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resolutions and regulations, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Board; now, therefore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

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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actions or parts thereof which are inconsistent with any provision of the Columbus City Health Code, 1982, are hereby repealed as of the effective date of this Resolution, except as follows: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 construed 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

William C. Myers, M.S.

Secretary

/s/ Nancy A. Brunner

Nancy A. Brunner, R.N.,M.S.

President Pro Tempore

TITLE ONE - Administration

Chapter. 201. Definitions and General Provisions.

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CHAPTER 201
Definitions and General Provisions

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| 201.03 Rules of construction. | 201.08 Procedures and requirements. |
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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.

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- (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 mail.
- (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***(Amended Effective 10/30/15; Resolution No. 15-28)*

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

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. All information regarding inspections and notices of violations pertaining to any structure or premises shall be considered a public record and available on request.

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 Revised Code 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.

(a) 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 Revised Code 3707.48 to enforce Ohio Revised Code Chapter 3707.

203.06 (RESERVED FOR FUTURE REGULATION)

203.07 HEARING AND DECISION.

(a) Unless related to a notice of suspension or revocation for a food service operation or retail food establishment, for which rules of appeal hearings are prescribed by Ohio Revised Code 3717.49 and Ohio Revised Code 3717.29 respectively, the following procedures shall apply to hearings conducted by the board of health related to notices of violation, variance requests or license or permit revocation notices issued by the Department.

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

(2) 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:

- (i) Offer and examine witnesses and present evidence in support of their case; and
- (ii) Cross examine adverse witnesses; and
- (iii) Proffer evidence into the record if its admission has been denied.

(3) 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.”

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- (4) 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.
- (5) Any hearing may be continued by the Board, either on their own motion or at the request of either party.
- (6) The standard of proof for a finding that a violation has occurred shall be the preponderance of the evidence.
- (7) 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.
- (8) 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.
- (b) The Board may appoint a referee or examiner to hear matters of the Board as prescribed in Ohio Revised Code 3709.20. In the event that a matter will be heard by a referee, the appeal will be heard at the earliest practicable date. As prescribed in Ohio Revised Code 3709.20, a board of health member must be present at any hearing conducted by a referee, unless otherwise specified by law
- (c) Unless related to a notice of suspension or revocation for a food service operation or retail food establishment, for which rules of appeal hearings are prescribed by Ohio Revised Code 3717.49 and Ohio Revised Code 3717.29 respectively, the following procedures shall apply to hearings conducted by an appointed referee related to notices, orders or violations issued by the Department.
- (1) 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:
- (i) Offer and examine witnesses and present evidence in support of their case; and
 - (ii) Cross examine adverse witnesses; and
 - (iii) Proffer evidence into the record if its admission has been denied.
- (2) 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 appointed referee to all persons who give evidence in the case

before the referee, 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.”

(3) The referee shall make recommendations on all matters of evidence. In so doing, the referee is not strictly bound by the rules of evidence. The referee may ask questions of any witness at any point in the proceedings. The referee 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.

(d) Except as otherwise prescribed by law, the referee or examiner shall submit to the board a written report setting forth his findings of fact and conclusions of law and a recommendation of the action to be taken by the board. A copy of such written report and recommendation of the referee or examiner shall, within five days of the date of filing thereof, be served upon the party or his attorney or other representative of record, by certified mail. The party may, within ten days of receipt of the copy of the written report or recommendation, file with the board written objections to the report and recommendation, which objections shall be considered by the board before approving, modifying, or disapproving the recommendation. The board may grant extensions of time to the party within which to file such objections.

No recommendation of the referee or examiner shall be approved, modified, or disapproved by the board until ten days after the service of the report and recommendation as provided in this section. The board may order additional testimony to be taken or permit the introduction of further documentary evidence.

(e) The Board, by majority vote, may approve, modify or disapprove the order, notice or recommendation from the referee or examiner by written decision which shall become effective upon service to the affected parties, unless otherwise stated in the Board decision.

203.08 APPEALS.

(a) All appeals for any matters related to food service operations or retail food establishments will be conducted according to Ohio Revised Code 3717.49 and Ohio Revised Code 3717.29, respectively.

(b) Unless a food service operation or retail food establishment, 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.

(c) Unless a food service operation or retail food establishment, whereas the rules for hearing officers are prescribed by Ohio Revised Code 3717, the Board may appoint a referee or examiner to hear matters of the Board as prescribed in Ohio Revised Code 3709.20. In the event that a matter will be heard by a referee, the appeal will be

heard at the earliest practicable date. As prescribed in Ohio Revised Code 3709.20, a board of health member must be present at any hearing conducted by a referee, unless otherwise specified by law

(d) If the appeal is to be heard by the Board, 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.

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

(f) The Board, by majority vote, may approve, modify or disapprove the order, notice or recommendation from the referee or examiner by written decision which shall become effective upon service to the affected parties, unless otherwise stated in the Board decision.

203.09 VARIANCES.

Unless otherwise prescribed by law or rule, 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, revoke or limit any license or permit issued 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 give 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 hearing in Section 203.07.

(b) Except as otherwise provided by law, reinstatement of any permit or license which has been suspended, revoked or limited 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 Revised Code 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
(Amended Effective 10/30/15; Resolution No. 15-28)

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|---|-------------------------|
| 209.01 Enforcement by Health Commissioner. | Board |
| 209.02 Inspection; right of entry; evidence. | 209.06 Emergencies. |
| 209.03 Notice of violation. | 209.99 General penalty. |
| 209.04 Retention of potential health hazards and condemnation. | |
| 209.05 Administrative appeal hearing; appeal to | |

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 Revised Code 2933.21(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 Revised Code 2933.22.

(d) All 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.

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.

209.04 RETENTION OF POTENTIAL HEALTH HAZARDS AND CONDEMNATION.

(a) Unless otherwise specified by law, 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) Unless a food service operation or retail food establishment, 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) Unless a food service operation or retail food establishment, 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 first degree and shall be fined not more than one-thousand dollars (\$1000.00) or imprisoned for not more than one hundred and eighty (180) 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.

(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 first degree and shall be fined not more than one-thousand dollars (\$1000.00) or imprisoned for not more than one hundred and eighty (180) 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.

(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 first degree, shall be fined not more than five thousand dollars (\$5,000.00).

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.

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. |
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| 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. |
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| Chapter | 247. | Tattoo and Body Piercing Establishments. |

CHAPTER 221
Health Hazards

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| 221.01 Responsibilities of owners and occupants. | 221.04 Standards relative to waste materials. |
| 221.02 Safe and sanitary maintenance of structures and premises. | 221.05 Standards relative to animals and fowl. |
| 221.03 Mosquito and other insect control. | 221.06 Standards relative to carriage horses. |
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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 SANDARDS RELATIVE TO ANIMALS *(Amended 11/15/16; Effective 12/13/16; Resolution No. 16-20)*

(a) Definitions

- 1) "Animal" shall mean any animal, other than man.
- 2) "Business" shall mean animal dealers, hatcheries, stores, exhibitors, operators of auction sales, brokers, handlers, and/or carriers involved in the purchasing, selling, negotiating, soliciting, reselling, exchanging, trading, transferring, exhibiting, boarding, riding and/or giving away of domestic animals requiring a permit as defined in this chapter. Business shall also include any operation that advertises the sale of eggs, animal products, or animal by-products resulting from the keeping of domestic animals requiring a permit.
- 3) "Certificate of Veterinary Inspection" means a form from the state of origin which has been issued and completed by a licensed and accredited veterinarian attesting to the health status and identification of an animal listed thereon.
- 4) "Department" shall mean the Columbus Health Department, also known as Columbus Public Health, its' Health Commissioner, his or her representative(s), including the Public Health Veterinarian, and/or any designated representative(s) or agent of the City of Columbus Board of Health.
- 5) "Domestic Animal" shall mean a Genus and Species of animal included in, but not limited to, the following list that is also widely accepted as no longer being a wild animal and has become adapted through breeding in captivity to a life intimately associated with man and is commonly known as: Alpaca, Bison, Budgerigar, Canary, Camel, Caribou, Cat (*Felis catus*), Cattle, Chicken, Cockatiel, Deer, Dog, Donkey, Dove, Duck, Elk, Fancy Rat, Ferret, Finch, Goat, Goose, Guinea Fowl, Guinea Pig, Hedgehog, Hissing Cockroach, Honeybee, Horse, Llama, Mink, Moose, Mule, Ox, Parakeet, Peafowl, Pheasant, Pig, Pigeon, Pony, Quail, Rabbit, Reindeer, Sheep, Silkworm, Swan, Turkey, Water Buffalo, fowl, or any other animal so determined by the Department.
- 6) "Domestic Animal(s) Requiring a Permit" shall mean a domestic animal included in, but not limited to, the following list: Alpaca, Bison, Camel, Caribou, Cattle, Deer, Donkey, Elk, Goat, Horse, Llama, Moose, Mule, Ox, Pig, Pony, Reindeer, Sheep, Water Buffalo, a kept outside bird, fowl, and/or any other animal so determined by the Department.
- 7) "Exhibition" shall mean one or more displays or demonstrations which are of educational or entertainment value to those witnessing such exhibition.
- 8) "Event" shall mean one or more exhibitions incorporating or allowing domestic animals requiring a permit to have contact with the public, other's property, or other animals.
- 9) "Fowl" shall mean a domesticated species of bird found in the scientific classification Order

- Galliformes, which includes chickens, grouse, ptarmigans, turkeys, pheasants, quail, partridges, chachalacas, and curassows; ducks and other water fowl; a bird kept or raised for meat or egg production; a game bird raised or hunted for sport; a bird kept or trained for competition; a bird kept outside a structure or shelter; and/or any other bird so determined by the Department.
- 10) "Health Commissioner" shall mean the Health Commissioner of the City of Columbus, Ohio or the Commissioner's authorized representative, including the Public Health Veterinarian.
 - 11) "Individual owner" shall mean a person keeping an animal regulated by this Chapter on any premise, lot, or parcel of land and who does not meet the definition of a business, public contact temporary animal venue, or public contact mobile animal operation.
 - 12) "Large Animal(s)" shall mean any domestic animal requiring a permit whose estimated, or projected, adult weight is greater than five-hundred (500) pounds, and/or any other animal so determined by the Department.
 - 13) "Owner" shall mean any person owning, handling, keeping, possessing, harboring, maintaining, storing, breeding, propagating, sheltering, importing into the City, or having the care, custody or control of an animal.
 - 14) "Permit" shall mean a written document issued by the Department as defined in this chapter, allowing a person to own a domestic animal requiring a permit within the jurisdiction of the City of Columbus Board of Health that would otherwise be prohibited.
 - 15) "Person" shall mean any individual, partnership, corporation, organization, trade or professional association, firm, limited liability company, joint venture, association, trust, estate, governmental agency or any other entity recognized by law, and any officer, member, shareholder, director, employee, agent or representative thereof.
 - 16) "Public Contact Mobile Animal Operation" shall mean a person that displays or exhibits animals regulated by this chapter or provides animal events or exhibitions in the City more than twelve (12) times per year and shall not operate more than seven (7) consecutive days per location.
 - 17) "Public Health Veterinarian" shall mean the veterinarian of the City of Columbus, Ohio, also known as the City Veterinarian.
 - 18) "Public Contact Temporary Animal Venue" shall mean any location where domestic animals requiring a permit are temporarily located, and have public contact with persons, property or other animals. Temporary Public Contact Animal Venue includes but is not limited to petting farms, petting zoos, farm tours, photo opportunities, and temporary educational exhibitions. For the purposes of this chapter, temporary shall mean less than seven (7) consecutive days.
 - 19) "Veterinarian" shall mean a veterinarian duly licensed under the laws of the State of Ohio, or another state, and recognized by the Department.

(b) General Permit Standards

- 1) No person shall possess a domestic animal requiring a permit on any premise, lot or parcel of land in the City without making application for the keeping of such animal(s) to the Health Commissioner. Any individual or business found to possess a domestic animal requiring a permit without obtaining a permit is subject to penalties set forth in Columbus City Health Code. Any individual or business found to possess fowl without obtaining a permit or making application is subject to penalties set forth in Columbus City Health Code as well as fees set forth in Columbus City Health Code 221.05 (h)(4).
- 2) The following persons, as defined by Columbus City Health Code 221.05 (a)(15), shall be exempt from the requirements of this regulation:
 - i. A person housing an animal at the written request of the Department;

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- ii. Animal control or law enforcement agencies or officers acting under the authority of this chapter;
 - iii. Federal, state, or local agencies or officers who, by virtue of their office have statutory and/or regulatory authority over such animals, and are acting on behalf of their office;
 - iv. A facility that is an accredited member of the Association of Zoos and Aquariums (AZA);
 - v. A person or facility in the process of becoming an accredited member of the Association of Zoos and Aquariums(AZA);
 - vi. A research facility as defined in the Federal Animal Welfare Act or that is accredited by the Association for the Assessment and Accreditation of Laboratory Animal Care International;
 - vii. A person who has been issued a license by the United States Department of Agriculture under the Federal Animal Welfare Act;
 - viii. A veterinarian that is providing temporary veterinary care to a domestic animal requiring a permit;
 - ix. A person who is traveling through the City with a domestic animal requiring a permit, and does all of the following:
 - 1. Confines the animal in a cage at all times;
 - 2. Confines the animal in a cage that is not accessible to the public;
 - 3. Does not exhibit the animal;
 - 4. Is in the City not more than twenty-four (24) hours unless the animal is receiving veterinary care.
 - x. A person who has been issued a permit by the Ohio Department of Natural Resources or the Ohio Department of Agriculture in relation to the possession of animals regulated by this Chapter;
 - xi. An educational institution that temporarily displays a domestic animal requiring a permit as a sports mascot;
 - xii. A facility licensed by the State of Ohio Racing Commission;
 - xiii. An accredited university or college with a course of study related to the care of and keeping of animals regulated by this Chapter.
- 3) The following criteria shall be used in making determinations regarding permits:
- i. The keeping of the animal(s) creates no adverse public safety, public health, or environmental effects, and does not create a nuisance;
 - ii. The applicant is in compliance with all public safety, public health, animal confinement, animal cruelty, and animal welfare regulations as set forth in:
 - 1. The Columbus City Health Code;
 - 2. The Columbus City Code;
 - 3. Ohio Revised Code and Ohio Administrative Code;
 - 4. The Federal Code of Regulations.
 - iii. Unless otherwise directed by the Department, animal(s) shall be examined, and treated if indicated, by an accredited veterinarian of the State of Ohio, or a specialist as recognized by the Department. Such examination shall be for: general health; intestinal parasites, as minimally determined by a fecal test; and absence of zoonotic disease symptoms within thirty (30) days prior to arrival to the Columbus Board of Health jurisdiction. A copy of such examination results shall be post-marked or received by the Public Health Veterinarian within seven (7) days following the examination. Examination results may be satisfied by a written statement from the accredited veterinarian completing the

- examination, the submission of a Certificate of Veterinary Inspection including the required fecal test results or a current National Poultry Improvement Plan (NPIP) Veterinary Services Form 9-3, indicating sale and shipment directly to the applicant as submitted to the Department. Examination for intestinal parasites shall not be required of animals covered by a current NPIP Veterinary Services Form 9-3;
- iv. The number and type of animals;
 - v. Waste shall be stored, managed and disposed of in a manner that will not create a nuisance; transportation of raw animal waste is subject to applicable laws and rules of the City of Columbus, Franklin County and the State of Ohio;
 - vi. The prevention of waste substances from being accessible, and feed from being scattered, in such a manner that it may attract vermin and create other adverse environmental or health effects;
 - vii. The proximity of the caging, pen, or enclosure to other properties does not reasonably allow wastes to be directly deposited upon or carried into adjoining properties;
 - viii. An applicant must be at least eighteen (18) years of age;
 - ix. All required documentation and, if applicable, fee requirements have been met and/or received;
 - x. If a property is leased, the applicant must provide documentation that the property owner consents to the keeping of domestic animals requiring a permit.
- 4) The structure, animals, and premises shall be kept in a safe and sanitary condition so as to not become unsafe or reasonably offensive and so that they will not harbor animal or insect pests. The Department reserves the right to have any building or structure related to the keeping of animals regulated by this Chapter evaluated, at the expense of the applicant, by the Columbus Department of Building and Zoning Services, Columbus Division of Fire, or an agent approved by the Department for related hazards.
 - 5) Unless otherwise specified, the keeping and housing of domestic animals requiring a permit shall meet the minimum requirements specified by the *Livestock Care Standards* as promulgated by Ohio Revised Code Chapter 904: under authority of the Ohio Livestock Care Standards Board ([Ohio Administrative Code 901:12](#)).
 - 6) Unless specified in section 221.05 (c) (9) or 221.05 (d) (6), the number of animals that are allowed to be kept on any premise, lot, or parcel of land in the City will be determined by the Department. The Department shall make such determinations using guidance offered in specific scientific bulletins (e.g., Ohio State Extension Bulletin 604), journals, and publications, accepted practices, and the size of usable space for animals; or, in the absence of specific guidelines, will otherwise be determined by the Department.
 - 7) Domestic animals requiring a permit that are considered to be noisy by the Department, or are subsequently determined to be noisy by the Department, are prohibited for individual owners on any premise, lot, or parcel of land. The following animals are prohibited:
 - i. Roosters
 - ii. Peafowl
 - iii. Geese
 - iv. Turkeys
 - v. Donkeys
 - 8) The Department may order changes and/or actions to be taken to mitigate complaints pertaining to domestic animals requiring a permit that are noisy, or creating unreasonably loud or long noises, on premises, lots, or parcels of land.

(c) In addition to the general permit standards specified in Columbus City Health Code 221.05 (b), the following additional standards apply to keeping of fowl:

- 1) Each pen or enclosure shall have a floor of impervious material and be under cover.
 - i. Examples of impervious flooring include: thick rubber (e.g., stall mats), concrete, blacktop, pavers, blocks, bricks, treated plywood, covered wood, roofing materials, sheet metal.
- 2) A coop and/or run may not be located in a front yard or side yard area and shall not be located within three (3) feet of a side or rear yard line.
- 3) All permanent pens, runs, and coops must be rodent proof. Minimally this shall mean:
 - i. Waterproof (e.g., thick rubber, concrete, blacktop, pavers, blocks, bricks, etc.) rodent deterrent materials on the bottom surface, if not in direct contact with the ground or soil, and water resistant (e.g., treated plywood, covered wood, etc.)
 - ii. Rodent proofing material (e.g., hardware cloth, wood, Plexiglass, glass, siding, etc.) from ground level up to a minimum of 36 inches from ground level on all sides.
 - iii. Rodent proofing material, or spacing less than one half inch, where any opening would reasonably allow rodents access.
 - iv. Any individual who has been issued a permit prior to January 1, 2015 shall not be required to meet the rodent proofing standards set forth above unless a rodent presence is verified by the Department.
- 4) Four hours of “free roaming” within a fence outside the designated pen, run or coop is allowed if the following conditions are met:
 - i. Flight when possible, even if to a limited degree, is restricted (wings clipped and/or overhead fencing/barrier, is in place, etc.).
 - ii. The perimeter of the “free roaming” area must not reasonably allow waste to be directly deposited upon or carried into adjoining properties via water, wind currents, fomites, etc.
 - iii. An owner is present with the birds while they are out of their pen.
 - iv. The birds can be easily and quietly returned to their pen upon demand.
- 5) Individual owners shall have only one permanent coop and run.
- 6) Individual owners may provide a temporary enclosure for isolated, injured, or juvenile fowl.
- 7) For individual owner permits, the area for the permanent coop and run shall be limited to sixty-four square feet and six feet in height.
- 8) For individual owner permits, the coop shall be no more than thirty-two square feet.
- 9) For individual owner permits, each adult bird shall have a minimum spacing in the coop and run as indicated in Table 1:
 - i. In calculating the maximum number of adult birds allowable, using Table 1 below, calculate the number of adult birds allowed per the proposed coop size, and then calculate the number of birds allowed per the proposed size of the run. The maximum allowable number of birds is the lesser of the two numbers.

Table 1: Minimum Spacing Requirements for Adult Fowl

| TYPE OF BIRD | MINIMUM SPACE REQUIREMENTS | |
|-----------------|--------------------------------------|--|
| | AREA IN SQ. FT. PER BIRD INSIDE COOP | AREA IN SQ. FT. PER BIRD - OUTSIDE RUN |
| Bantam Chickens | 1 | 4 |

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|-------------------|---|---|
| Laying Hens | 1.5 | 8 |
| Large Chickens | 2 | 10 |
| Ducks | 3 | 15 |
| Pigeons | 2 | N/A |
| Pheasant | 5 | 25 |
| Quail/Other Birds | To be determined by species, estimated/actual adult size, cruelty, and industry standards | To be determined by species, estimated/actual adult size, cruelty, and industry standards |

- 10) Any individual who has been issued or applied for a permit prior to October 22, 2016 shall not be required to meet the spacing requirements in Columbus City Health Code 221.05 (c)(7) through (c)(9) unless adverse animal welfare, environmental or health effects are created as a result of the spacing or number of animals.
- 11) Juvenile birds are not counted in Table 1.
- 12) If related to a project for a youth educational organization, the spacing requirements as specified in Columbus City Health Code 221.05 (c)(2) and (c)(7) through (c)(9) shall not apply, so long as the project is temporary and no adverse animal welfare, environmental or health effects are created as a result of the spacing or number of animals.
- (d) In addition to the general permit standards specified in 221.05 (b), large animal permits standards shall additionally include:
- 1) No large animal shall be brought into the City without obtaining the initial permit as described in Columbus City Health Code 221.05 (g) (4).
 - 2) Residents in proximity to the applicant's property will be notified of the application.
 - 3) The nature of the surrounding community shall be taken into consideration.
 - 4) No permit for any large animal species shall be granted without written approval from the Columbus Department of Building and Zoning Services for the use of the property as described in the permit application.
 - 5) No permit for any large animal shall be granted without written approval from the Columbus Department of Building and Zoning Services for the use of the shelter and location as described in the permit application.
 - 6) A minimum of ½ acre of contiguous land excluding all structures and parking, and suitable for the intended domestic animal's use shall be provided for each large animal as defined in this chapter, unless otherwise directed by the Department.
 - 7) No permit for any large animal species shall be issued unless approved fencing is properly installed and maintained so as to prevent escape of the animal or injury to persons or property.
 - 8) No large animal, as defined in this Chapter, shall be kept on a property without adequate shelter. Adequate shelter shall include a barn, stable or other structure as determined by the Department.
 - 9) No person shall house a large animal except in a containment area large enough for the large animal to turn around, and to be able to be bedded in a minimum depth of six (6) inches of sawdust, wood shavings or other approved material.
 - 10) No person shall operate a stable, barn, or other structure used for large animals regulated by this

chapter unless the following requirements are met:

- i. All stable, barn, or other structure locations shall be approved by the Department in addition to all applicable City, State, and Federal agencies;
 - ii. All stable, barn, or other structures shall be adequately ventilated to minimize odor, humidity and maintain temperature;
 - iii. All windows shall be screened to minimize insect and vector pest entry;
 - iv. All grain or grain-type feed shall be stored in rodent-proof containers, and hay shall be stored off the floor and at least eighteen (18) inches away from any wall;
 - v. All pens, stalls, or maintenance areas shall be picked and cleaned twice daily and stripped every seven (7) days;
 - vi. A stable or barn shall be of sufficient size to house all large animals, food supplies and equipment utilized in the caring of animals regulated in this chapter;
 - vii. A stable or barn shall be set back at least 300 feet from neighboring occupied permanent residential structures;
 - viii. A stable or barn shall have complete restroom facilities immediately accessible which shall include a hand sink with hot and cold running water;
 - ix. A stable or barn shall have a minimum of forty (40) foot candles of light.
- 11) No large animal shall be kept in any stable or barn unless that stable or barn shall have a floor of impervious material and shall be so drained that all fluid excrement or refuse liquid shall be conducted into a sanitary sewer, or as otherwise directed by the Department.
- i. Exemption shall be made for land annexed into the City of Columbus which:
 1. Is zoned agricultural "R – Rural" use at the time of annexation.
 2. Remains zoned "R – Rural".
 3. Poses no public safety, public health, or environmental hazards as designated by the Department.
- 12) When sewers are required or utilized, written approval from the City of Columbus Department of Public Utilities must be obtained prior to the issuance of a permit.
- 13) The applicant for a large animal permit shall prove their ability to respond in damages in a single minimum limit amount of one million dollars (\$1,000,000) for bodily injury to or death of any person or for damage to property owned by any other person which may result from the ownership, keeping, or maintenance of such animal. Proof of liability to respond in damages may be given by filing with the Department a certificate of insurance from an insurance company authorized to do business in the state stating that the applicant is, at the time of his/her application, and will be during the period of such large animal permit, insured against liability to respond in such damages, or by posting with the Department a surety bond conditioned on the payment of such damages during the period of such special permit. The liability insurance or surety bond shall indemnify the City of Columbus as an additional insured. Such certificate of insurance or bond shall provide that no cancellation of the insurance or bond will be made unless ten days written notice is first given to the Department.

(e) In addition to the general permit standards specified in 221.05 (b), business permit standards shall additionally include:

- 1) Adequate permanent physical and/or behavioral barriers shall be in place at all times.
- 2) No permit for any business shall be issued without written approval from the Columbus Department of Building and Zoning Services.

- 3) The business shall monitor physical contact with the public or property by staff except when adequate physical and/or behavioral barriers are sufficient to prevent such contact.
 - 4) The business shall be required to keep purchase and sale/transfer/given away records for a period of time no less than two (2) years and produce records upon demand.
 - 5) When the business is associated with large animals, the requirements set forth in Columbus City Health Code 221.05 (d) shall apply to the issuance of the permit, unless otherwise directed by the Department.
 - 6) Handwashing signage shall be conspicuously posted. The signage shall state:
 - i. Animals carry germs that can make people sick.
 - ii. Wash hands with soap and water after touching animals, leaving the animal area, going to the restroom and/or preparing foods, eating or drinking.
 - 7) Unless otherwise directed by the Department, handwashing sinks shall be readily available and accessible on site and shall be stocked with hand soap and appropriate means of drying (i.e. no multi-use towels).
 - 8) All areas must have sufficient lighting of at least forty (40) foot candles of lighting.
 - 9) No domestic animal requiring a permit shall be sold, traded or given away to a minor without the presence of the minor's parent or guardian and written permission from said parent or guardian.
 - 10) Written procedures for quarantine and/or isolation of animals shall be provided for review.
 - 11) If public contact is allowed with any animals, the business applicant shall prove their ability to respond in damages in a single minimum limit amount of one million dollars (\$1,000,000) for bodily injury to or death of any person or for damage to property owned by any other person which may result from the ownership, keeping, or maintenance of such animal. Proof of liability to respond in damages may be given by filing with the Department a certificate of insurance from an insurance company authorized to do business in the state stating that the applicant is, at the time of his/her application, and will be during the period of such large animal permit, insured against liability to respond in such damages, or by posting with the Department a surety bond conditioned on the payment of such damages during the period of such special permit. The liability insurance or surety bond shall indemnify the City of Columbus as an additional insured. Such certificate of insurance or bond shall provide that no cancellation of the insurance or bond will be made unless ten days written notice is first given to the Department.
- (f) In addition to the general permit standards specified in 221.05 (b), public contact temporary animal venue and public contact mobile animal operation standards shall additionally include:
- 1) Public contact temporary animal venues
 - i. Temporary permits shall be valid for no more than seven (7) consecutive days.
 - ii. No large animal shall be brought into the City without obtaining a permit.
 - iii. Unless otherwise directed by the Department, temporary handwashing stations shall be readily available and accessible on site and shall be stocked with hand soap and appropriate means of drying (i.e. no multi use towels).
 - iv. No single entity shall obtain more than twelve (12) public contact temporary animal venue permits in any calendar year.
 - v. No single entity shall obtain more than two (2) permits in a calendar year for the same location.
 - vi. Handwashing signage shall be conspicuously posted. The signage shall state:
 1. Animals carry germs that can make people sick.

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2. Wash hands with soap and water after touching animals, leaving the animal area, going to the restroom and/or preparing foods, eating or drinking.
 - vii. The public contact temporary animal venue applicant shall prove their ability to respond in damages in a single minimum limit amount of one million dollars (\$1,000,000) for bodily injury to or death of any person or for damage to property owned by any other person which may result from the ownership, keeping, or maintenance of such animal. Proof of liability to respond in damages may be given by filing with the Department a certificate of insurance from an insurance company authorized to do business in the state stating that the applicant is, at the time of his/her application, and will be during the period of such large animal permit, insured against liability to respond in such damages, or by posting with the Department a surety bond conditioned on the payment of such damages during the period of such special permit. The liability insurance or surety bond shall indemnify the City of Columbus as an additional insured. Such certificate of insurance or bond shall provide that no cancellation of the insurance or bond will be made unless ten days written notice is first given to the Department.
 - viii. Adequate/permanent physical and/or behavioral barriers shall be in place at all times.
- 2) Public contact mobile animal operation
- i. Unless otherwise directed by the Department, temporary handwashing stations shall be readily available and accessible on site and shall be stocked with hand soap and appropriate means of drying (i.e. no multi use towels).
 - ii. No permit holder shall operate at the same physical location for more than four (4) exhibitions or events in a licensing period. No permit holder shall operate more than seven (7) consecutive days per location.
 - iii. Handwashing signage shall be conspicuously posted. The signage shall state:
 1. Animals carry germs that can make people sick.
 2. Wash hands with soap and water after touching animals, leaving the animal area, going to the restroom and/or preparing foods, eating or drinking.
 - iv. The public contact mobile animal operation applicant shall prove their ability to respond in damages in a single minimum limit amount of one million dollars (\$1,000,000) for bodily injury to or death of any person or for damage to property owned by any other person which may result from the ownership, keeping, or maintenance of such animal. Proof of liability to respond in damages may be given by filing with the Department a certificate of insurance from an insurance company authorized to do business in the state stating that the applicant is, at the time of his/her application, and will be during the period of such large animal permit, insured against liability to respond in such damages, or by posting with the Department a surety bond conditioned on the payment of such damages during the period of such special permit. The liability insurance or surety bond shall indemnify the City of Columbus as an additional insured. Such certificate of insurance or bond shall provide that no cancellation of the insurance or bond will be made unless ten days written notice is first given to the Department.
 - v. Adequate/permanent physical and/or behavioral barriers shall be in place at all times.
 - vi. Permit holders shall provide a schedule of events or exhibitions at least two weeks in advance of said events or exhibitions, unless reasonable cause is provided.
 - vii. The Department reserves the right to inspect events or exhibitions throughout the permit period.

(g) Permit Application, Renewal and Approval

- 1) The following must be received and approved by the Department prior to domestic animals requiring a permit being brought into the City:
 - i. A completed domestic animal plan review packet and applicable fee.
 - ii. Written plans including design details of the intended caging/confinement, and when already present on the property, photographs of the existing caging/confinement, demonstrating that it is inoffensive, secure, under cover, and, when required, has impervious flooring.
 - iii. A written document outlining the intended disinfection and cleaning schedule.
 - iv. A written document outlining a general knowledge of the proper handling and care for the species of animal.
- 2) Permit renewal. Except for public contact temporary animal venue permits and individual owner permits for animals not defined as large, all permits required by this Chapter are annual and expire on the last day of December of each year. Applications for permit renewal shall be made in December. Applications post marked on or before the last day of December shall be considered timely. Failure to renew permits annually shall be considered a violation of this Chapter and responsible parties may be subject to penalties set forth in Columbus City Health Code 209.99.
- 3) Individual owner permits, excluding large animals, are valid for a four (4) year licensing period.
- 4) Initial permit. An application for an initial permit shall include one or more inspections of the property to verify the plans submitted. The application shall include any applicable permit fees. A permit issued to a new permit holder after the first day of October does not expire until the end of the permit period next succeeding issuance of the permit.
- 5) Permits and permit fees established in accordance with this Chapter shall be specified in accordance with the following categories:
 - i. Individual owner
 - ii. Individual owner - large animal
 - iii. Business
 - iv. Public contact temporary animal venue
 - v. Public contact mobile animal venue

(h) Fees

- 1) There is levied and assessed in each category specified in Columbus City Health Code Chapter 221.05 (g)(5) the following fee:
 - i. Plan review application, fifty dollars (\$50.00)
 1. Plan review application fees are waived for temporary event and mobile public contact animal venue applications.
 - ii. Four year permit, individual owner, one-hundred dollars (\$100.00)
 - iii. Individual owner, large animal, one-hundred twenty five dollars (\$125.00)
 - iv. Business, one-hundred twenty-five dollars (\$125.00)
 - v. Public contact temporary animal venues, thirty dollars per event (\$30.00)
 - vi. Public contact mobile animal venue, one-hundred twenty five dollars (\$125.00)
- 2) Plan review and permit fees are non-refundable.
- 3) The initial permit fee is due upon receipt of completed initial permit application.

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- 4) An additional fee of fifty dollars (\$50.00) shall be added to the plan review fee as specified in (h)(1)(i) when the department determines that the domestic animals requiring a permit were kept on the property prior to submitting the plan review application as required by this Chapter.
 - 5) Any applicant that can demonstrate that they are eligible for Supplemental Nutritional Assistance Program (SNAP) or eligible for supplemental nutrition program for Woman, Infants and Children (WIC) shall not be required to pay any fees prescribed in this section, yet are subject to other requirements specified in this regulation.
- (i) Inspections
- 1) An inspection shall be conducted at least once during a permit term for all permits issued in accordance with this Chapter. Inspections shall be conducted either by the Health Commissioner or his/her designee
 - 2) Each inspection shall be recorded on a form prescribed by the Department.
- (j) An inspection may require the removal from the property of any animal, equipment, and/or structure(s) found to be maintained in a condition that presents a clear and present danger to the public safety and/or public health.
- (k) The Department shall keep records of all persons carrying a valid permit.
- (l) The Department may confiscate a domestic animal requiring a permit from an owner if the animals are being kept in manner, that by determination of the Health Commissioner or his/her designee, causes an imminent danger to the public health, public safety or animal welfare. The applicant/licensee is liable for the costs of confiscation, placement and care for said animal from the time of confiscation until the time of return to the licensee or until the time the animal has been relocated to a facility approved by the Department, or until otherwise disposed in a manner approved by the Department.
- (m) The requirements of a person to obtain a permit for specified animals in this section shall not apply to exempt persons as defined in this section.
- (n) All permit holders shall allow the Health Commissioner or his/her designee to enter the premises, at all reasonable times, where animals are kept to ensure compliance with this Chapter, as prescribed by Columbus City Health Code 209.02 (c).
- (o) All permit holders shall notify the Department of changes to the stated information on the permit within 30 days of any changes using the appropriate form, as supplied by the Department.
- (p) The Health Commissioner, or his/her designee may modify or limit an animal permit at any time for violation of this chapter or other Federal, State or City regulations. The Board of Health may suspend, limit or revoke a permit as described in Columbus City Health Code 203.10.
- (q) No person shall store animal food and/or feed animals in such a method or manner on any premise, lot or parcel of land within the jurisdiction of the City of Columbus Board of Health if such feeding creates a nuisance, insanitation and/or danger to any person and/or property. Such method or manner shall include, but not be limited to:

- 1) Storing food in such a manner that it is accessible to non-domestic animals, nuisance animals, vermin, and other pests.
 - 2) Placing food in the open in a container that allows the scattering of such food upon the ground.
 - 3) Allowing food to remain after such feeding where it is accessible to non-domestic animals, nuisance animals, vermin, and other pests.
 - 4) Allowing food to remain in feed pans, troughs, and other feeder containers overnight without making such feeder equipment inaccessible to non-domestic animals, nuisance animals, vermin, and other pests.
- (r) No person shall allow the house, caging, runs, yards or the premises where animals are kept to become offensive due to unsanitary conditions. Such animals shall not be allowed to create an unsanitary condition on the streets, alleys or sidewalks, or premises of others. Offensive, unsanitary conditions shall include but not be limited to odor, accumulated urine, urine soaked ground, feces and rodent harborages.
- (s) If an owner, keeper, or harbinger is cited for unsanitary conditions, the Health Commissioner or Public Health Veterinarian may limit the number of animals that may be maintained on a premise.
- (t) 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, a household member, a licensed veterinarian, employees of an animal clinic/hospital, employees of the Capital Area Humane Society, employees of the Franklin County Department of Animal Care and Control, or as designated by the Department.
- (u) Upon the death of an animal the owner or keeper of the animal shall promptly make arrangements for proper disposition of the dead animal.
- (v) Any person transporting a domestic animal requiring a permit within the City must maintain the animal within a confinement sufficient to prevent the animal from escaping and/or causing or resulting in serious injury, harm or disease to humans, domestic animals, and/or property.
- (w) No person, owning or responsible for animals shall knowingly or negligently allow any of them to run at large in any street, alley or unenclosed lot within the City.
- (x) The Department may declare any animal a nuisance, dangerous or vicious animal as defined in Chapter 243 of this Health Code.

221.06 STANDARDS RELATIVE TO CARRIAGE HORSES

(Amended 11/15/16; Effective 12/13/16; Resolution No. 16-20)

- (a) In addition to the listed requirements below, all carriage horse companies shall meet the minimum requirements set forth in Columbus City Code Chapter 595 – Horse Drawn Carriages.
- (b) 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 Public Health Veterinarian.

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- (c) 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 Public Health Veterinarian. Each horse deemed to have met the standards of this section shall be issued a certificate of wellbeing. 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.
 - (d) The Public Health 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.
 - (e) Animals shall not be tethered, kept, washed and/or groomed outside of the stable, barn, or other structure, except as needed, when being worked outside of the stable facility. Animals shall not be washed while at a designated tether location.

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.

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- (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

(Retitled and Amended Effective 1/1/2015; Resolution No. 14-29)

225.01 APPROVAL OF STATE REGULATIONS

Chapter 3701-29 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

225.02 FEES.

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, and any additional laboratory fees, plus the following fee:

- (a) Installation, replacement or alteration design application for a household sewage treatment system (HSTS) or gray water recycling system (GWRS), one hundred dollars (\$100.00)
- (b) Permit fee for the installation or replacement of a household sewage treatment system (HSTS) or gray water recycling system (GWRS), two-hundred twenty-five dollars (\$225.00).
- (c) Installation, replacement or alteration design application for a small flow on-site sewage treatment system (SFOSTS), two hundred dollars (\$200.00)
- (d) Permit fee for the installation or replacement of a small flow on-site sewage treatment system (SFOSTS), five-hundred dollars (\$500.00).
- (e) Permit fee for the alteration of a household sewage treatment system (HSTS) or gray water recycling system (GWRS), two-hundred dollars (\$200.00).
- (f) Permit fee for the alteration of a small flow on-site sewage treatment system (SFOSTS), two-hundred-fifty dollars (\$250.00).
- (g) Sewage Treatment System (HSTS or SFOSTS) Category A operational permit, two hundred dollars (\$200.00)
 - a. Permits are issued annually
 - b. Category A includes systems with mechanical components used in the treatment of sewage and discharging systems
 - c. If proof of required maintenance and operation, as defined in Ohio Administrative Code 3701-29, the permit fee will be waived.
- (h) Sewage Treatment System (HSTS or SFOSTS) Category B operational permit, one hundred and fifty dollars (\$150.00)
 - a. Permits are issued every 5 years
 - b. Category B systems include those with no mechanical components and those that are not discharging systems
 - c. If proof of required maintenance and operation, as defined in Ohio Administrative Code 3701-29, the permit fee will be waived.
- (i) Annual registration fee for installers, service providers, and septage haulers, one hundred fifty dollars (\$150.00).
- (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 fifty dollars (\$150.00).
- (l) Application fee for a variance from rule 3701-29-06 (I) of the Ohio Administrative Code, four-hundred fifty dollars (\$450.00).

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- (m) Application fee for a variance from Ohio Administrative Code 3701-29-06 (A) through 3701-29-06 (H), 3701-29-06 (J) and 3701-29-07 through 3701-29-23, one-hundred fifty dollars (\$150.00)
 - (n) Permit fee for septic tank abandonment, seventy-five dollars (\$75.00).
 - (o) Permit fee for sewer tap extension application, fifty dollars (\$50.00).
 - (p) Fee for NPDES compliance sampling, one hundred fifty dollars (\$150.00).
 - (q) Subdivision or new lot review, one hundred fifty dollars (\$150.00)
 - (r) Fee for general inspection of sewage treatment system, one hundred fifty dollars (\$150.00).
 - (s) Site review and evaluation of land application of septage, one hundred fifty dollars (\$150.00)

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

| | |
|---------------------------------------|--------------------------------------|
| 226.01 Approval of state regulations. | 226.03 Fees. |
| 226.02 Definitions. | 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 No. 92-4)
(Last Amended 3/29/17, Resolution No. 17-05)

- 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.

(Amended 3/29/17; Resolution No. 17-05: Effective 4/11/17)

(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 | \$420.00 |
| 2. Individual Public Spa | \$420.00 |
| 3. Additional Public Pool or Spa at same location | \$220.00 |
| 4. Individual Special Use Pool | \$420.00 |
| 5. Government Operated Public Pool or Spa | \$45.00 |

(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)

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|---|--|
| 234.01 Definitions | 234.05 Operating License |
| 234.02 Public Health Nuisance | 234.06 Financial Assurance |
| 234.03 Disposal of Wastes | 234.07 Contracting With Another Political Subdivision |
| 234.04 Construction & Demolition Disposal Facility Operation | 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 Oblige

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
Recreation Campgrounds, Recreational Vehicle Parks
And Combined Park Camps
(Amended 3/29/17; Resolution No. 17-06)

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.

Chapter 3701-26 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.

237.02 LICENSE FEES (Amended 3/29/17, Resolution No. 17-06: Effective 4/11/17)

The license fee for a Recreational Vehicle Park, Recreation Camp or Combined 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 3701-26 of the Ohio Administrative Code, plus the following license fee:

| CATEGORY | with more than 50 sites LICENSE FEE |
|---|--|
| 1. Recreational vehicle parks, recreation camps, or combined park-camps with fifty or fewer sites | \$75.00 |
| 2. Recreational vehicle parks, recreation camps, or combined park-camps | \$75.00 + \$1.50 per each individual site in excess of fifty |
| 3. Temporary Park Camps | \$50.00 per event |

CHAPTER 239
Laundries

(Repealed 12/18/12; Resolution No. 12-17)

**CHAPTER 241
Rabies Control Regulation
(Amended 1/19/10, Resolution 10-01)**

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|--------|---|--------|----------------------------|
| 241.01 | Definitions | 241.04 | Immunization |
| 241.02 | Biting Animal to be Confined; Veterinarian to Report | 241.05 | Repealed 1/19/2010 |
| 241.03 | Control Reports, Observations, Examinations and Disposition | 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 harbinger 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 harbinger. 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 harbinger. 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 harbinger 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 harbinger 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 harbinger 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 harbinger 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

REPEALED 2/18/14; Resolution No. 14-04

CHAPTER 243
Nuisance, Dangerous, And Vicious Animals
(Amended 2/16/2010)

| | | | |
|--------|--------------------------------|--------|---|
| 243.01 | Definitions | 243.04 | Redetermination Hearing for Specified Animals |
| 243.02 | Nuisance and Dangerous Animals | 243.05 | Right to Appeal |
| 243.03 | Vicious Animals | 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

REPEALED 2/18/14; Resolution No. 14-04

**CHAPTER 245
MARINAS
(Repealed 5/29/15; Resolution No. 15-23)**

**RESOLUTION 91-13
Marina Licensing Fees
(Rescinded 5/29/15: Resolution No. 15-23)**

CHAPTER 248
Tobacco Products and Paraphernalia Sales
(Enacted 2/21/17, Resolution No. 17-04, Effective 3/3/17)
(Amended Effective 8/8/17, Resolution No. 17-11)

248.01 Definitions

248.02 License Application

248.03 License Application Denial, Renewal Denial, Suspension, and Revocation

248.04 Sign Distribution and Posting

248.05 Illegal Distribution

248.06 Enforcement and Civil Penalty

248.01 DEFINITIONS

As used in this Chapter:

- (A) “Department” means Columbus City Health Department and its authorized employees and agents.
- (B) “Electronic smoking device” means any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e- pipe, vape pen or e-hookah. Electronic smoking device includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.
- (C) “Licensee” means a person that applied for and was issued a retail tobacco and paraphernalia sales license or a temporary retail tobacco and paraphernalia sales license.
- (D) “Product Paraphernalia” means any product that is used to assist in chewing, smoking, absorbing, dissolving, inhaling, or any other consumption of nicotine to include, but not limited to, pipes and rolling papers.
- (E) “Retail Paraphernalia Sales” means the act of giving, selling or otherwise distributing product paraphernalia in a retail setting, including but not limited to, gas stations, convenience stores, carry out markets, groceries, supermarkets, retail warehouse clubs, drug stores, vape shops and hookah bars.
- (F) “Retail Tobacco Sales” means the act of giving, selling or otherwise distributing tobacco products in a retail setting, including but not limited to, gas stations, convenience stores, carry out markets, groceries, supermarkets, retail warehouse clubs, drug stores, vape shops and hookah bars.
- (G) “Temporary Retail Tobacco and Paraphernalia Sales” means the act of giving, selling or otherwise distributing tobacco products and/or product paraphernalia at an event for not more than thirty consecutive days.
- (H) “Tobacco Product” means any product that is made from or derived from tobacco, and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested

by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. The term also includes, but is not limited to, an electronic smoking device and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, or liquids used in electronic smoking devices, whether or not they contain nicotine. Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

(I) "Underage Buy Attempt" means a person, authorized by the Department, under the age of 21, who requests purchase of tobacco products or product paraphernalia from a retailer or a person under age 30 who requests purchase of tobacco products or product paraphernalia from a retailer without presenting identification.

(J) "Vending Machine" means any mechanical or electronic device designed to do both of the following:

- (1) Receive a coin, bill, token, or credit card, including, but not limited to, a card, code, device, or other means of access to a customer's account, made for that purpose;
- (2) In return for the insertion or deposit of a coin, bill, token, or credit card, automatically dispense property, provide a service, or grant a license.

248.02 LICENSE APPLICATION

(A) All retailers of tobacco products and/or product paraphernalia shall apply for a valid retail tobacco and paraphernalia sales license or a temporary retail tobacco and paraphernalia sales license. For the purposes of this Chapter, retailers shall include any person performing retail tobacco sales, retail paraphernalia sales, or temporary retail tobacco and paraphernalia sales. Retail tobacco and paraphernalia sales licenses shall be issued by the department annually. Temporary retail tobacco and paraphernalia sales licenses shall be valid for not longer than thirty consecutive days. A license shall be required for each location where retail tobacco sales or retail paraphernalia sales are conducted and is non-transferable.

(B) Any retailer applying for a retail tobacco and paraphernalia sales license or a temporary retail tobacco-and paraphernalia sales license shall submit a current and valid vendor's license as required by the Ohio Department of Taxation to the Department. Any retailer who distributes, stores, or sells cigarettes shall submit a current and valid Retail Cigarette Dealer's License as required by Ohio Revised Code Chapter 5743 to the Department prior to approval for licensing.

(C) The annual retail tobacco and paraphernalia sales license fee shall be \$150. The license shall be valid beginning on the first day of October through the last day of September of the following year. A license issued to a new licensee after the first day of July and before the first day of October shall not expire until the last day of September of the following year. A penalty equal to twenty-five percent of the applicable license fee shall be assessed by the Department for license fee payments that are not received or postmarked by the first of October.

(D) The temporary retail tobacco and paraphernalia sales license fee shall be \$50. The license shall be valid for no longer than thirty consecutive days and limited to a single event. The application shall be made at least ten days prior to the event.

(E) License fees are due at the time of application and are not refundable.

248.03 LICENSE APPLICATION DENIAL, RENEWAL DENIAL, SUSPENSION, AND REVOCATION

(A) Applications for retail tobacco and paraphernalia sales licenses and temporary retail tobacco and paraphernalia sales licenses may be denied, and such licenses may be suspended or revoked for any of the following:

- (1) The applicant or licensee is giving, selling, or offering to sell cigarettes, other tobacco products, or product paraphernalia by or from a vending machine.
- (2) Observation by the Department or its authorized agent that the licensee or any agent, employee, or representative of said licensee has violated Section 2329.14(A)(1) or (A)(3) of the Columbus City Code.
- (3) Failure by the licensee to post signage as required by Section 248.04 of the Columbus City Health Code.
- (4) The applicant or licensee having a conviction for violating Section 2329.13 or Section 2329.14 of the Columbus City Code. In the case of licensees, convictions for violations of Sections 2329.13 and 2329.14 of the Columbus City Code shall be a sufficient basis for denying a license renewal, for license suspension, or license revocation if the date of conviction is within two years of the issuance of the current retail tobacco and paraphernalia sales license or temporary retail tobacco and paraphernalia sales license.
- (5) An order by a court of competent jurisdiction that a retail tobacco and paraphernalia sales location or temporary retail tobacco and paraphernalia sales location owned and/or operated by the licensee constitutes a public nuisance.
- (6) Information contained in the application is misleading, inaccurate, or false.
- (7) The applicant or licensee fails to comply with U.S. Food and Drug Administration regulations, Ohio Revised Code, Ohio Administrative Code, and city codes relating to building, health and fire.
- (8) The licensee has outstanding fines, pursuant to Columbus City Health Code §248.05(B).

(B) Any person whose retail tobacco and paraphernalia sales license or temporary retail tobacco and paraphernalia sales license has been proposed to be suspended or revoked shall be notified in writing by the Department. Appeals of such action may be made in accordance with Columbus City Health Code §203.10.

(C) Any person whose application for a retail tobacco and paraphernalia sales license or temporary retail tobacco and paraphernalia sales license is denied shall be notified in writing by the Department. Appeals of such action may be made in accordance with Columbus City Health Code §203.08.

248.04 SIGN DISTRIBUTION AND POSTING

(A) The Department shall make signs available to all retail tobacco and paraphernalia sales licensees, and temporary retail tobacco and paraphernalia sales licensees. Signs shall be provided by the Department at the time of license approval or renewal, and upon request.

(B) The licensee shall post the signs provided by the Department at points of transaction, which may include, but are not limited to, cash registers, sales counters and on any display cases of tobacco products and product paraphernalia. Signage shall be prominently displayed and not obscured.

248.05 ILLEGAL DISTRIBUTION

(A) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes or other tobacco products or product paraphernalia, or any agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes or other tobacco products or product paraphernalia shall do any of the following:

1. Give, sell, or otherwise distribute cigarettes, other tobacco products, or product paraphernalia to any person under Twenty-one (21) years of age.
2. Give, sell, or otherwise distribute cigarettes, other tobacco products, or product paraphernalia without viewing proof of age demonstrating the recipient is at least Twenty-one (21) years of age, except that no such verification is required for a recipient over the age of Thirty (30). That a person appeared to be over the age of Thirty (30) shall not constitute a defense to a violation of this section. "Proof of age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under Sections 4507.50 to 4507.52 of the Ohio Revised Code demonstrating that the recipient or purchaser is at least 21 years of age.

(B) No person shall give, sell or offer to sell cigarettes, other tobacco products, or product paraphernalia by or from a vending machine.

248.06 ENFORCEMENT AND CIVIL PENALTY

(A) The Department of Public Safety, Division of Police, retains authority to enforce Sections 2329.13 and 2329.14 of the Columbus City Code.

(B) The Department shall conduct an inspection, which shall include an underage buy attempt, at least once per licensing period for all retail tobacco and paraphernalia sales licenses.

(C) The Department shall conduct an inspection at least once during the event for all temporary retail tobacco and paraphernalia sales licenses.

(D) If the Department observes violation(s) of this Chapter at a retail tobacco and paraphernalia sales location or at a temporary retail tobacco and paraphernalia sales location, the following schedule of civil penalties shall be imposed on the licensee, in addition to the sanctions specified in Section 248.03(A):

- (1) For a first violation, \$500.00.
- (2) Second and additional violations within two years of the first violation, \$1,000 per violation.
- (3) Violations of this Chapter which occur more than two years after a prior violation shall not be considered a second or additional violation of this Chapter if there has been no violation during the intervening time period.

- (4) Licensees have the right to appeal civil penalties in accordance with Columbus City Health Code §203.08.

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.
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CHAPTER 251

Food Service Operations and Retail Food Establishments

(Title Amended 1/20/2015; Resolution No. 15-01)

- 251.01 Approval of State regulations.
 251.02 License fee exclusive.
 251.03 Approval of plans; fees.
 251.04 Food Safety – Authorization of Health Commissioner and Designated Staff to Write Orders and Specify Correction Dates.
 251.05 Authorization of the Health Commissioner and Designated Staff to Suspend a License in Emergency Situations.
 251.06 Use of Equipment and Embargo of Food

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
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251.01 APPROVAL OF STATE REGULATIONS. *(Amended 1/20/2105; Resolution No. 15-01)*

Ohio Revised Code Chapter 3717 and Ohio Administrative Code Chapters 901:3-4-01, 3701-21, and 3717-1 are hereby approved by the Board of Health as the minimum compliance standards for enforcement by the staff of Columbus Public Health in its jurisdiction.

251.02 LICENSE FEE EXCLUSIVE.

Repealed 1/20/2015; Resolution No. 15-01.

251.03 APPROVAL OF PLANS; FEES. *(Amended 11/15/16; Effective 12/13/16; Resolution No. 16-21)*

(a) Food service operation and retail food establishment fees charged by the Columbus Health Department shall be as follows (this amount is separate and in addition to the state fee that is included in the total license fee):

2017 FEE SCHEDULE

| TYPE | CITY FEE |
|---|------------------|
| Risk Level 1 < 25,000 sq. ft. Commercial | \$ 228.00 |
| Risk Level 2 < 25,000 sq. ft. Commercial | \$ 250.00 |
| Risk Level 3 < 25,000 sq. ft. Commercial | \$ 446.00 |
| Risk Level 4 < 25,000 sq. ft. Commercial | \$ 552.00 |
| Risk Level 1 > 25,000 sq. ft. Commercial | \$ 310.00 |
| Risk Level 2 > 25,000 sq. ft. Commercial | \$ 326.00 |
| Risk Level 3 > 25,000 sq. ft. Commercial | \$1,054.00 |
| Risk Level 4 > 25,000 sq. ft. Commercial | \$1,116.00 |
| Risk Level 1 < 25,000 sq. ft. Non Commercial | \$ 114.00 |
| Risk Level 2 < 25,000 sq. ft. Non Commercial | \$ 125.00 |
| Risk Level 3 < 25,000 sq. ft. Non Commercial | \$ 223.00 |
| Risk Level 4 < 25,000 sq. ft. Non Commercial | \$ 276.00 |
| Risk Level 1 > 25,000 sq. ft. Non Commercial | \$ 155.00 |
| Risk Level 2 > 25,000 sq. ft. Non Commercial | \$ 163.00 |
| Risk Level 3 > 25,000 sq. ft. Non Commercial | \$ 527.00 |
| Risk Level 4 > 25,000 sq. ft. Non Commercial | \$ 558.00 |
| Mobile Food Service | \$ 287.00 |
| Temporary Food Service Commercial (per day) | \$ 46.00 |
| Temporary Food Service Non Commercial (per day) | \$ 23.00 |
| Food Vending Locations | \$ 38.00 |

Facility Layout & Equipment Specification 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.
- (c) Any facilities in process of construction or extensive alteration of a food service operation or retail food establishment pursuant to approved plans may include an additional two hundred dollar (\$200.00) fee for each inspection requested to be conducted outside of regular work hours. Columbus public health reserves the right to not offer this service based upon operational capacity. *(added 1/20/2015; resolution no. 15-01*

251.04 FOOD SAFETY - AUTHORIZATION OF THE HEALTH COMMISSIONER AND DESIGNATED STAFF TO WRITE ORDERS AND SPECIFY CORRECTION DATES.

The Board of Health authorizes the Health Commissioner, Deputy Health Commissioner, or designated representative, including the Environmental Health Administrator, Assistant Environmental Health Administrator, Section Chiefs and all other sanitarians in the Environmental Health Division as its agents to perform all actions designated in the Ohio Revised Code §§ 3717.29(C)(1) and 3717.49(B)(1). (Resolution 05-07, adopted 2/15/2005)

251.05 AUTHORIZATION OF THE HEALTH COMMISSIONER AND DESIGNATED STAFF TO SUSPEND A LICENSE IN EMERGENCY SITUATIONS.

The Board of Health authorizes the Health Commissioner, Deputy Health Commissioner, Environmental Health Administrator, Assistant Environmental Health Administrator, Section Chief of the Food Safety Program and the Environmental Health Supervisors in the Food Safety Program to suspend a Food Service Operation License or Retail Food Establishment License in situations of a clear and present danger to the public health as stated under Ohio Revised Code §§ 3717.29(D)(1) and 3717.49(C)(1). *(Adopted 2/15/2005; Resolution 05-06)*

251.06 USE OF EQUIPMENT AND EMBARGO OF FOOD.

- (a) The Board of Health, as a licensor as that term is defined in Administrative Code §901:3-4-01, hereby authorizes the 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 §§ 901:3-4-12 and 901:3-4-15 on behalf of the Board of Health.

(b) The Board of Health, as a licensor as that term is defined in Administrative Code §3701-21-01(K)(1), hereby authorizes the 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 § 3701-21-27 on behalf of the Board of Health.

(Adopted 2/15/2005; Resolution 05-05.)

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CHAPTER 253

Licensed Facility Public Health Information Signage Requirements

(Enacted by BOH Resolution #07-02, 1/23/07)

(Amended Effective 10/30/15; Resolution No. 15-28)

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) “Increased Frequency of Inspection” means that the licensed facility has been placed on an increased frequency of inspection for a length of time as determined by the Columbus Board of Health.
- (G) “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.
- (H) “Enforcement” means that the licensed facility, after supervisory review, is currently involved in compliance and enforcement proceedings by Columbus Public Health.
- (I) “Health Commissioner” means the Health Commissioner of the City of Columbus, Ohio, or the Commissioner’s authorized representative.
- (J) “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.
- (K) “Licensed Facility” means any body art facility, campground, food service operation, 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.
- (L) “License Holder” means the person, firm, association, corporation or entity to which the license for the operation of the licensed facility was issued.
- (M) “Proprietor” means the license holder, owner, manager, operator, or other person in charge or control of the licensed facility.
- (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 an increased frequency of inspection.
- (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 an increased frequency of inspection 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

Repealed 2/18/14: Resolution No. 14-04

CHAPTER 255

Repealed 1/20/2015; Resolution No. 15-01

CHAPTER 257

Frozen Desserts

Repealed 4/20/04, Resolution 13-04

CHAPTER 259
Food Salvage

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| <p>259.01 Intent and scope.</p> <p>259.02 Definitions.</p> <p>259.03 Employee health.</p> <p>259.04 Personal cleanliness.</p> <p>259.05 Contamination protection.</p> <p>259.06 Equipment and utensils.</p> <p>259.07 Water supply.</p> <p>259.08 Sewage.</p> <p>259.09 Plumbing.</p> <p>259.10 Toilet facilities.</p> <p>259.11 Hand-washing facilities.</p> <p>259.12 Garbage and refuse.</p> <p>259.13 Insect and rodent control.</p> <p>259.14 Construction and maintenance of physical</p> | <p>facilities.</p> <p>259.15 Handling and movement of distressed merchandise.</p> <p>259.16 Reconditioning of distressed merchandise.</p> <p>259.17 Labeling.</p> <p>259.18 Handling of nonsalvageable merchandise.</p> <p>259.19 Records.</p> <p>259.20 Permits.</p> <p>259.21 Inspections.</p> <p>259.22 Hearings.</p> <p>259.23 Remedies.</p> <p>259.24 Salvage processing plants and distributors outside the City.</p> <p>259.25 Review of plans.</p> |
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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 adulterated 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 and type 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

271.03 Sign Distribution

271.02 Requirements

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.