of replenishing the device between each vending operation.

(o) "Vending machine location" means the building, or open areas where one or more vending machines, owned by the sane person are installed; provided, however, that each story, room or similar division to a building or area constitutes a separate location and no two vending machines are more than 150 feet apart.

(p) "Permit year" means the period from August 1 through July 31.

(q) "Section Two Food Establishment" means one which sells food or drink, not for consumption on the premises, such as groceries, markets and vegetable stands.

(r) "Section Three Food Establishment" means one which serves food or drink for consumption on the premises, such as soda fountains that are not "food service operations" as defined by the Ohio Revised Code.

(s) "Section Four Food Establishment" means one which sells food or drink, not for consumption on the premises, in bottled or packaged form, such as wine or beer carry-out stores.

(t) "Section Five Food Establishment" means one which stores or sells food or drink not for consumption on the premises such as warehouses and wholesale establishments.

(u) "Section Six Food Establishment" means one which manufactures or processes food or drink, not for consumption on the premises, such as bakeries, bottled beverage plants or other processing plants other than meat or milk plants.

(v) "Section Seven Food Establishment" means one which sells food or drink not for consumption on the premises, from market stands, in market houses, either public or private.

(w) "Section Eight Food Establishment" means a vehicular food establishment that dispenses, serves, alters or otherwise changes a perishable food from bulk form to individual or smaller portions for

consumption. (AMENDED, 4/89)

(x) "Section Nine Food Establishment" means a vehicular food establishment that sells perishable, pre-wrapped food for consumption. (ENACTED, 4/89)

(y) "Perishable Food" means any potentially hazardous food that consists in whole or in part of milk or dairy products, eggs, meat, poultry or other foods capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms.

255.02 PERMIT REQUIRED; EXCEPTIONS, CONDITIONS AND FEES.

(A) No food establishment shall be operated in the City without a permit from the Board of Health, except

those retail establishments which sell only nonperishable food, such as fruits and vegetables in their native state, or pre-packaged candies, and do not process said nonperishable food on the premises in any way. Such permit shall be publicly displayed in a conspicuous place in the food establishment.

(B) All permits issued by the Board to operate a food establishment shall expire on the last day of July following the date of issuance, except for a three-day permit issued to not-for-profit organizations for a specified three day period.

(C) Permits shall not be transferable. Whenever the interest of the permittee ceases, the same shall immediately become void.

(D) Separate permits shall be required for each location and vehicle.

(E) In the case of an operator maintaining or operating more than one wholesale or retail food establishment or vehicle for the purpose of vending on the streets of the City, a permit shall be required for each separate location and vehicle; except vending machine locations and installations whereby the vending machine is re-stocked and controlled exclusively by the holder of a wholesale permit; and house to house or wholesale delivery vehicles wherein the food is ready made, prepackaged, wrapped, bottled or boxed for the delivery to the retailer or the ultimate consumer.

(F) (Repealed 12/17/02, Resolution 02-27)

(G) When any food establishment is located outside the corporate limits of the City, and unless the food products intended to be sold or offered for sale in the City are produced and processed under the supervision of a food inspection agency of the Federal government, distributed and sold interstate, or under inspection provisions which are equivalent to the requirements of this chapter, and, the health officer or department having jurisdiction over the production and processing at the source is properly enforcing such provisions, such food products shall not be received, used, sold or distributed by any person unless the requirements of this chapter are complied with or approved by the Health Commissioner. The Health Commissioner may require written certification from the official inspection agency stating that the applicalnt's establishment is under its inspection program and that the establishment is in satisfactory compliance with its laws, rules and regulations.

(H) When such business is located outside the City and acceptable evidence cannot be furnished that the production, processing, storage or transportation is under the satisfactory supervision of a food inspection agency of the Federal government or any other official governmental inspection agency with equivalent regulations and enforcement of this chapter, the applicant may request inspection by the Health Department for a charge which shall not exceed one hundred percent (100%) of the estimated necessary and actual costs of providing inspection and enforcement to such location or locations. All fees shall be paid by the tenth of the following.

(I) Any vehicle which is used for the sale, transportation, delivery or vending of a food or beverage shall have the name of the food establishment on each side of such vehicle in letters not less than six inches high.

255.03 PERMIT APPLICATION; ISSUANCE OR DENIAL.

(A) No person shall construct, install, provide, equip or extensively alter a food establishment until the plans therefore have been submitted to and approved in writing by the Health Commissioner. When such plans are submitted to the Health Commissioner they shall be acted upon within thirty days after date of receipt.

(B) The provisions of the Ohio Administrative Code relating to the submission of plans and specifications for proposed water supply, sewage and sewage disposal, plumbing, drainage and sanitary equipment shall apply to food establishments. In addition, the plans and specifications submitted for the approval of the Health Commissioner shall clearly show and describe that the provisions of this chapter can be met adequately. The plans

and specifications shall include:

(1) The total area to be used for the food establishment;

(2) Entrances and exits;

(3) Location, number and type of plumbing fixtures including all water supply facilities;

(4) Plan of lighting, both natural and artificial;

(5) All rooms in which the food establishment is to be conducted;

(6) General layout of fixtures and other equipment;

(7) Building materials to be used.

(C) All provisions of the Columbus City Codes Title 41, Building Code relative to toilet facilities and plumbing requirements shall be complied with before approval to operate will be granted.

(D) All equipment used in a food establishment shall comply with standards adopted by the National Sanitation Foundation Board of Trustees or standards accepted as equivalent by the Board of Health relating to materials, design, construction, performance, operation, maintenance, safety and installation as to readily conform with regulations.

(E) (Repealed 12/17/02, Resolution 02-27)

255.04 INSPECTION; FOOD WHOLESOMENESS AND APPROVED SOURCE.

(a) The Health Commissioner is authorized to enter .and examine the premises or vehicle where the operations of the food establishment are conducted. No person shall knowingly and willfully resist, obstruct or abuse the Health Commissioner in the performance of the Commissioner's duties. The Health Commissioner may condemn, remove or destroy any utensil or fixture which through deterioration, bad repair or any other reason would cause an unsanitary condition or health hazard.

(b) The Health Commissioner shall have the power to examine and take samples of any food or beverage f or the purpose of determining whether the product has been exposed to contamination, is contaminated, putrid, unwholesome, adulterated, or not properly branded or labeled. He shall have the power to retain, forbid the sale of, confiscate, immediately condemn, or cause to be destroyed any food product when found to be unwholesome and take samples with or without charge, whether capped, boxed, sealed or locked and when done in good faith shall not be held liable for any damages.

(c) All food and drink shall be clean, wholesome, free from contamination and spoilage, and so prepared or processed, handled and transported as to be safe for human consumption.

(d) All milk, milk products, frozen desserts, meat, meat products, poultry, game, oysters, clams and mussels shall be from sources approved by the Health Commissioner, Ohio Department of Health or Ohio Department of Agriculture. All oysters, clams and mussels, if shucked, shall be kept in the containers in which they were placed at the shucking plant until used.

(e) All custard items, cream items and cream mixes including those in pastries shall be stored at a temperature not to exceed forty-five degrees Fahrenheit or seven and twenty-two one-hundredth degrees Centigrade within one hour after preparation, and shall be held at or below that temperature until served; provided, products which do not support bacterial growth are not required to be refrigerated.

255.05 PLAN SUBMISSION AND APPROVAL.

(a) No person shall construct, install, provide, equip or extensively alter a food establishment until the plans therefore have been submitted to and approved in writing by the Health Commissioner. When such plans are submitted to the Health Commissioner they shall be acted upon within thirty days after date of receipt.

(b) The provisions of the Ohio Administrative Code relating to the submission of plans and specifications for proposed water supply, sewage and sewage disposal, plumbing, drainage and sanitary equipment shall apply to food establishments. In addition, the plans and specifications submitted for the approval of the Health Commissioner shall clearly show and describe that the provisions of this chapter can be met adequately. The plans and specifications shall include:

(1) The total area to be used for the food establishment;

(2) Entrances and exits;

(3) Location, number and type of plumbing fixtures including all water supply facilities;

(4) Plan of lighting, both natural and artificial;

(5) All rooms in which the food establishment is to be conducted;

(6) General layout of fixtures and other equipment;

(7) Building materials to be used.

(c) All provisions of the Columbus City Codes Title 41, Building Code relative to toilet facilities and plumbing requirements shall be complied with before approval to operate will be granted.

(d) All equipment used in a food establishment shall comply with standards adopted by the National Sanitation Foundation Board of Trustees or standards accepted as equivalent by the Board of Health relating to materials, design, construction, performance, operation, maintenance, safety and installation as to readily conform with regulation.

(e) There is hereby levied and assessed upon the person submitting plans a plan approval fee based upon the following schedule: (REPEALED – SEE CCHC §251.03)

255.06 INSPECTION AND ENFORCEMENT PROCEDURES OF FOOD ESTABLISHMENTS.

(A) It shall be the duty of the Health Commissioner to inspect all food establishments within the City at least annually. In case the Health Commissioner discovers the violation of any item sanitation, the Commissioner shall make a second inspection after a lapse of such time as deemed necessary for the violations to be remedied, and the second inspection shall be used in determining compliance with the requirements of this chapter.

(B) Whenever grounds exist for suspending or revoking a permit, such suspension or revocation shall not take place until the Health Commissioner has first notified such permittee, calling specific attention to the infractions of this regulation, and affording a reasonable time and opportunity to correct same. It such notice is not complied with, the Health Commissioner may suspend or revoke such permit. Any person, firm, association or corporation whose permit has been suspended or revoked may appeal from such order to the Board of Health in accordance with Section 203.08.

255.07 SANITATION REQUIREMENTS

(A) Structure Cleanliness and Repair. Every food establishment and all parts thereof and places appurtenant to the food establishment shall be maintained in good repair and shall be kept thoroughly clean and free from any accumulation of filth, garbage, rubbish or other waste. The floor of all rooms in which food is handled, or in which utensils are washed, shall be constructed of materials which are cleanable, shall be kept clean, in good repair, and

free of open holes or cracks. The use of sawdust shall not be permitted in any areas of the establishment. The walls and ceilings of all rooms in which food is handled or utensils are washed shall be kept clean and in good repair. The walls of such rooms shall be constructed of or covered with a washable material.

(b) Ventilation. All rooms in which food or drink is manufactured, prepared, packaged or sold, or in which utensils are washed or in places appurtenant thereto, shall be provided with sufficient ventilation to prevent undue condensation or accumulation of offensive or dangerous fumes, gases, mists or odors. All mechanical ventilation devices shall be constructed as to be readily cleaned and shall be e so cleaned as to prevent grease or other materials from dropping onto food or food preparation surfaces.

(c) Lighting. Working surfaces coming in contact with food during preparation, processing or manufacturing and where utensils are washed shall be illuminated to a minimum of forty food candles.

(d) Toilet facilities. Every food establishment except mobile food establishments shall be provided with toilet rooms and plumbing facilities for the employees as required by the Columbus City Codes Title 41, Building Code where applicable. All toilet rooms shall have doors which shall be self-closing and tight fitting. Toilet rooms shall have readily washable floors and walls and shall be kept clean, well illuminated and in good repair and free from filth and accumulation of waste. Toilet rooms shall be completely enclosed, and shall be ventilated to the outside air or ventilated by mechanical means in conformance with the Columbus City Codes Title 41, Building Code. All plumbing shall be satisfactory and maintained at all times. Every water closet and urinal shall be provided with a sufficient supply of water for flushing to keep it in a clean condition. The toilet rooms and plumbing fixtures for all new or extensively altered food establishments shall meet the requirements of the Columbus City Codes Title 41, Building Code. No clothing, uniforms or linen shall be stored in toilet rooms. The above does not apply to mobile food establishments.

(e) Hand-washing Facilities. One lavatory located or adjacent to each toilet room shall be provided for each twenty-five employees or fraction thereof. Adequate and convenient hand-washing facilities shall be provided for the employee in areas where food is prepared, processed or handled. All hand-washing facilities shall include hot and cold or warm running water, soap or detergent, and approved drying facilities. No employee shall resume work after using the toilet room without first washing his or her hands.

Dirty hands shall not be washed in sinks used for the preparation of food or the cleaning or sanitizing of utensils.

Where toilet facilities are required for guests by the Columbus City Codes. Hand-washing facilities, shall be required. These facilities shall include hot and cold or warm running water, soap or other detergent and approved hand drying facilities. Where toilet facilities are not required for guests but are furnished voluntarily by the operator, hand-washing facilities are required and shall consist of hot and cold running water or warm running water, soap or other detergent, and approved drying facilities.

(f) Water Supply. The water supply shall be adequate and shall be of safe and sanitary quality. The food preparation or processing area of every food establishment shall be provided with warm water under pressure for hand-washing, cleaning of utensils and fixtures, and the general conduct of the food establishment.

(g) Construction of Utensils. All multi-use utensils used in connection with a food establishment shall be so constructed as to be easily cleaned and shall be kept in good repair. Utensils containing or plated with cadmium or lead or other substance or material which either in itself or in the storage. preparation or serving of food may produce an unwholesome or deleterious compound that may render such food contaminated or dangerous to health, shall not be used. Utensils shall be used only for the storage, processing, preparation or serving of food.

(h) Cleaning and Bactericidal Treatment of Utensils and Fixtures. All utensils and fixtures shall be kept clean an free from dust, dirt, insects and other contaminating -material. All cloths, sponges, brushes and similar items

used by employees shall be clean. Single-service containers shall be used only once.

All multi-use utensils used by the consumer shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage.

A mechanical approved dishwasher or a three compartment sink shall be provided and used wherever washing and sanitization of equipment or utensils are conducted manually.

Cloths, if used for .wiping or drying utensils, shall be clean and shall be used for not other purpose.

Cleaning wastes shall not be emptied into sinks used for the preparation of food or the cleaning or sanitizing of utensils. No article, polish or other substance containing any cyanide preparation or other poisonous material shall be used for the cleaning or polishing of utensils.

(i) Storage and Handling of Utensils. After bactericidal treatment, utensils shall be stored in a clean, dry place protected from flies and other contamination and shall be handled in a manner to prevent contamination.

Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

(j) Disposal of Wastes. All liquid wastes shall be properly disposed of in a public sanitary sewage system, or by another approved method of sewage disposal. A utility sink properly installed shall be provided for the disposal of liquid cleaning wastes and structure cleaning.

Garbage. if stored, shall be stored in watertight, insect proof and rodent proof containers. Such containers shall be provided with tight-fitting lids except when in regular use in food preparation or processing areas. Refuse other than garbage shall be kept in suitable rodent proof receptacles, in such a manner as not to become a nuisance. Garbage and other refuse shall be disposed of in a safe and sanitary manner.

(k) Refrigeration. Every refrigerator, and all appurtenances thereto in which any food is stored, shall be kept in good repair and in a clean condition and the compartment used for the storage of ice shall be lined with a nonabsorbent substance and shall be watertight. Waste from the refrigerator equipment shall be disposed of as prescribed in Ohio Administrative Code Section 4101:2-51-52 entitled “Indirect Waste”.

Every food establishment using food needing refrigeration to prevent spoilage, shall be equipped with a refrigeration system of adequate capacity to hold all milk, and other dairy products, meat and meat products, potentially hazardous food and other food products that are subject to spoilage and that require refrigeration to prevent such spoilage, and such foods shall be stored therein, all such refrigeration systems shall be operated so as to maintain temperatures to properly protect the food contained therein and in no case shall the temperature be above forty-five degrees Fahrenheit. All refrigerators shall be provided with a thermostat which has an accuracy of plus or minus two degrees Fahrenheit, and which registers the air temperature of the food storage compartment.

All perishable products should be stored immediately upon delivery to food establishments under refrigeration below forty-five degrees Fahrenheit.

All frozen foods shall be kept at zero degrees Fahrenheit from the time of original manufacture or processing until delivery to the ultimate consumer.

All frozen food storage compartments shall be provided with a thermometer which has an accuracy of plus or minus two degrees Fahrenheit. and which registers the air temperature of the food storage compartment.

(1) Storage, Display and Serving of Food. All food shall be so stored, displayed and served as to be reasonably protected from dust, flies, vermin depredation and pollution by rodents, poisonous insecticides, poisonous rodenticides, unnecessary handling, droplet infection, overhead leakage and other contamination. No live animals or fowl shall be kept in any room in which food is prepared, processed, served or stored, except guide dogs

accompanied by blind guests. Effective measures shall be used for the elimination of flies, roaches, vermin and rodents. Outside food displays shall be not less than twenty-four inches above ground level.

Perishable food or foodstuffs for other than human consumption shall not be stored or kept in any ice box, refrigerator, show case, cabinet or other container where other food for human consumption is stored or kept.

(m) Cleanliness of Employees. All employees shall wear clean garments and shall keep their person clean and neat at all times while engaged in handling food or utensils. No employee while engaged In preparing, processing or serving food shall use tobacco in any form. All employees shall wear their hair clean and neat and under control at all times so that:

(n) Miscellaneous. The premises of all food establishments shall be kept clean and free of litter or

rubbish. Food shall not be prepared, processed or stored in any room used for living or sleeping quarters. In food

establishments hereafter constructed or extensively altered, there shall be no direct opening between rooms where food is stored or prepared or served to the public and rooms used for living or sleeping quarters. No clothing shall be kept in a manner as to likely to cause contamination of food or utensils. Soiled linens and soiled wearing apparel shall be kept in sanitary containers.

255.08 HEALTH OF EMPLOYEES.

(a) Responsibility. No person affected with a disease in a communicable form, or who is a carrier of a communicable disease shall work in any food establishment. No operator shall employ any person knowing the individual to be suspected of having or knowing the individual be a carrier of communicable disease. The operator shall notify the Health Commissioner immediately, if the operator has reason to believe that an employee has a disease in a communicable form or has become a carrier of a communicable disease.

(b) Procedure When Infection Is Suspected. When the Health Commissioner has reasonable cause to believe that a danger of transmission of infection from any food establishment employee exists, the Health Commissioner is author zed to require any or all of the following measures:

(1) The immediate exclusion of the employee from employment in all food establishments ;

(2) The suspension the food establishment permit until no further danger of disease outbreak exists. in the opinion of the Health Commissioner; or

(3) Adequate medical examination of the employee and of the employee’s associates with such laboratory examinations as may be required by the Health Commissioner.

RESOLUTION 01-22
Food Safety – Use of Equipment and Embargo of Food
(Enacted 21/21/01)

WHEREAS, the Ohio Department of Agriculture has established administrative rules concerning retail food safety; and

WHEREAS, the rules adopted by the Ohio Department of Agriculture include Administrative Code Section 901:3-4-12, "Articles – Requirement to Cease Use" and Administrative Code Section 901: 3-4-15, "Embargo of Food"; and

WHEREAS, Administrative Code Section 901: 3-4-12 authorizes licensors, including a City Board of Health, to tag and remove from use any utensils, material, or piece of equipment if it presents a public health hazard; and

WHEREAS, Administrative Code Section 901:3-4-15 authorizes licensors, including a City Board of Health, to embargo expired, adulterated, or misbranded food under certain circumstances and by following certain procedures; and

WHEREAS, Administrative Code Sections 901:3-4-12 and 901: 3-4-15 further authorizes a licensor to authorize a health commissioner or other persons employed by the health department to take action on behalf of the licensor; and

BE IT RESOLVED BY THE BOARD OF HEALTH OF THE CITY OF COLUMBUS:

Section 1. The Columbus Board of Health, as a licensor as that term is defined in Administrative Code Section 901: 3-4-01, hereby authorizes the Columbus Health Commissioner and the Public Health Sanitarians and Public Health Sanitarians-In-Training in the Food Safety Program of the Board of Health, to take all actions authorized by Administrative Code Sections 901: 3-4-12 and 901: 3-4-15 on behalf of the Columbus Board of Health.

ADOPTED: December 21, 2001

/s/ William C. Myers
William C. Myers, M.S.
Secretary

/s/ Carole A. Anderson
Carole A. Anderson, Ph.D., R.N.
President Pro Tempore

CHAPTER 257
Frozen Desserts
(Repealed 4/20/04, Resolution 13-04)

CHAPTER 259
Food Salvage

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259.23 Remedies.
259.24 Salvage processing plants and distributors outside the City.
259.25 Review of plans.

CROSS REFERENCES

Prohibition - see Ohio R.C. 3715.52

Adulterated food - see Ohio R.C. 3715.59

Misbranded food - see Ohio R.C. 3715.60

Unsafe food - see Ohio R.C. 3715.62

259.01 INTENT AND SCOPE.

(a) The Board of Health hereby finds and declares that a uniform salvage code is needed to regulate all food salvage processing plants and distributors conducting business within the City, in order to provide for uniformity of inspections of such establishments and to protect the health of consumers by preventing the sale or distribution of foods which have become adulterated or misbranded, until such time as that portion of such food as can be reconditioned or reclaimed for sale and distribution has been placed in a condition which satisfies all requirements of State law. The requirements of this chapter are in addition to the current good manufacturing practices defined in Title 21, Code of Federal Regulations, Part 110, and any applicable State statutes or regulators.

(b) This chapter shall also apply to those situations where courts have decided that detained or embargoed articles found to be adultered or misbranded can be corrected by proper labeling or processing.

259.02 DEFINITIONS.

As used in this chapter, certain terms are defined as follows:

(a) "Department" means the Ohio Department of Health and its duly designated representatives.

(b) "Distressed merchandise" means any food, as defined in subsection (c) hereof which has had the label lost or which has been subjected to possible damage due to accident, fire, flood, adverse weather or to any other similar cause, or which may have been rendered unsafe or unsuitable for human or animal consumption or use.

(c) "Food" means any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human or animal consumption.

(d) "Non-salvageable merchandise" means distressed merchandise, as defined in -subsection (b) hereof, which cannot be safely or practically reconditioned.

(e) "Perishable" means that there exists a significant risk of spoilage or deterioration when a product has not been properly refrigerated or handled.

(f) "Person" means any individual or a firm, partnership, company, corporation, trustee, association, agent, or any public or private entity.

(g) "Personnel" means any person employed by a salvage processing plant or distributor who does or may in any manner handle or come in contact with the handling, storing, transporting or selling and distributing of salvageable or salvaged merchandise.

(h) "Potentially hazardous food" means any perishable food which consists, in whole or in part, of milk or milk products, eggs, meat, poultry, fish, shellfish or other ingredients capable of supporting rapid and progressive growth of pathogenic or toxicogenic microorganisms.

(i) "Reconditioning" means any appropriate process or procedure by which distressed merchandise can be brought into compliance with the standards of the Board of Health and the Department for consumption or use by the public.

(j) "Salvageable merchandise" means any distressed merchandise, as defined in subsection (b) hereof, which can be reconditioned to the satisfaction of the Health Commissioner and the Department.

(k) "Salvage distributor" means a person who engages in the business of selling, distribution or otherwise trafficking in any distressed or salvaged merchandise.

(l) "Salvaged merchandise" means distressed merchandise, as defined in subsection (b) hereof, which has been reconditioned.

(m) "Salvage processing plant" means an establishment primarily engaged in the business of reconditioning or by other means salvaging distressed merchandise and which sells or distributes salvaged merchandise for human or animal consumption or use.

(n) "Sanitize" means adequate treatment of surfaces by a process that is effective in destroying vegetative cells of microorganisms of public health significance and in substantially reducing numbers of other microorganisms. Such treatments shall not adversely affect the product and shall be safe to the consumer.

(o) "Vehicles" mean any truck, car, bus or other means by which distressed, salvageable or salvaged merchandise is transported from one location to another.

259.03 EMPLOYEE HEALTH.

No personnel while affected with any disease in a communicable form, or while a carrier of such disease, or while afflicted with boils, infected wounds, sores or respiratory infection, shall work in an area of a salvage processing plant or for a salvage distributor in any capacity in which there is any possibility of such person contaminating salvageable or salvaged merchandise with pathogenic organisms, or transmitting disease to other individuals. No person known or suspected of being affected with any such disease or condition shall be employed in such an area or capacity. If the manager or person in charge of the establishment has reason to suspect that any person has contracted any disease in a communicable form or has become a carrier of such disease, the Health Commissioner shall be notified immediately.

259.04 PERSONAL CLEANLINESS.

All personnel while working in direct contact with salvageable products or while engaged in reprocessing, repacking or otherwise handling product ingredients shall wear clean outer garments, maintain a high degree of personal cleanliness and conform to hygienic practices while on duty. They shall wash their hands thoroughly in an approved hand-washing facility before starting work, and as often as may be necessary to remove soil and contamination. No person shall resume work after visiting the toilet room without first washing his or her hands.

259.05 CONTAMINATION PROTECTION.

(a) General. All salvageable and salvaged merchandise, while being stored or processed at a salvage processing plant, or during transportation, shall be protected from contamination. All perishable foods shall be kept at such temperature as will protect against spoilage. All potentially hazardous foods shall be maintained at a safe temperature (45° F (7.2° C) or below; 140° F (60° C) or above). Poisonous and toxic materials shall be identified and handled under such conditions as contaminate other salvageable or salvaged merchandise or constitute a hazard to personnel.

(b) Segregation of Merchandise. All salvageable merchandise shall be promptly sorted and segregated from non-salvageable merchandise to prevent further contamination of the distressed merchandise to be salvaged or offered for sale or distribution.

259.06 EQUIPMENT AND UTENSILS.

(a) Design and Fabrication.

(1) All equipment, utensils and other food-contact surfaces used in a salvage processing plant shall be so designed and of such material and workmanship as to be smooth and easily cleanable. Utensils coming in contact with salvageable or salvaged merchandise shall be in good repair. Exceptions may be made to the above materials requirements, if approved by the Health Commissioner.

(2) All equipment shall be so installed and maintained as to facilitate the cleaning thereof, and of all adjacent areas. Equipment in use at the time of adoption of this section which does not meet fully the above requirements may be continued in use if it is in good repair, capable of being maintained in a sanitary condition, and its surfaces that come in contact with salvageable or salvaged merchandise are nontoxic.

(b) Cleaning and Sanitization.

(1) All utensils and surfaces of equipment coming into contact with salvageable or salvaged merchandise in a salvage processing plant shall be thoroughly cleaned and, if necessary, sanitized prior to use.

(2) All other surfaces or equipment shall be cleaned at such intervals as necessary to keep them in a clean and sanitary condition.

(c) Handling.

(1) Cleaned and sanitized equipment and utensils shall be handled in a way that protects them from contamination.

(2) Single-service materials shall be handled and dispensed in a manner that prevents contamination of surfaces which may come in contact with food.

(3) All single-service materials shall be used only once.

(d) Storage. Cleaned and sanitized utensils and equipment shall be stored in a way that protects them from contamination.

259.07 WATER SUPPLY.

(a) General. The water supply shall be adequate, of a safe, sanitary quality, and from a source constructed and operated in accordance with specifications approved by the Department.

(b) Water Under Pressure. Water under pressure at the required temperatures shall be provided in all areas where foods are processed, or equipment, utensils or containers are washed.

259.08 SEWAGE.

All sewage, including liquid waste, shall be disposed of in a public sewerage system or, in the absence thereof, in a manner approved by the Board of Health.

259.09 PLUMBING.

Plumbing shall be sized, installed and maintained in accordance with applicable State and City plumbing codes.

259.10 TOILET FACILITIES.

Each salvage processing plant shall provide its employees with adequate and conveniently located toilet facilities. Toilet facilities, including rooms and fixtures, shall be kept in a clean condition and in good repair at all times. The doors of all toilet rooms shall be self-closing. Toilet tissue shall be provided. Easily cleanable receptacles shall be provided for waste materials, and such receptacles in toilet rooms for women shall be covered. Where the use of nonwater-carried sewage disposal facilities are approved by the Board of Health, they shall be located at least 100 linear feet from the salvage processing plant and from any well or stream.

259.11 HANDWASHING FACILITIES.

Each salvage processing plant shall be provided with adequate, conveniently located hand-washing facilities for its personnel, including a lavatory or lavatories equipped with hot and cold or tempered running water, hand-cleansing soap or detergent, and approved sanitary towels or other approved hand-drying devices. Such facilities shall be kept clean and in good repair.

259.12 GARBAGE AND REFUSE.

(a) All refuse shall, prior to disposal, be kept in leak-proof, nonabsorbent containers which shall be kept covered with tight-fitting lids when filled or stored, or not in continuous use; provided that such containers need not be covered when stored in a special vermin-proofed room or enclosure, or in a waste refrigerator. All other refuse shall be stored in containers, rooms or areas in an approved manner.

(b) Adequate cleaning facilities shall be provided, and each container, room or area shall be thoroughly cleaned after the emptying or removal of refuse.

(c) All refuse shall be disposed of with sufficient frequency and in such a manner as to prevent contamination.

259.13 INSECT AND RODENT CONTROL.

Effective measures shall be taken to protect against the entrance into the salvage processing plant and the breeding or presence on the premises of rodents, insects and other vermin.

259.14 CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES.

(a) Floors. The floor surfaces in all rooms and areas in which salvageable or salvaged merchandise is stored or processed and in which utensils are washed, and walk-in refrigerators, dressing or locker rooms and toilet rooms, shall be of smooth, nonabsorbent materials, and so constructed as to be easily cleanable, provided that the floors of non-refrigerated, dry storage areas need not be non-absorbent. All floors shall be kept clean and in good repair. Floor drains shall be provided in all rooms where floors are subjected to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor.

(b) Walls and Ceilings. Walls and ceilings of all rooms shall be clean, smooth in good repair.

(c) Lighting.

(1) Artificial light sources shall be installed to provide at least fifty-foot candles of light on all working surfaces and at least thirty-foot candles on all other surfaces and equipment, in food preparation and storage areas, utensil-washing and hand-washing areas, and toilet rooms. At least twenty-foot candles of light at a distance of thirty inches from the floor shall be required in all other areas during cleaning operations. Sources of artificial light shall be provided and used to the extent necessary to provide the required amounts of light on all surfaces when in use and when being cleaned.

(d) Protective Shielding.

(1) Shielding to protect against broken glass falling onto unpackaged food shall be provided for all artificial lighting fixtures located over or within food storage, food preparation and food display areas. Infrared or other heat lamps shall be protected against breakage by a shield surrounding and extending beyond the bulb, leaving only the face of the bulb exposed.

(e) Ventilation. All rooms, in which salvageable or salvaged merchandise is processed or utensils are washed, dressing or locker rooms, toilet rooms, and garbage and rubbish storage areas, shall be well ventilated. Ventilation hoods and devices when used shall be designed to prevent condensation from dripping into foods or onto preparation surfaces. Filters, when used, shall be readily removable for cleaning or replacement. Ventilation systems shall comply with applicable Federal, State and City fire prevention and air pollution requirements.

(f) Locker Area. Adequate facilities shall be provided for the orderly storage of personnel clothing and personal belongings.

(g) Cleanliness of Facilities.

(1) Housekeeping. All parts of the salvage processing plant and its premises shall be kept neat, clean and free of litter and rubbish. Cleaning operations shall be conducted in such a manner as to prevent contamination of salvageable and salvaged merchandise. None of the operations connected with a salvage processing plant shall be conducted in any room used as an employee lounge or living or sleeping quarters. Soiled coats and aprons shall be kept in suitable containers until removed for laundering. No birds or animals shall be allowed in any area used for the conduct of salvage processing plant operations or the storage of salvageable and salvaged merchandise.

(2) Vehicles. Vehicles used to transport distressed, salvageable or salvaged merchandise shall be maintained in a clean and sanitary condition to protect the product from contamination.

259.15 HANDLING AND MOVEMENT OF DISTRESSED MERCHANDISE.

(a) Notice. It shall be the duty of any person owning or having possession of distressed merchandise to make personal contact with the Health Commissioner within twenty-four hours after the merchandise becomes distressed and prior to its removal from the place at which it was located when it became distressed merchandise. If emergency removal of such distressed merchandise is required, such notice to the Health Commissioner shall be made as soon thereafter as possible. It shall be the duty of the salvage distributor or manager of the salvage processing plant to make contact with the Health Commissioner within forty-eight hours whenever distressed merchandise subject to the provisions of this chapter is obtained.

(b) Transporting of Distressed Merchandise. Distressed merchandise shall be moved from the site of a fire, flood, sewer backup, wreck or other cause as expeditiously as possible after compliance with subsection (a) hereof so as not to become putrid, rodent or insect harborages, or otherwise a menace to public health. All distressed and salvageable merchandise of a perishable nature shall prior to reconditioning, be transported only in vehicles provided with adequate refrigeration, if necessary, for product maintenance. No interstate movement of distressed or salvageable merchandise shall be made without the prior approval of the Department and the responsible State agency in the State to receive the merchandise. Concurrence shall also be obtained from the U . S. Food and Drug Administration or U. S. Department of Agriculture, Food Safety and Quality Service prior to interstate movement.

(c) Handling of Distressed Articles other than Food. If distressed articles other than food are also salvaged, they shall be handled in rooms separate from those in which foods are reconditioned.

(d) Cross Contamination Protection. Sufficient precautions shall be taken to prevent cross contamination (animal feed to human food, etc.) among the various types of merchandise which are salvageable or salvaged.

259.16 RECONDITIONING OF DISTRESSED MERCHANDISE.

(a) All salvageable merchandise shall be reconditioned prior to sale or distribution except for such sale or distribution to a person holding a valid permit to engage in a salvage operation.

(b) All metal cans of food offered for sale or distribution shall be essentially free from rust (pitting) and dents (especially at rim, end double seams and/or side seams). Leakers, springers, flippers and swells shall be deemed unfit for sale or distribution. Containers, including metal and glass containers with press caps, screw caps, pull rings or other types of openings which have been in contact with water, liquid foam or other deleterious substances, as a result of fire- fighting efforts, flood, sewer backups or similar mishaps, shall be deemed unfit for sale or distribution, i.e., non-salvageable merchandise as defined in Section 259.02(d), except that consideration may be given to reconditioning spirits by distillation where feasible.

(c) All metal containers of food, other than those mentioned in subsection (b) hereof, whose integrity has not

been compromised and whose integrity would not be compromised by the reconditioning, and which have been partially or totally submerged in water, liquid foam, or other deleterious substance as the result of flood, sewer backup or other reasons shall, after thorough cleaning, be subjected to sanitizing rinse of a concentration of 100 ppm available chlorine for a minimum period of one minute, or shall be sanitized by another method approved by the Health Commissioner. They shall subsequently be treated to inhibit rust formation.

259.17 LABELING.

(a) Label Removal. Any cans or tins showing surface rust shall have labels removed, the outer surface cleaned by buffing, a protective coating applied where necessary, and shall be relabeled. Re-labeling of other salvageable nonmetal (glass, plastic, etc.) containers shall be required when original labels are missing or illegible.

(b) Re-labeling. All salvageable merchandise shall be labeled to indicate that the merchandise has been salvaged. All salvaged merchandise in containers is to be provided with labels meeting the requirements of State law, and the Federal Food, Drug and Cosmetic Act, Fair Packaging and Labeling Act, and regulations promulgated under those Acts for products in interstate commerce. Where original labels are removed from containers which are to be resold or redistributed, the replacement labels shall show as the distributor the name and address of the salvage processing plant, as well as the date of reconditioning for sale or distribution.

259.18 HANDLING OF NONSALVAGEABLE MERCHANDISE.

(a) General. Foods contaminated and/or adulterated by pesticides or other chemicals; potentially hazardous foods (frozen or those requiring refrigeration) which have been exposed to a temperature above 45° F (7. 2° C) for a period exceeding four hours; foods found unfit for salvage on examination; and foods packaged in paper or other porous materials which have been subject to contamination shall be deemed to be non-salvageable merchandise, as defined in Section 259.02(d).

(b) Distribution of Non-salvageable Merchandise. Non-salvageable merchandise shall not be sold or distributed as food or feed but shall be disposed of in a manner approved by and under the supervision of the Health Commissioner.

259.19 RECORDS.

A written record or receipt of distressed, salvageable and salvaged merchandise shall be kept by the salvage processing plant for inspection by the Health Commissioner during business hours. The records shall include the name of the product, the name and address of the manufacturer or distributor, the production code, container sizes, source of the distressed merchandise, the date received, the type of damage, and the salvage process conducted. These records shall be kept on the premises of the salvage processing plant for a period of one year following the completion of transactions involving a lot of merchandise.

259.20 PERMITS.

(a) Permit Required. No person shall operate a salvage processing plant or operate as a salvage distributor within the City, who does not possess a valid permit issued annually by the Health Commissioner. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a permit. Permits shall not be transferable from one person to another person or place. A valid permit shall be posted in every processing plant, and each distributor shall have a copy of a valid permit in each vehicle which the distributor operates. The name and address of the salvage processing plant or distributor and the permit number shall be

conspicuously displayed on the outside of all vehicles being used for salvage operations.

(b) Issuance of Permits.

(1) Any person desiring to operate a salvage processing plant or as a salvage distributor shall make written application for a permit on forms provided by the Health Commissioner. Such application shall include: the applicant's full name and post office address; whether such applicant is an individual, firm or corporation, and, if a partnership, the name of the partners together with their address, the location arid typo of the proposed business; and the signature of the applicant or applicants.

(2) Upon receipt of an application, the Health Commissioner shall make such inspections of the salvage processing plant or distributor's operations as may be necessary to determine compliance with the provisions of this chapter. When inspection reveals that the applicable requirements have been met, the Health Commissioner shall issue the applicant a permit.

(c) Suspension of Permits.

(1) Whenever the Health Commissioner has reason to believe that an imminent public health hazard exists, the permit may be forfeited and merchandise seized immediately upon notice to the permittee without a hearing. In such event, the permittee may request within fifteen days of receipt of such notice a hearing before the Board of Health which shall be granted as soon as practicable. In all other instances of violation of the provisions of this chapter, the Health Commissioner shall serve upon the permittee a written notice specifying the violations in question and afford the permittee a reasonable opportunity to correct same. Whenever a permittee or operator has failed to comply with any written notice issued under the provisions of this chapter, the permittee or operator shall be notified in writing that the permit shall be suspended at the end of fifteen days following service of such notice, unless written request for a hearing is filed with the Board of Health by the permit holder within such fifteen day period. If no request for hearing is filed within such fifteen days, the suspension is sustained.

(d) Reinstatement of Suspended Permits. Any person whose permit has been suspended may, at any time, make application for a re-inspection for the purpose of reinstatement of the permit. Within ten days following receipt of a written request, including a statement signed by the applicant that in the applicant's opinion the conditions causing suspension of the permit have been corrected, the Health Commissioner shall make a re-inspection. If the applicant is complying with the requirements of this chapter, the permit shall be reinstated.

(e) Revocation of Permits. For serious or repeated violations of any of the requirements of this chapter, or for interference with the Health Department in the performance of its duties, the permit may be revoked after an opportunity for hearing has been provided by the Board of Health. Prior to such action, the Board shall notify the permittee, in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of fifteen days following service of such notice, unless a request for a hearing is filed with the Board by the permittee, within such fifteen day period. If no written request for a hearing is filed within the fifteen day period, the revocation of the permit becomes final. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

(f) Services of Notice. A notice provided for in this chapter is properly served when it is delivered to the permittee or salvage distributor or when it is sent by registered or certified mail, return receipt requested, to the last known address of the permittee. A copy of any notice shall be filed in the records of the Board of Health.

259.21 INSPECTIONS.

(a) Frequency. The Health Commissioner shall inspect each salvage processing plant and distributor's

operations at least once every twelve months and shall make as many additional inspections and re-inspections as are necessary for the enforcement of this chapter.

(b) Access to Salvage Processing Plants, Distributors and Vehicles. Authorized representatives of the Health Department, after proper identification, shall be permitted to enter at any reasonable time any salvage processing plant, distributor's operations, or vehicle for the purpose of making inspections to determine compliance with this chapter. The Health Department's designated representatives shall be permitted to examine the records of the salvage processing plant or distributor to obtain pertinent information pertaining to distressed salvageable and salvaged merchandise purchased, received, used, sold or distributed, and personnel employed.

259.22 HEARINGS.

The hearings provided for in this chapter shall be conducted by the Board of Health at a time and place designated by it. Based upon the recorded evidence of such hearings, the Board shall make a finding and shall sustain, modify or rescind any official notice or order considered in the hearing. A transcript of the hearing shall not be made unless the interested party assumes the costs thereof and a request is made therefore at the time a hearing is requested.

259.23 REMEDIES.

(a) Court Proceedings. In addition to the provisions herein for suspension or revocation of operating permits, the Board of Health may, at its discretion, institute civil or criminal proceedings against repeated or flagrant violators of this chapter and the orders issued thereunder.

(b) Injunctions. The Board of Health may seek to enjoin violations of this chapter.

259.24 SALVAGE PROCESSING PLANTS AND DISTRIBUTORS OUTSIDE THE CITY.

Salvaged merchandise from salvage processing plants and distributors located outside the City may be sold or distributed within the City, if such plants and distributors conform to the provisions of this chapter or substantially equivalent provisions and have a valid permit from the Health Commissioner.

To determine the extent of compliance with such provisions, the Health Commissioner may accept reports from responsible authorities in other jurisdictions where such plants and distributor's operations are located.

259.25 REVIEW OF PLANS.

When a salvage processing plant is hereafter constructed or extensively remodeled, or when an existing structure is converted for use as a salvage processing plant, properly prepared plans and specifications for such construction, remodeling or alteration, showing layout, arrangements and construction materials of work areas and the location, size and type of fixed equipment and facilities, and a plumbing riser diagram shall be submitted to the Board of Health for approval before such construction, remodeling, etc., is begun.

CHAPTER 271
Sign Warning Against Consuming Alcoholic Beverages During Pregnancy
(Enacted 6/19/85, Resolution 85-15)

271.01 Definitions
271.02 Requirements
271.03 Sign Distribution
271.04 Enforcement

271.01 DEFINITIONS

As used in this chapter, certain terms are defined as follow:

(a) "Alcoholic" means and includes alcohol, spirits, liquor, wine and beer, sold for human consumption.

(b) "Vendor" means any person who owns or operates a business establishment such as a bar or restaurant, which sells at retail any alcoholic beverages for on-premises consumption; and any person who owns or operates a concession, or any other business which includes the retail sale or alcoholic beverages. "Vendor" shall include only food service operations and food establishments licensed by the Columbus Health Department under authority of ORC 3732.03 and Columbus City Health Code 255.02.

271.02 REQUIREMENTS

All vendors of alcoholic beverages shall have posted, in a conspicuous place, a white sign with black letters, measuring approximately 8½ " x 11", provided by the Columbus Health Department; the sign will read "Warning: Drinking Alcoholic Beverages During Pregnancy Can Cause Birth Defects."

271.03 SIGN DISTRIBUTION

The Columbus Health Department shall make warning signs meeting Sign Requirements 271.02 available to vendors of alcoholic beverages, and shall promulgate requirements with respect to the posting of said signs. A fee may be charged by the Columbus Health Department to cover printing, postage and handling expenses.

271.04 ENFORCEMENT

Enforcement of this regulation shall fall under the authority of the Health Commissioner.

TITLE SEVEN – EMERGENCY PREPAREDNESS

Chapter 775. Emergency Preparedness in Public Health Emergencies

CHAPTER 775
Emergency Preparedness in Public Health Emergencies
(Enacted 11/15/05, Resolution No. 05-25)

775.01 Definitions
775.02 Declaration of Public Health Emergency
775.03 Special Powers during Public Health Emergency: Quarantine and Isolation
775.04 Special Powers during Public Health Emergency: Control of Roads and Public Areas
775.05 Special Powers during Public Health Emergency: Testing and Treatment

CROSS REFERENCES
Quarantine and Isolation – see ORC 3707.04 to 3707.32; BOH Resolution No. 05-24

775.01 DEFINITIONS

(a) As used in Title Seven of the Health Code:

(1) "Bioterrorism" means the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of a microorganism, virus, infectious substance, or other biological product, to cause death, disease, or other biological malfunction in a human, animal, plant or other living organism as a means of influencing the conduct of government or intimidating or coercing a population.

(2) "Board of Health" means the Board of Health of the City of Columbus.

(3) "Commissioner" or "Health Commissioner" means the Health Commissioner and/or the acting Health Commissioner of the City of Columbus.

(4) "Contagious or communicable disease" means an infectious disease that can be transmitted from person to person.

(5) "Epidemic" means the occurrence of cases of disease in numbers greater than expected in a particular population or for a particular period of time.

(6) "Infected individual" means a person whose body harbors a specific microorganism capable of producing disease, whether or not the person is experiencing signs or symptoms of the disease.

(7) "Infectious disease" means a disease caused by a living organism or other pathogen, including a fungus, bacterium, parasite, protozoan, or virus. An infectious disease may or may not be transmissible from person to person, animal to person, or insect to person.

(8) "Isolation" means the separation of an individual or groups of individuals who are infected or reasonably believed to be infected with a contagious or possibly contagious disease from non-isolated individuals during the period of disease communicability in such a way that prevents, as far as possible, the direct or indirect conveyance of an infectious agent to non-isolated individuals.

(9) "Period of communicability" means the interval during which an infected individual or animal is shedding the specific microorganism of a communicable disease in such a manner that other persons could acquire the infection.

(10) "Public health emergency" means an occurrence or imminent threat of an acutely hazardous disease such as tuberculosis, SARS, or pandemic influenza, or an occurrence or imminent threat of an illness or health condition that:

(A) is believed to be caused by any of the following:

(i) bioterrorism;
(ii) the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin; and

(B) poses a high probability of any of the following harms:

(i) a large number of deaths in the affected population;
(ii) a large number of serious or long-term disabilities in the affected population; or
(iii) widespread exposure to an infectious or toxic agent that poses a significant risk of substantial harm to a large number of people in the affected population,

(11) "Quarantine" means the restriction of the movements or activities of a well individual or animal who has been exposed to a communicable disease during the period of communicability of that disease and in such a manner that transmission of the disease may have occurred. The duration of the quarantine ordered shall be equivalent to the usual incubation period of the disease to which the person or animal was exposed.

775.02 DECLARATION OF PUBLIC HEALTH EMERGENCY

(a) If the Board of Health, or the Health Commissioner acting pursuant to a Resolution adopted by the Board of Health, finds that a public health emergency as defined in Chapter 775.01 of the City of Columbus Health Code exists or is threatened, the Board and/or the Health Commissioner may issue a declaration of a public health emergency.

(b) A declaration of public health emergency shall specify:

(1) The nature of the public health emergency;

(2) The geographic area within the City of Columbus subject to the declaration;

(3) The duration of the public health emergency, if known.

(c) If a declaration of public health emergency is issued by the Board and/or the Health Commissioner, the Health Commissioner, if acting pursuant to a policy adopted by the Board of Health, may act on behalf of the Board of Health in administering the provisions of sections 3707.04 to 3707.32 of the Ohio Revised Code and applicable rules of the City of Columbus Health Code regarding quarantine and isolation, and may further act on behalf of the Board of Health in administering applicable rules of the City of Columbus Health Code regarding testing and treatment.

(d) The Board of Health and/or the Health Commissioner shall terminate the declaration of public health emergency upon a finding that the occurrence or condition that caused the emergency no longer exists or is threatened. In any event, the declaration of public health emergency shall be terminated automatically after thirty (30) days unless renewed by the Board of Health and/or the Health Commissioner pursuant to this rule. Any such renewal shall also be terminated automatically after thirty (30) days unless renewed pursuant to this rule.

775.03 SPECIAL POWERS DURING PUBLIC HEALTH EMERGENCY: QUARANTINE AND ISOLATION

(a) During a public health emergency, the Board of Health and/or the Health Commissioner acting pursuant to a Resolution adopted by the Board of Health, if necessary for the protection of the public health, may issue an order of quarantine or isolation.

(b) Any quarantine or isolation ordered by the Board of Health and/or Health Commissioner shall be consistent with the following:

(1) Isolation and quarantine shall be by the least restrictive means necessary as determined by the Board of Health and/or the Health Commissioner to prevent the spread of a contagious or possibly contagious disease to other persons.

(2) Isolated individuals shall be confined separately from quarantined individuals.

(3) The health status of individuals under quarantine or isolation shall be monitored regularly to determine if continued quarantine or isolation is necessary.

(4) If a quarantined individual becomes infected or is reasonably believed to have become infected with a contagious or possibly contagious disease, such individual shall promptly be removed to isolation.

(5) Isolated or quarantined individuals shall immediately be released when they pose no substantial risk of transmitting a contagious or possibly contagious disease to others.

(6) The Board of Health shall provide quarantined or isolated persons food, fuel, and other necessities of

life, including medical attendance, medicine, and nurses when necessary.

(7) To the extent reasonably possible, cultural and religious beliefs shall be considered in addressing the needs of individuals and in establishing and maintaining quarantined and isolated premises.

(8) An order of quarantine or isolation issued by the Board of Health and/or the Health Commissioner shall specify the identity of the individuals or groups of individuals subject to quarantine or isolation; the premises subject to quarantine or isolation; the date and time at which the quarantine or isolation commences, and the suspected contagious disease if known.

(9) An order of quarantine or isolation issued by the Board of Health and/or the Health Commissioner shall expire after seventy-two (72) hours or the applicable period of communicability, whichever first occurs, unless extended by order of a court of competent jurisdiction.

775.04 SPECIAL POWERS DURING PUBLIC HEALTH EMERGENCY: CONTROL OF ROADS AND PUBLIC AREAS

(a) During a public health emergency, upon application to, and authorization from, the Ohio Department of Health pursuant to section 3707.05 of the Revised Code, and if necessary to protect the public health, the Board of Health and/or the Health Commissioner may:

(1) Control and/or limit ingress and egress to and from any stricken or threatened public area, and control and/or limit the movement of persons within the area if such action is reasonable and necessary to respond to the public health emergency.

(2) Prescribe routes, modes of transportation, and destinations in connection with the evacuation of persons or the provisions of emergency services.

775.05 SPECIAL POWERS DURING PUBLIC HEALTH EMERGENCY: TESTING AND TREATMENT

(a) During a public health emergency declared pursuant to Rule 775.02 of the City of Columbus Health Code, the Board of Health and/or the Health Commissioner may require the performance of physical examinations and/or tests as are necessary for the diagnosis or treatment of individuals.

(1) Medical examinations may be performed by any qualified person authorized to do so by the Board of Health and/or the Health Commissioner.

(2) Medical examinations or tests may not be such as are reasonably likely to lead to serious harm to the affected individual.

(3) The Board of Health and/or Health Commissioner may issue, pursuant to Rule 775.03 of the City of Columbus Health Code, an order of quarantine or isolation with respect to any individual whose refusal of medical examination or testing results in uncertainty as to whether he or she has been exposed to or is infected with a contagious or possibly contagious disease, or otherwise poses a danger to public health.

(b) During a public health emergency declared pursuant to Rule 775.02 of the City of Columbus Health Code, the Board of Health or the Health Commissioner may exercise the following powers as necessary to address the public health emergency:

(1) The Board of Health and/or Health Commissioner may order the vaccination of persons as protection against infectious disease and to prevent the spread of contagious or possibly contagious disease.

(2) Vaccination may be performed by any qualified person authorized to do so by the Board of Health and/or the Health Commissioner or as otherwise authorized by law.

(3) Any vaccine administered may not be such as is reasonably likely to lead to serious harm to the affected individual.

(4) If necessary to prevent the spread of contagious or possibly contagious disease, the Board of Health and/or the Health Commissioner may issue, pursuant to Rule 775.03 of the City of Columbus Health Code, an order of quarantine or isolation with respect to any individual who is unable to or unwilling for reasons of health, religion or conscience to undergo vaccination pursuant to this Rule.

(c) During a public health emergency declared pursuant to Rule 775.02 of the City of Columbus Health Code, the Board of Health and/or the Health Commissioner may exercise the following additional powers as necessary to address the public health emergency:

(1) The Board of Health and/or the Health Commissioner may order the treatment of persons exposed to or infected with disease.

(2) Treatment may be administered by any qualified person authorized to do so by the Board of Health and/or the Health Commissioner or as otherwise authorized by law.

(3) Any treatment administered may not be such as is reasonably likely to lead to serious harm to the affected individual.

(4) If necessary to prevent the spread of contagious or possibly contagious disease, the Board of Health and/or the Health Commissioner may issue, pursuant to Rule 775.03 of the City of Columbus Health Code, an order of quarantine or isolation with respect to any individual who is unable or unwilling for reasons of health, religion or conscience to undergo treatment pursuant to this Rule.

(d) In addition to the specific powers hereinabove set forth, the Board of Health or the Health Commissioner shall have all other powers and authority provided by law necessary to protect the public health, safety, and welfare during such public health emergency.