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CHAPTER 1323
GENERAL REQUIREMENTS

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SECTION 1323.01 GENERAL

(A) Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment, exterior property, and premises.

(B) Responsibility. The owner of the premises shall maintain the structures, yards, and exterior property areas in compliance with these requirements. An owner shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Tenants and occupants of a premises or dwelling unit are responsible for keeping in a clean, safe, and sanitary condition that portion of the premises, including any exterior property areas, which they occupy and control unless such condition is caused by a defect of the structure or its equipment, facilities, or fixtures, in which case such conditions shall be corrected by the owner.

(C) Vacant Structures and Land. All vacant structures and premises thereof or vacant or undeveloped land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause blight or adversely affect the public health, safety, and welfare.

(D) Discontinuance of Utilities. Other than the legal occupant of the same residential dwelling unit or the provider of the utility or in the case of Imminent Danger, the Chief Code Official, no person shall cause any electric service, natural gas service, water service, or sanitary sewer service to be removed from or shut off from or discontinued in any residential dwelling unit that is presently legally occupied, except for such temporary interruption as may be necessary while actual repairs or alterations are in progress or during an emergency as provided for in Section 1322.09(B)(1).

SECTION 1323.02 EXTERIOR PREMISES

(A) Sanitation.

(1) All exterior premises shall be maintained by the owner, occupant, or tenant in a clean, safe, and sanitary condition so as not to cause blight, adversely affect the public health, safety, and welfare, or adversely affect adjacent premises and shall be kept free of the accumulation of junk, debris, trash, garbage, rubbish, yard debris, noxious or offensive materials, nuisances, and other such conditions.

(2) Furniture, equipment, yard maintenance items, and other elements located on the exterior premises shall be designed and intended for outdoor use and shall be stored and maintained to a clean, neat, and orderly appearance and in a manner that is not conducive to creating a harborage for rodents or insects;

(3) Except where may be permitted under the Zoning Code, vehicle and machinery parts and other similar items, whether new or used, are prohibited from storage outdoors on a premise;

(4) The storage of firewood on exterior premises shall be:

(a) maintained to a neat and orderly appearance;

(b) stacked so as not to exceed the height of adjacent fencing and in no case shall exceed the maximum fence height for the applicable zoning district;and

(c) arranged to prohibit the creation of a rodent or insect harborage area.

Firewood storage shall be prohibited in any front yard or street side yard.

(5) Temporary, seasonal, or permanent stacked storage of equipment, furniture, materials, and other similar items is prohibited in any front yard or street side yard;

(6) Compost areas shall be maintained pursuant to accepted standards for such uses and shall not be a storage area for large limbs, untended yard debris, and trash. Such uses are prohibited in any front yard or street side yard.

(7) Exceptions:

(a) Temporary construction trailers and temporary storage units may be permitted in accordance with the Kettering Zoning Code;

(b) Temporary storage of building material in association with an active permit. Such items must be neatly stacked and weather protected, and shall not be placed within setback areas;

(c) Dead and fallen trees within naturally wooded lots and areas as described in Section 1323.08(F).

(B) Grading and Drainage. All premises shall be graded and maintained to prevent the accumulation of foul stagnant water thereon, or within any structure located thereon. Existing retention areas and reservoirs shall be maintained pursuant to Kettering Codified Ordinances, Chapter 1701, Storm Water Runoff Code.

(1) Water Discharge and Drainage. All drainage on a premises including from storm water, sump pumps, roofs/gutters/downspouts and other re-routed drainage, paved areas, yards, courts, and other open areas shall flow away from buildings and shall not be discharged in a manner so as to accumulate and allow standing water, cause erosion, create an unsafe condition, or create a public nuisance on the subject property or on any abutting property.

(2) Ground Cover. All premises shall be provided with grass and/or other appropriate ground cover or landscaping material so as to assure absorption of rainfall, avoid rapid runoff of surface water, and prevent erosion of soil.

(3) Drainage of Swimming Pools. Swimming pools shall not be drained onto neighboring properties and shall not be drained in a manner to allow standing water or create any unsafe condition or a public nuisance.

(C) Walkways and Driveways. All walkways, stairs, driveways, parking spaces, and other similar areas covered by this code shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(D) Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation and free from conditions that are favorable for the creation of such environments. Any such conditions shall be promptly corrected upon notice. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

(E) Exhaust Vents. Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(F) Accessory Structures. All accessory structures, including, but not limited to, detached garages and carports, walls, fences, pools, signs, and the like shall be maintained structurally sound and in good repair.

(G) Vehicles. Except as provided for in other City of Kettering regulations, no inoperable vehicle shall be parked, kept, or stored outdoors on any premises, and while stored outdoors, no vehicle shall at any time be in a state of major

disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. For the purposes of this section, major repair means work which requires any internal parts including the engine drive train or its parts, transmission assembly, exhaust system or other similar components to be removed from or reinstalled in the vehicle. For the purposes of this section, body work means any activity involving the use of power operated tools or machinery, application of paint and epoxy, or other similar application used to effect modifications to the exterior or interior of avehicle. For the purposes of this section, items stored in a carport are considered stored outdoors/on exterior premises.

(1) Vehicle and Machinery. Except where may be permitted in the Zoning Code, all exterior premises within the City shall be maintained free of the existence and maintenance of a storage area, junkyard, or dumping ground for wrecked or dismantled vehicles or machinery.

(2) Vehicle Covers. Any vehicle cover used for vehicles parked or stored outdoors must be in good condition, free from deterioration, and properly secured by use of gust straps or other similar approved methods.

(3) Vehicles as Storage Containers. No vehicle shall be used as a place for inappropriate storage of items. Such vehicles shall be determined to be an inoperable vehicle and shall not be stored outdoors.

(4) Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area that is designed and approved for such purposes per the Kettering Building Code.

(H) Defacement of Property. No person shall willfully or wantonly damage, mutilate, or deface any exterior surface of any structure, building, fence, or wall on any private or public property by placing thereon any marking, carving, or graffiti. It shall be the responsibility of the owner, occupant, or tenant to restore said surfaces to an approved state of maintenance and repair.

(I) Ground Surface Hazards. Holes, cracks, excavations, breaks, projections, and obstructions that are located outdoors on the exterior property and pose a hazard to persons using the premises shall be repaired to a safe, sound condition.

SECTION 1323.03 SWIMMING POOLS, SPAS, AND HOT TUBS

(A) Swimming Pools. All swimming pools, spas, hot tubs, and covers used for swimming pools, spas, and hot tubs shall be maintained in a clean, safe, and sanitary condition, and in good repair.

(B) Enclosures. Enclosures required by the Kettering Zoning Code, including gates

and doors in such barriers, shall be maintained pursuant to standards of the Zoning Code and Section 1323.04. Gates that are required to be self-closing or self-latching shall be maintained such that the gate will positively close and latch when released from an open position of six inches (6") from the gatepost. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier. Pool covers approved by the Zoning Code as meeting the enclosure requirement shall be maintained free from defects.

Exception: Spas or hot tubs with a safety cover that complies with the Kettering Building Code standards (ASTM F 1346) shall be exempt from the enclosure provisions of this section.

SECTION 1323.04 STRUCTURE EXTERIORS

(A) General. The exterior of a structure shall be maintained in good repair, structurally sound, and sanitary so as not to pose a threat to the public health, safety, or welfare. All components of a structure shall be maintained in good repair and structurally sound. Conditions of deterioration that cause the component or system to be beyond their limit state shall be determined as unsafe and shall be repaired, replaced, or removed in a manner that complies with the Kettering Building and Zoning Codes unless the condition is substantiated otherwise by an approved method. Boarding and securing of openings or damaged exterior materials is a temporary safeguard measure and shall not be considered in maintenance in good repair.

(B) Protective Treatment. All exterior surfaces, including, but not limited to, roofs, doors, door and window frames, cornices, porches, trim, balconies, decks, rails, guards, and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces unless such surfaces are designed and intended for stabilization by oxidation. Building elements and products that are sensitive to adverse weather conditions shall not be left uncovered and unprotected against the effects of weather in excess of such time frame as permitted by the manufacturer's product specifications, but in no case shall such exposure exceed a period of 6 months.

(C) Premises Identification. Buildings shall have address numbers placed in a position to be plainly legible and visible from the right-of-way, including the street or road fronting the property and any abutting alley.

(D) Structural Members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed loads.

(E) Foundation Walls. All foundation walls shall be firmly supported, maintained plumb and free from open cracks and breaks, and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(F) Exterior Walls. All exterior walls, including retaining walls, shall be firmly supported, maintained plumb and free from holes, breaks, and loose or rotting materials, and maintained weatherproof and properly surface coated where required to prevent deterioration.

(G) Roofs and Drainage. Roofing and roof framing shall be in good repair with no signs of deterioration; signs of deterioration shall include, without limitation, the use of tarps covering any portion of the roof. Roofing and roof flashing shall be sound, tight, and have no defects that admit rain. Roof drainage shall be maintained in good repair and free from obstruction. Such drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure and shall include drains, gutters, and downspouts, or other acceptablemethod of discharging roof water to the ground surface, so as to drain away from footings and foundations in a manner that does not create a hazard or a public nuisance.

(H) Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(I) Overhang Extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.

(J) Stairways, Decks, Porches, and Balconies. Every exterior stairway, deck, porch, and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage, and capable of supporting the imposed loads.

(K) Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, in good repair, and properly anchored. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of protective materials, such as paint or similar surface treatment.

(L) Handrails and Guardrails. Every existing handrail and guardrail shall be maintained in good condition, firmly anchored, and capable of supporting normally imposed loads. Existing guardrails installed at walking surfaces more than thirty inches (30”) above adjacent grade and existing handrails at stairways of four or more risers shall not be permanently removed.

(M) Window, Skylight, and Door Frames. Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weather tight.

(1) Glazing. All glazing material shall be maintained free from cracks, breaks, and holes.

(2) Openable Windows. Every window, other than fixed windows, shall be easily openable and capable of being held in position by installed window hardware.

(3) Joints. All joints between the building envelope and the perimeter of windows, doors, and skylights shall be maintained in good repair, weather resistant, and water tight. All joints between abutting building envelope materials shall be maintainedin good repair, weather resistant, and water tight.

(N) Insect Screens. During non-winter months, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(O) Doors. All exterior doors, door assemblies, hardware, and intercom systems shall be maintained in good condition. Locks at all entrances including dwelling units and sleeping units shall tightly secure the door. All doors shall fit reasonably well within frames and shall be properly and securely attached to jambs, headers, or tracks as intended by the manufacturer of the attachment hardware.

(P) Basement Hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain, and surface drainage water.

(Q) Guards for Basement Windows. Every basement window that is openable shall be supplied with rodent shields, storm windows, or other approved protection against the entry of rodents.

(R) Building Security. Doors, windows, or hatchways for dwelling units shall be provided with devices designed to provide security for the occupants and the property within.

(1) Doors. Doors providing access to a dwelling unit that is rented, leased, or let shall be equipped with deadbolt locks designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge, or effort. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the

purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

(2) Windows. Operable windows that provide access to a dwelling unit that is rented, leased, or let shall be equipped with an operable window sash locking device.

(3) Basement Hatchways. Basement hatchways that provide access to a dwelling unit that is rented, leased, or let shall be equipped with devices that secure the units from unauthorized entry.

(S) Gates. All exterior gates, gate assemblies, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 1323.05 STRUCTURE INTERIORS

(A)(1) General. The interior of a structure and the equipment therein shall be maintained in good repair, structurally sound, and in a sanitary condition. Occupants and tenants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner or operator of a structure containing a hotel, a dormitory, two or more dwelling units, or two or more nonresidential occupancies shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(2) Unsafe Conditions. All components of a structure shall be maintainedin good repair and structurally sound. Conditions of deterioration that cause the component or system to be beyond their limit state (e.g. dislodged floor joists or handrails) shall be determined as unsafe and shall be repaired, replaced, or removed in a manner that complies with the Kettering Building Code and Ohio Fire Code, unless the condition is substantiated otherwise by an approved method.

(B) Structural Members. All structural members shall be maintained structurally sound and be capable of supporting the imposed loads.

(C) Interior Surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean, and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

(D) Stairs and Walking Surfaces. Every stair, ramp, landing, balcony, porch, deck,or other walking surface shall be maintained in sound condition, good repair, and free from deterioration.

(E) Handrails and Guardrails. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Guards and handrails required by the building code shall not be permanently removed.

(F) Interior Doors. Every interior door shall fit reasonably well within its frame and shall

be capable of being opened and closed by being properly and securely attached to jambs, headers, hinges, or tracks as intended by the manufacturer of the attachment hardware.

SECTION 1323.06 RUBBISH AND GARBAGE

(A) Accumulation of Rubbish or Garbage. All areas of the exterior property and the interior of every structure, shall be free from any accumulation of rubbish and garbage. Garbage, rubbish, and bulk items shall not be allowed to accumulate and must be removed from the premises in an approved manner on a weekly basis. Loose storage of materials, other than bulk items, is not permitted. Any accumulation or storage contrary to the provisions of this chapter is a nuisance and is prohibited.

(B) Disposal of Rubbish and Garbage. The owner, operator, occupant, or tenant of every establishment producing rubbish and garbage shall provide, and at all times cause to be utilized, an adequate amount of approved storage containers for the storage of such materials until they are removed from the premises for disposal. Every occupant or tenant of a structure shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such material inside of approved storage containers. No person shall place any garbage or rubbish in any street, alley, or other public place or on the property of another.

(1) Storage Containers. Storage containers shall be leak-proof and constructed of metal, rigid plastic, or similar rigid material with close-fitting covers and shall be kept in a clean, neat, and sanitary condition at all times. Containers shall not be allowed to overflow and covers must be kept closed until disposal from premises in order to deter access by pests and vermin. Bulk items need not be kept in such containers, but must be stored indoors until such time as they are to be removed from the property. Storage containers at residential facilities are to be located and stored on the property per the City's zoning code requirements until scheduled pickup by the City approved hauler. Within 24 hours of scheduled pick up, storage containers and bulk items for disposal shall be placed in areas designated by the City for pick up and containers and items not picked up must be removed from such areas no later than 24 hours after scheduled pick up.

(2) Storage Facilities. The owner or operator of every occupied non- residential facility and of every multi-unit residential establishment of greater than four dwelling units shall provide, and at all times cause to be utilized, an area designated onsite for the storage of containers. Containers shall meet the requirements of Section 1323.06(B)(1) and shall not be allowed to overflow. Such storage facilities shall be maintained in a clean and sanitary manner and shall meet all requirements of the Zoning Code for such areas.

(3) Refrigerators. Refrigerators and similar equipment not in operation shall not be abandoned or stored on exterior premises. Refrigerators and similar equipment shall be disposed of in an approved manner and shall not be placed on exterior premises for removal without first removing the doors.

SECTION 1323.07 PEST ELIMINATION

(A) Infestation. For purposes of this section pests are defined as insects or rodents that are harmful to humans or human concerns because they bite, sting, or can carry disease. All structures shall be kept free from insect and rodent infestation. All infestations found in structures shall be promptly eliminated through removal or extermination by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

(B) Owner. The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure or any portion thereof.

(C) Single Occupant. The occupant or tenant of a single-unit dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises. The property owner shall hold ultimate responsibility to ensure elimination of all infestations is completed.

(D) Multiple Occupancy. The owner of a multi-tenant structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. The property owner holds ultimate responsibility to ensure elimination of all infestations is completed.

(1) Excluding bed bug infestations, the occupant or tenant of each tenant space shall be responsible for the continued pest-free condition of the portion of the structure under their control except where infestations are caused by defects in the structure or infestation has spread from adjacent units. In such cases the owner shall be responsible for pest elimination.

(2) Bed Bug Infestation. Elimination of an infestation of bed bugs within any unit in a multi-tenant structure shall be the responsibility of the occupant and owner. The property owner holds ultimate responsibility to ensure elimination of all infestations is completed. As part of the elimination process, the owner shall ensure an infestation has not spread to adjacent units; in such cases the owner shall be responsible for bed bug elimination.

(a) The determination of a bed bug infestation must be confirmed by a professionally licensed exterminator.

(b) Elimination of a bed bug infestation must be performed by a professionally licensed exterminator using approved processes that will not be injurious to human health.

(c) Control of bed bugs shall be deemed complete upon written determination from a professional exterminator that there has been no evidence of bed bug activity for thirty (30) days after the last application of any treatment;

(d) Treatment of a re-infestation within a previously treated area shall follow the

same process as initial infestations.

SECTION 1323.08 VEGETATION

(A) All vegetation, or any portion thereof, including, but not limited to trees, bushes, flowers, ground cover, and shrubs shall have no evident signs of neglect. All vegetation shall be trimmed and properly maintained to a neat and orderly appearance. Any vegetation removed as necessitated by this section shall be replaced as required by the Kettering Zoning Code. The owner, occupant, or tenant of a premises shall be responsible for the maintenance of all vegetation located thereon and on any adjacent right-of-way.

(B) All dead vegetation including but not limited to trees, bushes, flowers, shrubs, or portions thereof, and dead tops of dormant plantings shall be removed. Fallen trees shall be considered as dead vegetation.

(C) Dead or fallen trees located within wooded lots shall be removed upon determination by the Chief Code Official that a violation of this section exists and it poses a blighting influence on adjacent properties. Such trees that do not pose a threat to public health, safety, or welfare and do not negatively impact adjacent properties, including rights-of-way, are exempt from the requirement for removal.

(D) All vegetation, including, but not limited to trees, bushes, shrubs, flowers and ground cover, which are infected with decay, disease, insect infestation, or are otherwise considered dangerous to other plant materials, shall be removed or appropriately treated to remove the disease or infestation.

(E) High risk trees shall be considered a nuisance and shall be removed pursuant to Chapter 1328.

(F) All premises, except for areas that meet the definition of "wooded" per Chapter 1321, shall be maintained free from the excessive accumulation or untended growth of underbrush and undergrowth, including invasive or noxious vegetation, which can endanger native plants and habitats and create a harborage for rodents, insects, and other pests. Such growth, regardless of location, shall not impede visibility or use of rights-of-way or easements intended for use by the general public as roadways, sidewalks, bikeways, or pathways and shall maintain a minimum cleared distance of eight feet (8') from the edge of paved right-of-way or adjacent right-of-way when practical.

(G) Garden areas, including but not limited to wildflower or natural landscape areas, shall be maintained and cultivated in conformance with this code for all vegetation. Such areas shall show no evident signs of neglect and must be well maintained and cultivated, including edging, trimming, and pruning. All garden areas shall also meet the following standards:

(1) No noxious or invasive weeds;
(2) No dead, dying, or diseased vegetation;
(3) Plantings shall have no evident signs of neglect;
(4) No weeds or yard/turf grasses in excess of 8" tall;
(5) No storage of yard debris within garden areas;
(6) Garden plantings shall not be located so as to impede traffic vision clearances at driveways or right-of way and plantings shall not encroach onto pavement;
(7) Gardens shall have clearly defined edges that limit yard/turf grass intrusion; and
(8) Dead portions of all dormant plants shall be removed or trimmed back to no more than 8" tall at the end of each growing season or no later than December 1.

(H) Gardens and planted beds shall be maintained free of tall grass and weeds in excess of eight inches (8") tall.

(I) Vegetation growing through control joints, breaks, and cracks within paved areas, such as walkways, driveways, parking lots, and adjacent public sidewalks, shall be considered as weeds and shall be removed. All vegetation, including tall grass and weeds, encroaching on or impacting the use of public sidewalks and other rights-of-way shall be removed.

(K) Unobstructed access to fire hydrants shall be maintained at all times. A 3-foot clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.

(L) Trimming of Trees, Shrubbery over streets and sidewalks. The owner, occupant, or tenant of every premises upon which a tree, plant, bush, or shrubbery stands, including adjacent right-of-way, with any part thereof upon or overhanging a street or sidewalk shall conform to the regulations herein provided.

(1) The owner, occupant, or tenant shall trim any tree, plant, bush, or shrub so there is at least eight feet (8') of vertical clearance above any sidewalk and at least fourteen feet (14') of vertical clearance above any street. These vertical clearances shall be maintained at all times;

(2) The owner, occupant, or tenant shall cut down and remove any tree, plant, bush, or shrubbery, or any part thereof, as may be necessary to provide a clear and unobstructed view of traffic from all directions at any street intersection, or to abate any nuisance necessary to protect life, limb, or property of persons, drivers of any vehicles, or pedestrians using the street or sidewalk.

(3) Removal. The owner, occupant, or tenant to whom a notice of violation of Section 1323.08(L) has been served shall, within ten (10) days of service, cut and remove such vegetation causing the violation.

(M)(1) Duty to Cut Tall Grass and Weeds. All premises, including areas in or along the edges of buildings, walls, fences, driveways, private and public sidewalks, shall be maintained free from tall grass and weeds in excess of eight inches (8")

in height or length. All weeds shall be prohibited. All weeds, wild carrot, ragweed, poison ivy, and poison sumac shall be controlled to avoid spread. The owner, occupant, or tenant of a premises with adjacent right-of-way shall be responsible for the cutting and removal of tall grass and weeds located on such adjacent right-of-way whether improved or not.

(2) Service of Notice. The Chief Code Official shall annually cause notice to be served via publication in a newspaper of general circulation within the City informing owners, occupants, and tenants of premises in the City of Kettering of their Duty to Cut under Section 1323.08(M)(1). Such notice shall not be required to describe the premises or to specify the name of the owner, occupant, or tenant of such premises. Such notice shall contain the following information:

(a) All premises within the City of Kettering must be kept in compliance with Section 1323.08(M)(1), which prohibits tall grass and weeds in excess of eight inches (8") in height or length.
(b) Should the owner, occupant, or tenant fail to comply, the City will cause tall grass and weeds to be cut at the owner's expense. All costs incurred by the City shall be recovered in accordance with Section 1322.06(F).
(c) Contact information for the Property Maintenance Division.

(3) If a premises is found to be in violation of Section 1323.08.(M)(1), only one written Notice of Violation and Order to Cut need be served upon the property owner, occupant, or tenant and shall serve as the final written Notice of Violation to the property owner for the entire mowing season. Thereafter, if an owner, occupant, or tenant of the property fails to comply with the served Notice of Violation and the same premises is found to be in violation of Section 1323.08(M)(1), the City shall cause the tall grass and weeds to be cut. All costs incurred by the City shall be recovered in accordance with Section 1322.06(F).

(4) Placarding. Vacant properties found to be in violation of Section 1323.08(M)(1) shall have a placard conspicuously placed on the premises during the mowing season. The placard shall contain the following information:

(a) The nature of the code violation;
(b) A copy of the Notice of Violation and Order to Cut;
(c) That should the property owner, occupant, or tenant fail to comply with the Notice of Violation and Order to Cut, the city shall cause the property to be mowed. All costs incurred by the City shall be recovered in accordance with Section 1322.06(F);
(d) That removal of the placard without approval of the Chief Code Official shall constitute a violation of this code;
(e) That the owner must notify the Chief Code Official when the property is reoccupied or sold; and
(f) Contact information for the Property Maintenance Division.

If the owner, occupant, or tenant complies with the Notice of Violation and Order to Cut, the Chief Code Official shall remove the placard once the property is reoccupied or sold.

Removal of the placard does not relieve the property owner, occupant, or tenant of the Duty to Cut.

(5) Notice of Violation and Order to Cut. When the Chief Code Official determines a premises or exterior property has vegetation in violation of Section 1323.08(M)(1), the Chief Code Official shall provide notice of such violation to the owner, occupant, or tenant, Notice shall be in the form provided for in Section 1322.07(B) and shall reference the published notice. Service shall be provided by:

(a) Regular, U.S., first-class mail postage prepaid, to the intended recipient's last known place of residence, plus posting such notice in a conspicuous place in or about the subject premises or property; or

(b) (2) Service pursuant to either Subsection (1) or Subsection (2) of Section 1322.07(C).

(6) Removal of Weeds. The owner, occupant, or tenant to whom a notice of violation of Section 1323.08(M)(1) has been served, shall, within ten (10) days of the date of service of such notice, cut and remove such vegetation causing the violation.

(O) If any owner, occupant, or tenant, fails to comply with a notice of violation or order of the Chief Code Official issued under this Section within the time prescribed, then the Chief Code Official is hereby authorized to cause the subject vegetation to be is brought into compliance. All costs incurred by the City shall be recovered in accordance with Section 1322.06(F).

Legislative History: Title Five enacted by Ord. 2908-80, passed 8-12-80. Title Five (Chapters 1321-1337) repealed and replaced by Ord. 3853-00 passed 11-28-2000. Ord. 4093-08; passed 2-26-08. Title Five (Chapters 1321-1327) amended by Ord. 4328-19, passed 10-08-2019; Title Five (Chapters 1321-1328) amended by Ord. 4436-25, passed 10-14-2025.