

Sanitary: As applied to a building, means free from danger or hazard to the health of persons occupying it or to that of the public, if such danger arises from the method or materials of its construction or any equipment installed therein for the purpose of lighting, heating, ventilating, or plumbing.

Both of the definitions for Safe and Sanitary are found as a part of Ohio's codified law. Ohio Revised Code section 3781.06(C)(7) and (8) specify what these terms mean for Ohio's citizens. As such, these definitions form the foundation upon which the codes are developed, upon which code enforcement is structured, and form the outline of that enforcement responsibility. In making these determinations, whether a structure is safe and sanitary, the overriding common goal is to guard the public by ensuring that the public in general and the occupants of the built environment specifically are free from danger or hazard to their life, safety, health or welfare. While an immense task, it is one that has been evidenced as successful in the real statistics that report our effectiveness in safeguarding the public. This duty has been matched with state-of-the-art construction standards developed with national expertise and enforced by a group of trained professionals working together in the public's interest.

Serious hazard: A hazard of considerable consequence to safety or health through the design, location, construction, or equipment of a building, or the condition thereof, which hazard has been established through experience to be of certain or probable consequence, or which can be determined to be, or which is obviously such a hazard.

Of all the terms that must be understood, perhaps this definition is the most important. Within its boundaries lie the authority to cause repairs and modification to even those structures that may otherwise be exempt from the jurisdiction of the codes. It is only when distinct and real serious hazards exist that the building official has the authority to issue orders for existing buildings. (refer to 102.7)

Three concepts, therefore, lie at the core of this definition.

1. The declaration of a condition as a serious hazard must be founded in fact not conjecture. This hazard must not simply be of consequence (a result of an action, process; outcome, effect) but be of considerable (noteworthy, a large amount or number) consequence. Then, as such, it can be examined for its impact upon the public's safety or health.
2. The hazard must be established through experience. This expression carries the implication that there is some history associated with the particular circumstance being evaluated. A primary method for establishing and recording experience with hazardous conditions is via statistics and data. As the building official becomes familiar with the causes and history of life losses, injury, and property loss data the better the decisions that will be made when ascertaining serious hazard conditions.
3. The hazard must be "of certain or probable consequence." This phrase has a key importance in determining the validity of a declaration of serious hazard, especially if any order issued by the building official finds its way to court. The difference between "possible" and "probable" is enormous and any claim of serious hazard based upon possible consequences is especially weak and subject to question. A claim of serious hazard based upon probable consequences is superior and based in fact and data.

The difference is that what is possible is anything that can be or is capable of being. "Possible" consequences are unlimited, open to the imagination, or anything that possibly could exist. This is hardly the ground for practical enforcement of construction codes since it is possible that everything could happen that is possible to happen whether or not it has ever happened. Buildings would be subject to unending compliance with unending requirements based solely upon the creative imagination of the building official.

"Probable" consequences are those that are likely to occur, can reasonably (but not absolutely) be expected on the basis of evidence.

Stated another way, "probable" applies to what appears to be reasonable on the basis of evidence or logic but is not certain or proved. "Possible" applies to what is not probable but what can conceivably exist or occur. Even the term "likely" implies less credibility than "probable."

Given these important distinctions, citations for serious hazards must be based upon the best evidence and information and not be based upon an arbitrary determination along the lines of, "If I say it is a serious hazard, it is." or "Since it doesn't comply with the new code requirements, I'm calling it a serious hazard." Enforcement must be solidly based upon fact, understanding of risk factors, and knowing the intent of the codes and the law. If, in fact, something is declared a serious hazard, the enforcement official must be prepared to take action in all and every case within the official's jurisdiction wherever that condition exists.