

Franklin County Public Health
Regulation 199
Administration and Enforcement

Section 199.01
Duties and Powers

199.01(A) Inspections, investigations and observations. The Health Commissioner may conduct inspections, investigations and observations within the Health District, in order to enforce Franklin County Public Health regulations.

Effective: 1/1/2015

Section 199.02
Violations

199.02(A) Unlawful acts. No Person shall violate any provision of the Franklin County Public Health regulations.

199.02(B) Notice of violation or order. The Health Commissioner may serve a notice of violation or an order as authorized by the Board of Health or the Ohio Revised Code.

199.02(C) Enforcement. The Health Commissioner shall, except in case of an emergency endangering the public health caused by an epidemic, an infectious or a communicable disease, or a disaster emergency condition or event, request the Board of Health to refer Persons in violation of the Franklin County Public Health regulations or Board of Health orders to the prosecuting attorney or municipal law directors for enforcement pursuant to 3709.211 or 3709.99 of the Ohio Revised Code.

199.02 (D) Emergency enforcement. In the case of an emergency endangering the public health caused by an epidemic, an infectious or a communicable disease, or a disaster emergency condition or event, the Health Commissioner may refer Persons in violation of the Franklin County Public Health regulations to the prosecuting attorney or municipal law directors for enforcement pursuant to 3709.99 of the Ohio Revised Code.

199.02(E) Criminal penalties. Whoever violates any order or regulation of the Board of Health is subject to the penalties in Ohio Revised Code section 3709.99.

Effective: 1/1/2015

Section 199.03
Appeals and Hearings

199.03(A) Hearing. The Board of Health shall grant a hearing to any Person affected or aggrieved by a decision of the Health Commissioner based on interpretation of regulations of the Franklin County Public Health.

199.03(B) Application for appeal. Upon notice of a decision of the Health Commissioner, or upon receipt of an order of the Board of Health, any Person directly affected shall have the right to appeal to the Board of Health, provided that a written application for appeal is filed within seven (7) days after the day the decision, notice or order was served.

199.03(C) Hearing procedure. All hearings under this section before the Board of Health shall be open to the public. The appellant, the appellant's representative, the Health Commissioner and any Person whose interests are affected shall be given an opportunity to be heard. The Board of Health may adopt additional hearing procedures. A quorum shall consist of a majority of the Board of Health membership. The Board of Health may recess in private to deliberate, with or without legal counsel.

Pursuant to Ohio Revised Code Section 3709.20, the Board of Health may appoint a hearing officer to conduct a hearing.

199.03(D) Board decision. The Board of Health may issue an order or shall uphold, modify, or reverse the decision of the Health Commissioner, a notice of violation, or an order on appeal by a vote of a majority of the total number of appointed Board of Health members.

199.03(D)(1) Records and copies. The decision of the Board of Health shall be recorded in Findings and Orders. Copies shall be furnished to the appellant or any Person subject to the Board of Health order.

Effective: 1/1/2015

Section 199.04
Variance

199.04(A) Variance. The Board of Health may grant a variance from the requirements of its regulations as will not be contrary to the public interest, where 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 said regulation, or be otherwise contrary to the public health.

199.04(B) Variance application. An application for variance shall be in writing and filed, with any applicable fee, with the Health Commissioner. Said application for a variance shall be heard by the Board of Health within sixty (60) days from the filing of the application. Notice of the hearing shall be given to the applicant in writing and state the date, time and place of the hearing.

Effective: 1/1/2015

Section 199.05
Effect of Partial Invalidity

199.05(A) Effect of partial invalidity. In any case where a provision or section of this regulation is found to be in conflict with a provision or section of any applicable zoning, building, fire, safety, or health regulation or code existing on the effective date of this regulation, the provision or section which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. If any section, subsection, paragraph, sentence, clause, or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation, which shall remain in full force in effect; and to this end the provisions or sections of this regulation are hereby declared to be severable.

Effective: 1/1/2015

Section 199.06
Savings Clause

199.06(A) Savings clause. The adoption of Regulations 100, 101, 102, 103, 104, 105 and 199 does not affect any existing right acquired or liability or obligation incurred under the regulations repealed or rescinded (703, 709, 710, 712, 715, 716, 717, 718, 719, or 800) or any order adopted under those sections, nor does it affect any proceeding instituted under those sections. The adoption of Regulations 100, 101, 102, 103, 104, 105 and 199 does not terminate or modify any civil or criminal liability that exists on the effective date of this regulation. The adoption of Regulations 100, 101, 102, 103, 104, 105 and 199 are cumulative and nonexclusive and does not affect any other remedy.

Effective: 1/1/2015