

**NASSAU COUNTY PUBLIC HEALTH ORDINANCE**

**ARTICLE VII**

**RESIDENTIAL ENVIRONMENT**

Section 1.     Declaration of Policy.

In the health district there presently exist premises, dwellings, dwelling units, rooming units, or parts thereof, which by reason of deficiencies in their physical condition, equipment, sanitation, maintenance, or the manner of their use and occupancy, adversely affect the safety, general welfare and health of the residents of this county.

To correct the existence of such conditions, to prevent the creation of future adverse conditions, to protect the physical and mental health and social well-being of the residents of this county, and to promote the health, safety, and general welfare of the public, the establishment and enforcement of minimum residential environmental standards are required.

HISTORICAL NOTE: Adopted Aug. 21, 1974, eff. Oct. 29, 1974.

Section 2.     Statement of Purpose.

It is hereby declared that the purpose of this Article is to protect, preserve, and promote the physical and mental health and social well-being of the public, to minimize the incidence of communicable diseases, to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health, to insure that the quality of residential environment is adequate for the protection of the public health, safety and general welfare, and to promote the public welfare by the enactment of regulations, which shall be applicable to present and future dwellings.

The achievement of this purpose includes the establishment of minimum standards (a) for basic equipment and facilities for healthful living, such as adequate water, waste disposal, bathroom facilities, light, ventilation, heating and cooling, (b) for safety from fire and accidents, and (c) for an adequate level of sanitary maintenance of dwellings, and further includes the setting forth of the responsibilities of owners, operators and occupants of dwellings, and the establishment of appropriate provisions for administration and enforcement of this Article.

HISTORICAL NOTE: Adopted Aug. 21, 1974, eff. Oct. 29, 1974.

Section 3. Definitions.

When used in this Article, unless otherwise indicated, the following words shall have the following meanings:

- (a) “Accessory structure” shall mean a detached structure or an attached structure located on or partially on any premises, which is not used or is not intended to be used for living or sleeping by human occupants.
- (b) “Approved” shall mean approved by the Commissioner.
- (c) “Central heating system” shall mean a single system supplying heat to one or more dwelling units or to more than one rooming unit.
- (d) “Dwelling” shall mean any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants.
- (e) “Dwelling unit” shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities, which are used or intended to be used for living, sleeping, cooking, and eating.
- (f) “Egress” shall mean a place or means of going safely to the outside of a dwelling or building.
- (g) “Extermination” shall mean the control and elimination of insects, rodents, or other pests,
  - (1) by eliminating places of harborage,
  - (2) by removing or making inaccessible materials that may serve as their food, and
  - (3) by poisoning, spraying, fumigating, and trapping, or by any other recognized and approved pest elimination method.
- (h) “Garbage” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, serving, and non-consumption of food.
- (i) “Guest” shall mean any person who shares a dwelling unit in a non-permanent status for not more than thirty (30) days.
- (j) “Habitable room” shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes, and utility rooms of less than fifty (50) square feet, foyers or communicating

corridors, stairways, closets, storage spaces, and workshops, hobby and recreation areas in unsealed or uninsulated parts of a structure below ground level or in attics.

- (k) "Heated water" shall mean water heated to a temperature of not less than 120 degrees Fahrenheit.
- (l) "Infestation" shall mean the presence of any insects, rodents, or other pests within a dwelling or a dwelling unit or units or upon the premises on which the dwelling or the dwelling unit or units are located.
- (m) "Kitchen" shall mean any room which is used primarily for the preparation and cooking of food, and which contains any or all of the following equipment: Sink or other approved device for dishwashing, stove or other approved device for cooking, and refrigerator or other approved device for the cool storage of food. Where a portion of a room is used for the preparation and cooking of food, "kitchen" shall mean that portion of the room which contains such equipment and includes an area of not less than three (3) feet from the equipment.
- (n) "Multiple dwelling" shall mean any dwelling containing more than two (2) dwelling units.
- (o) "Occupant" shall mean any person over one year of age, living, sleeping, cooking, or eating in, or actually having possession of, a dwelling unit or a habitable room, except that in dwelling units a guest shall not be considered an occupant.
- (p) "Operator" shall mean any person who has charge, care, control, or management, of a building or part thereof, or premises in or on which there are dwelling units, rooming units, or a multiple dwelling.
- (q) "Owner" shall mean any person who alone or jointly or severally with others:
  - (1) has legal title to any premises, dwelling, dwelling unit, rooming unit, or multiple dwelling, or
  - (2) has charge, care, control, or management, of any premises, dwelling, dwelling unit, rooming unit, or multiple dwelling, as agent, lessee, mortgagee in possession, vendee in possession, assignee of rents, receiver of rents, or as executor, administrator, trustee, conservator, or guardian, of the estate of the holder of legal title.
- (r) "Person" shall mean any individual, public or private, corporation, political subdivision of the state, agency, board, department or bureau of the state or of any municipality, or partnership, association, firm, trust, organization, estate, or any other legal entity whatsoever which is recognized by law as the subject

of rights and duties, or any officer, agent, or employee of any of the foregoing.

- (s) "Plumbing" shall mean the system of pipes and appurtenances supplying illuminating gas, potable water and the discharge of waste water, and shall include the following facilities and equipment: Gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents, and other similar fixtures, together with all connections to water, sewer, or gas lines.
- (t) "Potable Water" means a water which meets the drinking water quality requirements established by Section 5-1.50 through 5-1.55 and Sections 5-1.60 through 5-1.65 sub part 5 of Part 5 of the New York State Sanitary Code. This definition shall also include all New York State Department of Health guidelines for organic chemicals in water.  
HISTORICAL NOTE: Amended Feb. 14, 1986.
- (u) "Premises" shall mean a parcel of land or part thereof, which is vacant or on which a dwelling, accessory structure, or other structure has been erected.
- (v) "Refuse" shall mean all putrescible and non-putrescible solids (except human body wastes), including garbage, rubbish, animal feces, ashes, and dead animals.

(w) "Refuse container" shall mean:

- (1) a watertight container which is constructed of metal or of other durable material impervious to rodents and which is capable of being serviced without creating insanitary conditions, or
- (2) such other approved container.

Openings into the container, such as covers and doors, shall be tight fitting.

- (x) "Rodent harborage" shall mean any place where rodents can live, nest, or seek shelter.
- (y) "Rodent proofing" shall mean a form of construction which will prevent the ingress or egress of rodents to or from a given space or building, or their gaining access to food, water, or harborage. Rodent proofing shall include 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 other places that may be reached and entered by rodents climbing, burrowing, or by other methods, by the use of materials impervious to rodent gnawing or by other approved methods.

- (z) "Rooming house" shall mean any dwelling or that part of any dwelling containing one or more rooming units, in which space is occupied by three (3) or more persons who are not related to the owner or the operator thereof.
- (aa) "Rooming unit" shall mean any room, dormitory, or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.
- (bb) "Rubbish" shall mean all non-putrescible solid wastes (excluding ashes) consisting of either or both:
  - (1) combustible wastes including but not limited to paper, cardboard, rags, furniture, plastic containers, yard clippings, tree branches, leaves, and wood, and
  - (2) non-combustible wastes including but not limited to metal cans, glass, crockery, and discarded appliances.
- (cc) "Safety" shall mean the condition of being reasonably free from danger and hazards which may cause accidents or disease.  
HISTORICAL NOTE: Adopted Aug. 21, 1974, eff. Oct. 29, 1974.

Section 4. Responsibilities of Owners and Occupants.

(a) Occupancy and Letting

No vacant dwelling or dwelling unit shall be let to, or occupied by, any person unless, at the time of letting or occupancy, it is in a clean and sanitary condition, is fit for human occupancy, and complies with the requirements of this Article and with all other applicable law.

(b) Maintenance of a dwelling, dwelling unit, or multiple dwelling

Every occupant of a dwelling, dwelling unit, or multiple dwelling shall maintain in a clean and sanitary condition that part of the dwelling, dwelling unit, multiple dwelling and premises which he occupies and controls.

(c) Maintenance of two-family and multiple dwellings

- (1) Every owner of a dwelling containing two (2) dwelling units shall maintain in a clean and sanitary condition the areas of the dwelling and of the premises which are shared or used in common by the occupants, except where the agreement between the owner and the occupant or occupants provides otherwise.

- (2) Every owner and operator of a multiple dwelling shall maintain the shared or common areas of the dwelling and the premises in a clean and sanitary condition.

**(d) Storage and disposition of rubbish and refuse**

Pending its collection and disposition, every occupant of a dwelling, dwelling unit, or multiple dwelling shall store his rubbish and refuse in a clean and sanitary manner. Rodent-proof, insect-proof, watertight containers shall be used for storage.

**(e) Storage and disposition of garbage**

Pending its collection and disposal, every occupant of a dwelling, dwelling unit, or multiple dwelling shall store in a clean and sanitary manner, garbage or any other organic waste, which might provide food or a breeding place for insects, flies, or rodents. Rodent-proof, insect-proof, watertight refuse containers shall be used for storage.

**(f) Containers to be provided for rubbish, refuse, and garbage**

- (1) It shall be the responsibility of every owner and operator of a multiple dwelling to provide and maintain adequate facilities or suitable refuse containers for the sanitary storage and disposal of rubbish, refuse, and garbage.
- (2) In one and two-family dwellings, it shall be the responsibility of the occupant or occupants to provide and maintain adequate facilities or suitable containers for the sanitary storage and disposal of rubbish, refuse, and garbage.
- (3) Such facilities and containers shall be maintained in good order and repair.

**(g) Storage areas for rubbish, refuse, and garbage**

It shall be the responsibility of every owner and operator to maintain, or to provide for the maintenance of, storage areas for rubbish, refuse, and garbage in a sanitary condition, and free from odors, flies, vermin, and rodent infestation, except that, in non-owner-occupied one and two-family dwellings, it shall be the responsibility of the occupant or occupants.

**(h) Responsibility for Extermination**

- (1) In a one-family dwelling (unless there is a written lease provision to the contrary), the occupant shall be responsible for the extermination of any insects, rodents, and other pests therein or on the premises.
- (2) In two-family dwellings and multiple dwellings the owner shall be responsible for the extermination of any insects, rodents, and other pests therein or in the shared or common areas of such dwellings.

HISTORICAL NOTE: Amended Feb. 14, 1986

(i) Occupant's responsibility for fixtures and plumbing facilities

Every occupant of a dwelling unit shall exercise reasonable care in the use and operation of all fixtures and plumbing facilities therein, and shall maintain them in a clean and sanitary condition.

(j) Responsibility for screens

- (1) The owner of a one or two-family dwelling shall be responsible for providing and installing screens, whenever they are required under the provisions of this Article, except where the agreement between the owner and the occupant or occupants provides otherwise. In the absence of such agreement, maintenance or replacement of screens, once installed, becomes the responsibility of the occupant or occupants.
- (2) The owner and operator of each multiple dwelling and each rooming house shall be responsible for providing and installing screens, whenever they are required under the provisions of this Article. It shall be the responsibility of the owner and operator to maintain or, if necessary, to replace such equipment.

HISTORICAL NOTE: Adopted Aug. 21, 1974, eff. Oct. 29, 1974.

**Section 5. Rodent Control.**

- (a) No person shall store, place, or permit to accumulate, any material in a site accessible to rodents, which may serve as food for rodents or as a rodent harborage.
- (b) In one family dwellings (unless there is a written lease provision to the contrary), the occupant shall be responsible for the proper storage and disposal of accumulated rubbish, boxes, lumber, scrap metal, and any other materials, so as to prevent a rodent harborage.
- (c) In two family dwellings and multiple dwellings the owner shall be responsible for the proper storage and disposal of accumulated rubbish, boxes, lumber, scrap metal and any other materials, so as to prevent a rodent harborage.

- (d) No person shall feed in the open any domestic or wild fowl, birds, or animals other than by the use of a suitable container and in such a manner as to prevent the scattering of the seed or material upon the ground, resulting in a potential source of food for rodents.
- (e) Every window and every opening located at or near ground level of a dwelling shall be supplied with adequate gauge screen or such other devices as will effectively prevent entry by rodents.

HISTORICAL NOTE: Adopted Aug. 21, 1974, eff. Oct. 29, 1974.  
Amended Feb. 14, 1986.

Section 6. Heating Requirements for Living Purposes.

- (a) Every dwelling, multiple dwelling, and rooming house shall have heating facilities, which shall be properly installed and maintained in good working order, and shall safely and adequately heat all habitable rooms, bathrooms, shower-rooms, and water closet compartments. The use of unvented flame space heaters and space heaters without back-draft diverters and automatic controls is prohibited.
- (b) A person who shall have contracted or undertaken or who is required by law to furnish heat to any dwelling, dwelling unit, multiple dwelling, or rooming house, shall furnish heat to all habitable rooms, bathrooms, shower rooms, and water closet compartments, so as to maintain therein a temperature of not less than sixty-eight (68°) degrees Fahrenheit during the hours of 6 A.M. to 10 P.M. and not less than sixty-five (65°) degrees Fahrenheit during the hours 10 P.M. to 6 A.M. at a distance of eighteen (18") inches above the floor level and three (3') feet from an outside wall whenever the outdoor temperature falls below fifty-five (55°) degrees Fahrenheit. Such temperatures shall be maintained during the heating season of October 1<sup>st</sup> through the following May 31<sup>st</sup>.

HISTORICAL NOTE: Adopted Dec. 19, 1979, eff. Feb. 1, 1980; amended March 13, 1984, eff. April 1, 1984.

- (c) Where fuel rationing is imposed, or an energy crisis or an emergency exists, the Commissioner is authorized to grant a general variance or exemption from the provisions of this Section and the Ordinance and to take such action as he deems necessary or appropriate under the circumstances in the interest of public health, for the period of the fuel rationing, energy crisis, or emergency.
- (d) When there are repeated instances during a heating season of non-compliance with the provisions of sub-division (b) of this Section in a multiple dwelling, the Commissioner may order and direct that a prompt inspection of the heating system be made by a qualified heating engineer at the expense of the owner or operator or both. A copy of the inspection report with the recommendations of the engineer shall be filed with the Department of Health not later than ten (10) days following the date of the Commissioner's order.