

**DAVIS COUNTY BOARD OF HEALTH**

**HOUSING REGULATION**



**Davis**

---

**C O U N T Y**

**H E A L T H**

**D E P A R T M E N T**

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## **1.0 PURPOSE**

The purpose of this regulation is to preserve, promote, and protect the public health, safety, and general welfare of residents and visitors in Davis County by establishing minimum housing maintenance, sanitation, and use standards that shall be maintained by owners and occupants.

## **2.0 SCOPE**

This regulation is applicable to all residential or inhabited areas within all incorporated and unincorporated areas of Davis County.

## **3.0 AUTHORITY AND APPLICABLE LAWS**

This regulation is adopted under the authority of the Davis County Board of Health in accordance with Utah Code Annotated (UCA) Section 26A-1-121.

The provisions of the Utah Administrative Code (UAC):  
Rule R311-500. Illegal Drug Operations Site Reporting and Decontamination Act, Decontamination Specialist Certification Program; and  
Rule R392-600. Illegal Drug Operations Decontamination Standards;  
are hereby adopted by reference and incorporated herein subject to the additions, clarifications, exceptions, and modifications set forth in this regulation.

## **4.0 DEFINITIONS**

- 4.1 DECONTAMINATION SPECIALIST: An individual who has met the standards for, and obtained, certification as a decontamination specialist in compliance with R311-500.
- 4.2 DEPARTMENT: The Davis County Health Department.
- 4.3 DWELLING: A building or structure that is being used, or intended to be used, for human habitation.
- 4.4 DWELLING UNIT: A single habitable unit in a dwelling which provides independent living facilities.
- 4.5 HABITABLE SPACE: A space within a building or structure intended to be used for living, sleeping, cooking, or eating. This does not include bathrooms, laundry rooms, toilet rooms, closets, halls, storage or utility spaces, accessory buildings, and similar areas.
- 4.6 HAZARDOUS MATERIALS: Any substance that may pose an unreasonable risk to the health and safety of the occupant, the public, or the environment.
- 4.7 HEATING DEVICE: Equipment used to heat water or air in a dwelling. It shall include radiant heaters, gas forced air units, boiler units, or other commonly used devices as an integral part of the structure, but does not include kitchen appliances.
- 4.8 HOT WATER: Water heated to a temperature of not less than 110 degrees Fahrenheit (110° F (43.3° C)) at the outlet.

- 4.9 INFESTATION: The uncontrolled presence of vermin.
- 4.10 LEAD-BASED PAINT: Paint and similar surface-coating materials that contain lead equal to or exceeding 1.0 milligrams per square centimeter.
- 4.11 NUISANCE: Condition created by a person that affects an entire community or neighborhood, or any considerable number of persons, and that is injurious to health, indecent, offensive to the senses, or an obstruction of the free use of property, so as to interfere with the comfortable enjoyment of life or property.
- 4.12 OCCUPANT: Any person living, sleeping, cooking, or eating in, or having possession of, a dwelling unit or a rooming unit.
- 4.13 OWNER: Any person who, alone, jointly, or severally with others:
  - 4.13.1 has legal title to any premises, dwelling unit, rooming house, or rooming unit, with or without accompanying actual possession thereof;
  - 4.13.2 has care, charge, or control of any premises, dwelling unit, rooming house, or rooming unit, as owner, agent of the owner, or other person;
  - 4.13.3 is executor, administrator, trustee, or guardian of the estate of the owner;
  - 4.13.4 is a mortgagee in possession; or,
  - 4.13.5 is the senior officer or trustee of the association of unit owners of a condominium.
- 4.14 PERSON: Any individual, firm, corporation and its officers, association, partnership, cooperative, trustee, executor of an estate, governmental agency or any other legal entity recognized by law, in the singular or plural.
- 4.15 RENTAL UNIT: Any unit rented to another person. It includes, but is not limited to: single family residences, such as houses or mobile homes; multi-unit housing, such as duplexes, triplexes, four-plexes, apartment buildings, and condominium units.
- 4.16 ROOMING HOUSE: Any dwelling containing one or more rooming units in which space is rented, leased, or hired out by the owner or operator. A rooming house shall include, but not be limited to, dormitories, group homes, and boarding houses.
- 4.17 ROOMING UNIT: A dwelling unit which may lack or share kitchen facilities and provides either individual or shared bathroom facilities.
- 4.18 TENANT: Any occupant that rents a dwelling or rooming unit from the owner.
- 4.19 UNIT ENCLOSURE: The exterior envelope or physical separator between the interior and the exterior environments of a dwelling unit.
- 4.20 VERMIN: Pests such as rats, mice, cockroaches, bedbugs, mosquitoes, or any other pest determined by the Department to be harmful to the life, health, or welfare of the public.

## **5.0 REGULATION**

### **5.1 Right of Entry**

Inspections of private dwellings are made by the consent of owner, occupant, or an otherwise responsible party, or upon a warrant issued by a court.

### **5.2 Responsibilities of Owners and Property Managers**

An owner, property manager, or occupant may not rent to another person, or permit occupancy of any rental unit unless it complies with this regulation.

#### **5.2.1 Potable Water.**

Potable water shall be supplied, properly connected to the plumbing system, and properly protected.

#### **5.2.2 Plumbing Fixtures.**

Every rental unit shall contain plumbing fixtures in good working condition, including a minimum of:

5.2.2.1 one toilet;

5.2.2.2 one hand wash sink, readily adjacent to the toilet;

5.2.2.3 one shower or tub; and,

5.2.2.4 one kitchen sink.

#### **5.2.3 Rooming Units.**

Rooming units shall have either individual or shared bathroom facilities.

#### **5.2.4 Hot Water.**

A heating device shall provide hot water to all fixtures and appliances ordinarily plumbed to receive it.

#### **5.2.5 Wastewater Control and Discharge.**

All wastewater discharges shall be to an approved sanitary sewer or onsite wastewater system in compliance with the Davis County Board of Health Wastewater Regulation.

#### **5.2.6 Flooding.**

In the event that a rental unit is flooded, the owner or property manager shall take immediate action to remove the water and contaminants. The drying of all affected surfaces shall be initiated as soon as possible.

5.2.6.1 All affected floors, walls, or ceilings shall be cleaned and disinfected.

5.2.6.2 Damage caused by the flooding shall be abated and remediated.

#### **5.2.7 Unit Enclosure Integrity.**

The integrity of the unit enclosure shall be properly maintained and shall prevent the intrusion of:

5.2.7.1 infestations;

5.2.7.2 plants or other biological growth;

5.2.7.3 water; and

5.2.7.4 any other situation that may compromise the integrity of the unit enclosure or create a source of injury or disease.

5.2.8 Lead-Based Paint.

The owner or property manager of a rental unit built prior to 1978 shall not allow interior paint to become in a state of disrepair; this includes, but is not limited to, cracking, peeling, flaking, or the forming of paint dust.

5.2.8.1 Abatement of lead-based paint shall be conducted in accordance with local, state, and federal regulations.

5.2.8.2 The Department may grant an exemption if an accredited laboratory confirms the non-existence of lead-based paint in the interior of the rental unit.

5.2.9 Heating.

Every rental unit shall have heating devices that are properly installed and maintained.

5.2.9.1 Minimum Heat Provided.

The provided heating devices shall be capable of safely heating every habitable space to a minimum temperature of not less than 68 degrees Fahrenheit (68° F) at a distance of three feet above floor level.

5.2.10 Infestations.

Whenever an infestation exists in two or more of the dwelling units in a dwelling, or in the shared or common area of a dwelling containing two or more dwelling units, the control of the infestation thereof shall be the responsibility of the owner.

5.2.11 Common Areas.

The owner or property manager of a building shall maintain any common areas in a clean and sanitary manner.

**5.3 Responsibilities of Tenants.**

Tenants shall be responsible for the following duties.

5.3.1 Maintenance of a Rental Unit.

Tenants of a rental unit shall keep fixtures and furnishings clean and sanitary.

5.3.2 Sanitation of a Rental Unit.

Tenants shall keep clean and sanitary all parts of the premises they utilize by properly disposing of all garbage, refuse, fecal matter, or any other solid waste they generate.

5.3.3 Infestations.

Tenants of a dwelling containing a single dwelling unit shall be responsible for the control of an infestation in their dwelling unit.

5.3.3.1 If an infestation is caused by failure of the owner to maintain the integrity of the unit enclosure, the control of the infestation shall be the responsibility of the owner.

5.3.4 Owner Repair Access.

If a tenant unreasonably denies access, refuses entry, or withholds consent to the owner of a rental unit to enter for the purpose of making repairs to the rental unit, the compliance date for a notice issued shall be suspended.

**5.4 General Sanitation & Safety**

If the person responsible cannot be determined, the owner of the property will be held responsible for any violations of this section.

5.4.1 Nuisance Control.

The person responsible shall abate or remediate all nuisances, or precursors to nuisances found.

5.4.2 Hazardous Materials.

Hazardous materials shall be properly handled, stored, used, and disposed.

5.4.3 Stagnant Water.

Stagnant pools of water shall be drained to prevent the harborage of vermin.

5.4.4 Solid Waste Control.

All garbage, refuse, fecal matter, or other solid waste generated or accumulated shall be properly managed by the person responsible.

5.4.5 Cross-Connections.

No plumbing fixture, water pipe, or other device shall be connected or arranged in such a way that it would be possible for contamination to enter the potable water system.

5.4.6 Responsibilities for Vacant Dwellings.

If a dwelling is vacant, the owner shall secure and maintain the dwelling, and remove all garbage, refuse, and solid waste from the premises and abate or remediate all nuisances.

**5.5 Chemically Contaminated Dwellings**

5.5.1 Decontamination.

A dwelling or dwelling unit confirmed to be chemically contaminated above standards found in R392-600 shall be decontaminated by the owner or an approved decontamination specialist.

5.5.2 Restricted Access.

A dwelling or dwelling unit confirmed to be chemically contaminated above standards found in R392-600 shall be kept secure by the owner against unauthorized access until the dwelling or dwelling unit has been decontaminated to the applicable standards.

5.5.3 List of Contaminated Properties.

If a law enforcement agency reports reasonable evidence that a dwelling or dwelling unit is contaminated, the Department shall record the address on a list of contaminated properties.

5.5.3.1 Dwelling and dwelling units reported by a decontamination specialist shall be recorded on the list of contaminated properties 30 days after the report is received unless the following conditions are met:

5.5.3.1.1 The dwelling or dwelling unit remains secured; and

5.5.3.1.2 A work plan has been submitted to the Department for review and approval.

5.5.4 Permit Required.

No decontamination activities shall occur until after a work plan has been submitted and approved and a decontamination permit has been issued by the Department.

5.5.5 Work Plan.

All decontamination activities shall adhere to the approved work plan.

5.5.5.1 Any deviations from the work plan shall be pre-approved by the Department.

5.5.6 Confirmation Sampling.

The Department may determine the location of confirmation sampling or conduct confirmation sampling prior to clearing a dwelling or dwelling unit for occupancy.

5.5.7 Final Report.

A final report shall be submitted to, and approved by, the Department prior to the dwelling or dwelling unit being cleared for occupancy.

5.5.7.1 Once the final report is approved, the Department shall remove the address from the list of contaminated properties.

**5.6 Closed to Occupancy**

It shall be unlawful for any person to enter a dwelling or dwelling unit that has been closed to occupancy except to remediate violations as authorized by the Department.

5.6.1 Exceptions.

Requests to enter a dwelling or dwelling unit closed to occupancy must be submitted in writing to the Department. The request shall include the:

5.6.1.1 purpose for entry;

5.6.1.2 person(s) that will enter; and

5.6.1.3 date and time of entry.



5.6.2 Approval.

Any Person entering a dwelling or dwelling unit that has been closed to occupancy shall have written approval from the Department.

**5.7 Enforcement**

It is unlawful for any person not to comply with this regulation or to interfere with the Department in the performance of its duties.

5.7.1 Notice.

A notice may be issued for any violation of this regulation.

5.7.2 Closed to Occupancy.

A dwelling or dwelling unit may be posted closed to occupancy for:

5.7.2.1 confirmed contamination levels above the standards listed in R392-600;

5.7.2.2 failure to comply with a notice issued under this regulation; or

5.7.2.3 presence of an imminent health hazard.

5.7.3 Vacating Units.

Any dwelling or dwelling unit that is posted closed to occupancy shall be vacated within a reasonable time as ordered by the Department.

5.7.4 Reopening Units.

Any dwelling or dwelling unit posted closed to occupancy may not be occupied until approval of the Department is given and all placards are removed.

5.7.5 Placards.

No person, other than an authorized Department representative, shall deface or authorize the removal of a Department placard.

5.7.6 Hearings.

In any hearing concerning whether a dwelling or dwelling unit is unfit for use, the owner has the burden of showing that the dwelling or dwelling unit is not contaminated and is fit for use.

**6.0 PENALTY**

**6.1 Criminal Penalties Pursuant to UCA Section 26A-1-123**

6.1.1 Any person determined guilty by a court of: violating any of the provisions of this regulation; or violating, disobeying, or disregarding any notice or order issued under this regulation is guilty of a class B misdemeanor.

6.1.2 Any person found guilty of a subsequent similar violation within two years of the initial violation is guilty of a class A misdemeanor.

6.1.3 Each day such violation is committed or permitted to continue shall constitute a separate violation.

6.1.4 Conviction under this section does not relieve the Person convicted from civil liability.

**6.2 Civil and Administrative Penalties**

- 6.2.1 Any person who violates any of the provisions of this regulation or violates, disobeys, or disregards any notice or order issued under this regulation shall be subject to the payment of costs incurred in the enforcement of any violation or notice issued, including costs attributable to any involved local agencies.
- 6.2.2 A penalty pursuant to the provisions of UCA Subsection 26-23-6(2).
- 6.2.3 A penalty pursuant to the provisions of UCA Section 19-5-115.
- 6.2.4 The exercise of civil and administrative penalties shall be subject to the Department’s Adjudicative Hearing Procedures Regulation.

**7.0 SEVERABILITY**

If any provision, clause, sentence, or paragraph of this regulation or the application or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of this regulation. The valid part of any clause, sentence, or paragraph of this regulation shall be given independence from the invalid provisions or application, and to this end, the provisions of this regulation are hereby declared to be severable.

**8.0 FEES**


8.1 Decontamination Permit: \$400.00

IN WITNESS WHEREOF, the Davis County Board of Health has passed, approved, and adopted this regulation this 12<sup>th</sup> day of February, 2013.

**Effective date: February 12, 2013**

**Revised and Amended: August 11, 2015.**

**Revised and Amended: November 8, 2022.**

Signed:   
Dr. Gary Alexander  
Board Vice Chairman

Attest:   
Brian Hatch, MPH  
Director of Health