

CHAPTER 805

Building and Zoning Evaluations

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CROSS REFERENCES

Abatement and removal of nuisances by Board of Health - see ORC 3707.01
Acts of pollution prohibited - see ORC 6111.04
Collection and disposal of liquid wastes - see ORC 6115.01et seq.
Minimum and optimal achievable standards; sewage disposal - see OAC 3701-36-13
Orders and regulations of board of general health district – see ORC 3709.21
Powers and duties of Environmental Protection Agency - see ORC 3745. 01(A)
Private sewer systems - see ORC 6112
Private sewers - see OAC 4101:2-51-411
Private Water System Rules – see OAC 3701-28
Putting contents of privy vaults upon land or in water - see ORC 3767.16 & 3767.22
Required sewer connections where available and accessible - see ORC 6117.51
Sewage Treatment Systems – see ORC 3718 and OAC 3701-29
Summit County Public Health Fees – see EHC Chapter 101
Summit County Riparian Setback Ordinance – see Chapter 937
Uniform system of fees; public health council rules – see ORC 3709.09

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

805.01 Definitions

The following words and terms used in this Regulation, unless otherwise expressly stated, shall have the following meaning:

- A. “Household sewage treatment system” (HSTS) means any sewage treatment system, or part of such a system, that receives sewage from a single-family, two-family, or three-family dwelling and residential dwellings or appurtenances including but not limited to:
 1. A bed and breakfast, residential facility, or other residence as described in the Revised Code 3717.42 (B)(2), (B)(4), and (B)(13).

2. An ancillary restroom associated with a dwelling in a location such as a barn or personal garage that is not used as an additional dwelling, sleeping area, or business and the users of the ancillary restroom are the same users of the dwelling. An ancillary restroom shall not be available for public use.
 3. Vacation rental cabins provided there is a separate HSTS for each cabin.
 4. A dwelling with a home business having no access for the general public and does not generate additional sewage as part of its operation.
- B. “Owner” means any person or entity which has legal title to any premises.
- C. “Person” means any individual, firm, partnership, party, corporation, company, society, association, or other legal entity.
- D. “Private Water System” (PWS) means any water system, other than a public water supply system, for the provision of water for human consumption, if the system has fewer than fifteen service connections and does not regularly serve an average of at least twenty-five individuals daily at least sixty days each year. A private water system includes any well, spring, cistern, pond, or hauled water and any equipment for the collection, distribution, transportation, filtration, disinfection, treatment, or storage of water extending from and including the source of the water to the point of discharge from any pressure tank or other storage vessel; to the point of discharge from the water pump where no pressure tank or other storage vessel is present; to where the pressure tank is outside of the building or dwelling; or , in the case of multiple service connections serving more than one dwelling, to the point of discharge from each service connection where the service connection enters the foundation of the dwelling. A private water system does not include the water service line extending from the point of discharge to a structure. (OAC 3701-28-01(ZZ))
- E. “Sewage Treatment System” (STS) means an HSTS, a small flow on-site sewage treatment system, or both as applicable.

805.02 Evaluations

- A. Each PWS or STS in Summit County shall be inspected and evaluated prior to any new building construction, remodeling, reconstruction, or addition to structures, additional property features or land excavation on parcels served by a STS or PWS.
- B. The evaluation shall determine whether the PWS and/or STS structure and its operational status are in conformance with the standards of this regulation.
- C. Application for this review will be made on a form provided by the Health Commissioner. Each application shall include:
 1. A design plan or a scale drawing to explain the proposed project.
 2. A review fee as set forth in EHC Chapter 101.
- D. A copy of the report shall be provided to the applicant and shall be retained by SCCGHD in accordance with the record retention policy.

805.03 Evaluation Standards

- A. If a property is served by an STS or PWS, the proposed project shall not be permitted unless

the Health Commissioner has determined that:

1. The project will not damage or threaten the existing STS or PWS or the future STS replacement area.
2. The project will not decrease the potential of replacing the STS or PWS in the future.
3. The project is in compliance with the minimum isolation distances established in OAC 3701-28 and OAC 3701-29.
4. The STS is functioning as designed and not creating a public health nuisance as defined in ORC 3718.011.
 - a. If the project increases potential occupancy of the dwelling, the Health Commissioner may require expansion of the STS or installation of a new STS to accommodate the potential increase in wastewater flow.

805.04 Fees

- A. Fees adopted in the Environmental Health Code of the SCCGHD shall be paid prior to the evaluation by SCCGHD. The fees are established as set forth in chapter 101 of the EHC.

805.05 Corrective Action

- A. Upon receiving written notice from SCCGHD of noncompliance with this Regulation, the owner shall, within sixty (60) days, submit appropriate SCCGHD applications and fees for services in order to gain compliance with applicable laws. If a PWS or STS presents an immediate health hazard, the owner or other responsible party shall take such measures, in cooperation with SCCGHD, which will immediately reduce or eliminate the impact of such failure until the full remediation plan can be implemented as described earlier in this section.

805.06 Enforcement and Compliance

- A. If, after investigation, SCCGHD believes that a person is violating these regulations, SCCGHD shall attempt to enter a voluntary agreement with the property owner to resolve the violation. If a voluntary agreement cannot be reached, SCCGHD may issue a violation notice to the owner.
- B. If an owner does not comply with the requirements of this regulation, enforcement action will be pursued through the Board of Health, and if necessary and so directed by the Board of Health, through prosecution.

805.07 Severability

- A. Each provision of this regulation must be interpreted in a way that is valid under Ohio law. If any provision is held invalid, the rest of the regulation shall remain in full effect.

805.08 Penalties

- A. Whoever violates or fails to comply with any of the provisions of this Environmental Health Code shall be in violation of ORC 3707.48, 3707.01, 3707.02, 3709.20, 3709.21, 3709.22, and may be subject to penalties provided in ORC, 3707.02, 3707.021, 3709.211, 3707.99 and 3709.99.