

TITLE FIVE - PROPERTY MAINTENANCE CODE

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**CHAPTER 1321
ADMINISTRATION**

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SECTION 1321.101 GENERAL

1321.101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Kettering, Ohio, hereinafter also referred to as "this Code."

1321.101.2 Scope. The provisions of this Code shall apply to all existing residential and nonresidential structures and buildings, and all areas of the premises upon which such structures and buildings are located, including any property or premises upon which no structures or buildings are located, plus any area of adjacent right-of-way that is between the property boundary line and the curb or edge of pavement, whichever is closer to the property boundary line. The provisions of this Code constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

1321.101.3 Intent. This Code shall be construed so as to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired as required herein so as to provide a minimum level of health and safety.

1321.101.4 Severability. If any section, subsection, sentence, clause or phrase of this Code is, for any reason, held to be unconstitutional, then such decision shall not affect the validity of the remaining portions of this Code.

SECTION 1321.102 APPLICABILITY

1321.102.1 General. The provisions of this Code shall apply to all matters affecting or relating to structures, buildings, premises, and those areas of applicability as set forth in Section 1321.101.2. Where, in a specific case, different sections of this Code specify different requirements, the most restrictive shall govern.

1321.102.2 Maintenance. Equipment, systems, devices and safeguards, whether required by this Code or required by a previous regulation or code under which the structure or premises was constructed, altered or repaired, shall be maintained at all times in good working order. The requirements of this Code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures and buildings. Except as may be otherwise specified herein, no owner, occupant, tenant or user of any building, structure or premises shall fail to maintain in good working order all such equipment, systems, devices and safeguards.

1321.102.3 Application of Other Codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Kettering Building, Plumbing and Mechanical Codes and Fire Codes. Nothing in this Code shall be construed to cancel, modify or set aside any provision of the Kettering Zoning Code, Kettering Subdivision Regulations, Kettering Fire Code or Kettering Building Code.

1321.102.4 Existing Remedies. The provisions in this Code shall not be construed so as to abolish, waive or impair existing remedies of this jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

1321.102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this Code shall be executed and installed in a safe and workmanlike manner and, if applicable, installed in accordance with pertinent manufacturer's installation instructions.

1321.102.6 Historic Buildings. The provisions of this Code may be waived for existing buildings or structures designated as a historic building or historic structure by any federal or state agency or department, or by the City of Kettering, and when such buildings or structures are determined by the Kettering Chief Building Official to be safe and such waiver is in the best interest of the public health, safety and welfare.

1321.102.7 Requirements Not Covered By Code. Requirements necessary for the strength, stability or proper operation of an existing structure or building, or requirements necessary for the operation of equipment or operation of machines necessary for the use of a building or structure, shall be determined by the Chief Code Official when in the opinion of the Chief Code Official it is necessary to make such determination and when such requirements are not specifically covered by this Code. Any such determination shall be based upon the public safety, health and general welfare.

SECTION 1321.103 INSPECTION

1321.103.1 General. The City Manager of the City of Kettering, or his/her designee, shall serve as the Chief Code Official. The Chief Code Official (aka Chief Code Officer) shall be the person responsible for enforcement of this Code. In the event the City Manager has delegated all or any portion of the Chief Code Official's duties, responsibilities and authority to his designee, then his designee may, upon the expressed written approval of the City Manager, delegate any of his/her duties and responsibilities and authority to one or more Code Enforcement Officers.

1321.103.2 Code Enforcement Officers. Persons employed or engaged by the City of Kettering to assist the Chief Code Official in the enforcement of this Code, including on-site

and on-premises inspection, may be given the title of Code Enforcement Officers and shall have the authority prescribed by this Code for such Officers.

1321.103.3 Restriction of Employees. Officials or employees of the City of Kettering who are connected with the enforcement of this Code shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building or structure or premises thereto which is located in the City of Kettering, or the preparation of construction documents thereof, unless that same person notifies, in writing and in advance, the City Manager of each such upcoming event of furnishing of labor, materials or appliances, or document preparation, or unless that same person is the owner of that same building, structure or premises; nor shall any such official or employee engage in any work that conflicts with their duties or work related to this Code. In the event the City Manager receives such notification or in instances of failure to notify the City Manager, the City Manager shall take such action as he determines necessary and proper pursuant to this Code and applicable City of Kettering ordinances and regulations.

1321.103.4 Fees. Any fees or charges imposed by the City of Kettering in connection with the administration of this Code shall be those fees and charges then currently established by schedule of the Kettering City Manager.

SECTION 1321.104 DUTIES AND POWERS OF THE CHIEF CODE OFFICIAL

1321.104.1 General. The Chief Code Official shall enforce the provisions of this Code.

1321.104.2 Inspections. The Chief Code Official shall have the authority to make or cause to be made all inspections required or necessitated by this Code, and shall accept and receive reports of inspection by approved agencies or individuals. Upon written approval of the Kettering City Manager, the Chief Code Official is authorized to engage expert opinions as deemed necessary to report upon unusual technical issues that may arise in the course of administering or enforcing the provisions of this Code.

1321.104.3 Right of Entry. The Chief Code Official is authorized and shall have authority to enter upon any premises at any reasonable time for the purposes of delivery of notices or orders in connection with this Code. The Chief Code Official is authorized and shall have authority to enter upon any premises at any reasonable time for the purposes of inspection of those areas or portions of any building, structure or common areas that are open to the public. The Chief Code Official is authorized and shall have authority to enter upon any premises at any reasonable time for the purposes of and inspection of exterior parts or portions of any building or structure, including surrounding grounds and any equipment located outside of a building or structure. Except as may be authorized by this or another section of this Code, the Chief Code Official shall enter into any interior or closed portion of

any building or structure for inspection purposes only with the approval of the owner, occupant or tenant of same interior or closed portion of the premises. In the event it is determined by the Kettering Chief Code Official, and either the Kettering Chief Building Official or the Kettering Fire Chief, that all or any portion of any building, structure, premises or property is causing or threatens to immediately cause an imminent danger or imminent hazard to the public health, safety and general welfare, then in such event the Chief Code Official is authorized to enter, at any time and without advance notice to the owner, tenant, occupant or user, any such structure, building, premises or property for the purposes of inspection.

1321.104.4 Identification. The Chief Code Official and all Code Enforcement Officers shall carry proper identification when inspecting structures, buildings or premises in the performance of their duties under this Code.

1321.104.5 Notices and Orders. The Chief Code Official shall have authority to issue all notices and orders necessary for compliance with and enforcement of this Code.

SECTION 1321.105 APPROVAL

1321.105.1 Alternative Materials, Methods and Equipment. The provisions of this Code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Code, provided that any such alternative has been approved by the Chief Code Official. An alternative material or method of construction shall be approved where the Chief Code Official finds such material or method is satisfactory and complies with the intent of the provisions of this Code, is for the purpose intended, and, if applicable, is at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability and safety.

1321.105.2 Required Testing. When, upon the determination of the Chief Code Official, there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code, or in order to substantiate claims for alternative materials or methods, upon approval of the City Manager the Chief Code Official shall have the authority to require tests as evidence of compliance to be made at no expense to the City of Kettering.

1321.105.2.1 Test Methods. Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Chief Code Official shall approve the testing procedures and any entity proposed to conduct the test.

1321.105.2.2 Test Reports. Reports of tests shall be retained by the Chief Code Official for at least the period required for retention of applicable public records.

1321.105.3 Material and Equipment Reuse. Materials, equipment and devices previously used may be reused when they have been reconditioned, placed in good and proper working condition, and tested when appropriate.

SECTION 1321.106 VIOLATIONS

1321.106.1 Unlawful Acts. It shall be unlawful for any person, firm or corporation to be in conflict with or in violation of any of the provisions of this Code. No person shall fail or refuse to comply with any order of the Chief Code Official.

1321.106.2 Notice of Violation. The Chief Code Official shall serve any notice of violation or order in accordance with Section 1321.107.

1321.106.3 Prosecution of Violation. If a notice of violation is not complied with or an order of the Chief Code Official is issued for failure to comply, then the Chief Code Official may institute or cause to be instituted a legal proceeding to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Code or of the order or direction made pursuant thereto, including penalties for violation of failure to comply.

1321.106.4 Violation Penalties. Whoever is convicted of or pleads guilty to a violation of any provision of this Code, shall be guilty of a misdemeanor and fined not more than five hundred dollars (\$500.00). Any such violation shall be a strict liability offense (malum prohibitum) and no proof of intent shall be necessary. Each day that a violation continues after notice has been served shall be deemed a separate offense.

1321.106.5 Habitual Offender. Any person who commits a violation of this Code, after having previously convicted by the Court on two (2) separate occasions for committing a violation of this Code within a thirty-six (36) month period, shall be guilty of a misdemeanor and shall be fined not more than one thousand dollars (\$1,000.00).

1321.106.6 Abatement of Violation. The imposition of the penalties herein prescribed shall not preclude the Kettering Law Director or his designee from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

SECTION 1321.107 NOTICES AND ORDERS

1321.107.1 Notice To Owner or To Responsible Person(s). Whenever the Chief Code Official determines that there has been a violation of this Code or has grounds to believe that a violation has occurred, then notice shall be given to the owner or the person(s) (tenant,

occupant, user, owner, etc.) responsible therefore in the manner prescribed in Sections 1321.107.2 and 1321.107.3. Notices for condemnation procedures shall also comply with Section 1321.109.3.

1321.107.2 Form. Such notice prescribed in Section 1321.107.1 shall:

1. Be in writing;
2. Include a description of the property sufficient for identification;
3. Include a statement of the violation or violations and why the notice is being issued;
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the building, structure, equipment, premises or property, as the case may be, into compliance with the provisions of this Code; and
5. Inform the owner or the person(s) to whom the notice of violation is issued of the right to appeal.

1321.107.3 Method of Service. Any notice or order of the Chief Code Official shall be deemed to have been properly served if a copy thereof is:

1. Delivered personally; or
2. Left at the usual place of abode of the person to whom it is to be served upon and with someone who is 18 years of age or older; or
3. Sent by certified, preposted U.S. mail to the last known address; or
4. If the notice is attempted to be served by certified, preposted U.S. mail and then returned showing that the notice (letter) was not delivered, or the certified letter is not returned within fourteen (14) days after the date of mailing, then notice may be sent by regular, preposted, first-class U.S.; or
5. If the notice is attempted to be served by regular, first class U.S. mail, postage prepaid, and within fourteen (14) days after the date of mailing the letter is then returned showing that the letter was not delivered, or is not returned within fourteen (14) days after the date of mailing, then notice shall be posted in a conspicuous place in or about the structure, building, premises or property affected by such notice.

1321.107.4 Re-Inspection Fees. Any person who neglects, fails or refuses to correct a violation within the stated compliance deadline provided under Section 1321.107.2 shall be assessed a re-inspection fee for inspections which occur after the compliance date. All fees shall be based upon the costs incurred, including administrative expenses, as established by schedule of the City Manager. Upon completion of the re-inspection, the Chief Code Enforcement Officer shall send, by certified, preposted U.S. mail, a fee statement to the owner of the property or premises. This statement shall include a demand for payment of the statement amount within thirty (30) days from the date of the statement. If the statement that was attempted to be served by certified, pre-posted U.S. mail is returned within fourteen (14) days after the date of mailing showing that it was not delivered, or is not returned within fourteen (14) after the date it was mailed, then a second statement shall be sent by regular U.S mail, postage prepaid, and a copy of the same second statement shall be posted in a conspicuous place in or about the property, structure, building or premises affected. If payment of the second statement is not made within thirty (30) days after the date of mailing or posting of the second statement, whichever is later, then the Chief Code Official is authorized to take the necessary action to certify the amount of the statement to the Montgomery County Auditor for collection the same as other taxed and assessments are collected.

1321.107.5 Transfer of Ownership. It shall be unlawful for the owner of any structure or building who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, or other such entity receiving the ownership of the building or structure a true and accurate copy of any such order or notice of violation issued by the Chief Code Official.

SECTION 1321.108 VACANT BUILDINGS AND PREMISES

1321.108.1. General. Every foundation, exterior floor, exterior wall and roof of every unoccupied or vacant dwelling shall be maintained and be kept in good repair and in such safe condition so as to make interior areas weathertight, watertight and rodent proof so as to prevent the structures from becoming harbors for rats, vermin or insects, to prevent unauthorized entry of the structures and to eliminate unsafe conditions.

1321.108.2 Minimum Standards For Effective Boarding. The effective boarding of a building shall include, but not be limited to, doors, windows or other areas open to ingress and egress and to weather elements. Such openings shall be secured by exterior grade plywood, not less than one-half inch (1/2") thick, or other material of equal strength, cut and fit into the openings. Openings in excess of forty-eight inches (48") wide shall be framed with two inch by four inch (2" x 4") lumber and plywood, or equivalent material fastened twenty-four inches (24") on center onto frame. The plywood or equivalent material shall be

fastened into the openings by screw type nails or lag screws and painted to match the exterior color scheme.

1321.108.3 Exterior Premises. Any portion of the exterior which is deemed to be potentially hazardous due to deteriorated conditions, or to be structurally unsound shall be removed or treated in such a manner so as to eliminate the hazard. The exterior premises shall be maintained free of high weeds, debris, junk, junk vehicles and any other conditions that may provide harborage for rodents. Prior to securing the building, the owners, operators or prior occupants, shall inform the Chief Code Official, in writing, of intent to secure the building and shall specify the method and type of material to be used. The Chief Code Official shall review the condition of the building and exterior, and respond to the writer, setting forth special requirements, if any, necessary for compliance with minimum standards for effective boarding, and allow a reasonable time to complete the work. Upon the proper securing of the premises, and approval by the Chief Code Official, the owner, operator or prior occupant shall monitor and maintain the structure in a safe, sanitary and secured condition

1321.108.4 Unsecured Vacant Building. Whenever the Chief Code Official finds a vacant building open to entry at doors, windows or other points accessible to the general public, the Official may cause the building to be secured at those points of entry. After verifying the building is not legally occupied, either temporarily or permanently, and after making reasonable attempts to notify the owner, tenants, and prior occupants of the building, the Chief Code Official shall be authorized to enter upon the premises only to the extent to secure the structure. In securing such structure, the Chief Code Official shall take action necessary to secure such structure. Such securing shall not be deemed to constitute "effective boarding" pursuant to Section 1321.108.2 hereof. Subsequent notice shall include the fact that the Chief Code Official has found it necessary to take appropriate action to secure the building.

SECTION 1321.109 UNSAFE STRUCTURES AND EQUIPMENT

1321.109.1 General. When a structure or equipment is found by the Chief Code Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this Code. See Section 1322.202 for definition of "unsafe structures", "unsafe equipment", "structure unfit for human occupancy", and "unlawful structure".

1321.109.2 Closing of Vacant Structures. If the Chief Code Official determines a structure or building is vacant and unfit for human habitation and occupancy, or is an imminent danger, but only after consultation with the Kettering Chief Building Official determines the structure or building is not in danger of structural collapse, the Chief Code Official is authorized to post one or more placards of condemnation in a conspicuous location on the premises or property and order the structure closed by a time specified by the Chief

Code Official, however such time shall be not less than twenty-four(24)hours. Upon failure of the owner to close up the premises within the time specified in the order, the Chief Code Official shall cause the premises to be closed through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

1321.109.3 Notice. Whenever the Chief Code Official has condemned a structure or equipment under the provisions of this section of this Code, notice of such condemnation, in the form prescribed in Section 1321.107.2, shall be posted in a conspicuous place in or about the structure affected by such notice. If the notice pertains to equipment, then the notice shall also be placed on the condemned equipment. The Chief Code Official shall also cause notice of such condemnation to be served on the owner or the person or persons responsible for the structure or equipment by at least one other method of service as provided for in Section 1321.107.3 of this Code.

1321.109.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time provided, the Chief Code Official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying or using the premises, removing the placard, and, if applicable, operating the equipment.

1321.109.5 Prohibited Occupancy. Any person who shall occupy or allow to be occupied a placarded premises, or shall operate or allow to be operated placarded equipment, shall be guilty of a minor misdemeanor and subject to the penalties in Section 1321.106.4 of this Code.

1321.109.6 Removal of Placard. The Chief Code Official shall remove the condemnation placard whenever all defects upon which the condemnation and placarding action were based have been eliminated. No person shall deface or remove an official posted condemnation placard without the approval of the Chief Code Official. Any person either defacing or removing such placard without such approval shall be guilty of a minor misdemeanor and subject to the penalties in Section 1321.106.4 of this Code

SECTION 1321.110 EMERGENCY MEASURES

1321.110.1 Imminent Danger. When, in the opinion of the Chief Code Official, a structure or building is in a condition of imminent danger, the Chief Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Chief Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: " THIS STRUCTURE IS UNSAFE AND ITS OCCUPANCY IS PROHIBITED BY THE CHIEF CODE OFFICIAL OF THE CITY OF KETTERING, OHIO." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of

demolishing the same. Any person either defacing or removing such notice without such approval shall be guilty of a minor misdemeanor and subject to the penalties in Section 1321.106.4 of this Code

1321.110.2 Temporary Safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the Chief Code Official, there is imminent danger due to an unsafe condition of any building, structure, equipment, premises or property, the Chief Code Official shall order the necessary work to be done, including the boarding-up of openings, to render such structure, building, equipment, premises or property temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause all such other action to be taken as the Chief Code Official deems necessary to meet such emergency.

1321.110.3 Closing Streets. When necessary for the public safety, the Chief Code Official shall temporarily close structures and, only after consultation with the Kettering City Engineer and the Chief of Police, close sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

1321.110.4 Emergency Repairs. For the purposes of this section, the Chief Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs incurred in the performance of emergency work shall be paid by the City of Kettering. The Chief Code Official may then cause appropriate action to be taken against the owner of the premises or property where the unsafe structure or building or equipment is or was located for the recovery of such costs.

1321.110.5 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Appeals Board, be afforded a hearing as described in this Code.

SECTION 1321.111 DEMOLITION

1321.111.1 General. When, in the Chief Code Official's judgment, any building or structure is dilapidated or has become so out of repair so as to be dangerous, unsafe, unsanitary and otherwise unfit for human habitation or occupancy, and in the further judgment of the Chief Code Official it is unreasonable to repair the structure, the Chief Code Official shall order the owner of any premises upon which is located any such structure or building to demolish and remove such structure or building; or if such structure or building is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option. In the event construction has begun on a building or structure, a certificate of occupancy has not been issued for that building or structure and there has been a cessation of normal construction of that same structure or building for a period of more than twelve (12) months, the Chief Code Official shall order the owner of any premises upon which is located any such uncompleted building or structure to demolish and remove such structure or building.

1321.111.2 Notices and Orders. All notices and orders shall comply with Section 1321.107 of this Code.

1321.111.3 Failure to Comply. If the owner of a structure, building or premises fails to comply with a demolition order within the time prescribed, the Chief Code Official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with one or more private contractors or entities, and the cost of such demolition and removal shall be charged against the real estate upon which the structure or building is located and shall be a lien upon such real estate.

1321.111.4 Salvage Materials. When any structure or building has been ordered demolished and removed, the Chief Code Officer or other designated City of Kettering official shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale shall be reported to the owner of the demolished building or structure and, after deducting the expenses of such demolition and removal, any remaining balance shall be promptly remitted to the said owner.

SECTION 1321.112 MEANS OF APPEAL

1321.112.1 Application for Appeal. Any person directly affected by a decision of the Chief Code Official or a notice or order issued under this Code shall have the right to appeal such decision, notice or order to the Kettering Property Maintenance Board, provided that a written application for appeal is filed within ten (10) calendar days after the first date the appellant gains knowledge of such decision, or within ten (10) calendar days after the date such notice or order was served. An appeal application fee in the amount then established by the City Manager shall accompany each appeal application, unless the Chief Code Official makes a determination of indigency of appellant and in such instances the application fee shall be waived. An application for appeal shall include the written basis for the appeal, such as (a.) the intent of this Code has been incorrectly interpreted, or (b.) the provisions of this Code do not apply, or (c.) the requirements of this Code are adequately satisfied by other means, or (d.) some other reason or basis for the appeal. The original written appeal, plus five (5) copies of same shall be filed with the office of the Chief Code Official.

1321.112.2 Membership of Kettering Property Maintenance Board. The Kettering Property Maintenance Board shall consist of five (5) members who shall at all times during their appointment be qualified electors of the City of Kettering. The Chief Code Official shall be an ex-officio member but shall have no vote on any matter before the Board. Each member of the Board shall be appointed by a majority of the members of the Kettering City Council.

1321.112.2.1 Terms of Appointment. The Kettering Property Maintenance Board members seats shall have staggered, two year terms. Initially, two Board member

positions shall be appointed for a term beginning with their date of appointment and terminating December 31, 2002. Thereafter these same two Board member seats shall have terms of two years each. The remaining three Board member seats shall be appointed for a term beginning with their date of appointment and terminating December 31, 2001. Thereafter these three Board member seats shall have terms of two years each. If a vacancy of any Board seat occurs for any reason, the City Council shall appoint a person to fill the unexpired term of that same vacant Board seat and such appointed person shall be qualified as set forth in Section 1321.112.2 of this Code.

1321.112.2.2 Chairperson and Vice Chairperson. The Board shall annually select one of its members to serve as Chairperson and one of its members to serve as Vice Chairperson.

1321.112.2.3 Secretary. The Kettering City Manager shall designate a City of Kettering employee to serve as secretary to the Board. The secretary shall file a record of all proceedings in the office of the Chief Code Official.

1321.112.2.4 Compensation of Board Members. Members of the Kettering Property Maintenance Board shall receive no compensation for fulfilling and carrying out their duties as a member of the Board.

1321.112.3 Notice and Conduct of Meetings. Notice of meetings shall conform to O.R.C. Sec. 121.22. The procedure and conduct of Board proceedings shall adhere to Robert's Rules of Order, unless otherwise provided for by written and Board adopted rules of procedure.

1321.112.4 Records and Copies. Any decision on any appeal to the Board shall require a majority of those members present at the meeting during which the decision was made, and the Board Secretary shall furnish a copy of the decision to the appellant and to the Chief Code Official.

1321.112.5 Board Hearing and Jurisdiction. The Property Maintenance Board shall have jurisdiction to hear appeals that are timely filed and are appeals from a decision of the Chief Code Official. For each timely filed appeal application the Board shall conduct a hearing within a reasonable time after the date the application is filed, however no such hearing shall begin later than sixty (60) days after the date of application filing unless the appellant consents in writing to such hearing date.

1321.112.6 Appeals From Kettering Property Maintenance Board Decisions. Any decision of the Kettering Property Maintenance Board may be appealed to a court of competent jurisdiction and is not appealable to the Kettering City Council.

1321.112.7 Stays of Enforcement. Appeals of a notice of violation (other than Imminent Danger and Imminent Hazard notices) shall stay the enforcement of the notice until the appeal is heard by the Kettering Property Maintenance Board.

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.

CHAPTER 1322 DEFINITIONS

1322.201 General	1322.202 General Definitions
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SECTION 1322.201 GENERAL

1322.201.1 Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this chapter.

1322.201.2 Interchangeability. Words stated in the present tense include the future: words stated in any specific gender shall include any other gender (for example: the feminine gender includes the masculine and neuter; the singular number includes the plural and the plural the singular).

1322.201.3 Terms Defined In Other Codes. When terms are not defined in this Code and are defined in the building, fire prevention, zoning, plumbing or mechanical codes, ASME A 17.1 and NFPA 70, such terms shall have the meanings ascribed to them as in those codes.

1322.201.4 Terms Not Defined. Where terms are not defined through the methods authorized by this section, then such terms shall have ordinarily accepted meanings such as the context implies.

1322.201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit" or "story" are stated in this Code, they shall be construed as though they were followed by the words "or any part thereof."

SECTION 1322.202 GENERAL DEFINITIONS

APPROVED. Approved by the Chief Code Official.

BASEMENT. A story of a building or structure that is all or partly underground, but having at least one-half (1/2) of its story height below the average level of the adjoining ground.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes.

BLIGHT or BLIGHTING. To cause to deteriorate; a condition of deterioration.

BUILDING. (see **STRUCTURE** herein)

CHIEF CODE OFFICIAL. The official who is charged with the administration and enforcement of this Code, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

DEBRIS. Broken or destroyed remains of a tangible object and those remains create an unsightly or unsanitary condition.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

IMMINENT DANGER. A condition of imminent or actual failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment.

IMMINENT HAZARD. A condition which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, rodents, vermin or other pests.

JUNK. Scrap pieces, broken pieces, unassembled or non-operable pieces of machinery, appliances, vehicles or equipment; dilapidated furniture; building materials not intended for use on-site; and any pieces, furniture or materials if of similar character or condition.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building; or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property: or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group or association acting as a unit.

PREMISES. A lot, plot or parcel of land including any buildings, structures, equipment and facilities thereon.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; this shall include the residue from the burning of wood, coal and other combustible materials, paper, rags, cartons, boxes, wood, rubber, leather, tree branches, yard trimmings, tin cans, metals, glass, crockery and dust and other similar materials.

STRUCTURE. That which is built or constructed or a portion thereof.

STRUCTURE UNFIT FOR HUMAN OCCUPANCY. A structure is unfit for human occupancy whenever the Chief Code Official of the Kettering Chief Building Official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this Code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

UNLAWFUL STRUCTURE. An unlawful structure is any building or structure which is in whole or in part occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law.

UNSAFE EQUIPMENT. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment within a structure or building, or on the premises or property which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants or users of the premises, structure, building, or property.

UNSAFE STRUCTURE. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants or users of the structure by not providing minimum safeguards to protect or warn occupants or users in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WEEDS. Weeds shall be defined as all grasses, annual, biennial and perennial plants and vegetation. However, this term shall not include trees or shrubs, cultivated flowers or ornamental grasses, cultivated gardens and crops planted and cultivated for sale or in connection with an agricultural business.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

YARD, FRONT. As defined in Chapter 1133 of the Zoning Code.

YARD, REAR. As defined in Chapter 1133 of the Zoning Code.

YARD, REQUIRED. As defined in Chapter 1133 of the Zoning Code.

YARD, SIDE. As defined in Chapter 1133 of the Zoning Code.

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.

**CHAPTER 1323
GENERAL REQUIREMENTS**

1323.301	General	1323.304	Interior Structure
1323.302	Exterior Property Areas	1323.305	Rubbish and Garbage
1323.303	Exterior Structure	1323.306	Extermination

SECTION 1323.301 GENERAL

1323.301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, buildings equipment, exterior property and premises.

1323.301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in Sections 1323.305 and 1323.306. A person shall not occupy as owner-occupant or permit another person to occupy premises, or any part thereof, which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. In addition to the property owner, occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises which they occupy and control.

1323.301.3 Structures and Land. All structures, buildings and premises thereof, whether vacant or occupied and whether developed or undeveloped, shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

1323.301.4 Discontinuance of Utilities. Other than the legal occupant of the same residential dwelling unit or the provider of the utility, 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 emergencies.

SECTION 1323.302 EXTERIOR PROPERTY AREAS

1323.302.1 Sanitation.

1. All exterior property and premises shall be maintained in a clean, safe and sanitary condition.
2. No person shall accumulate or permit to be accumulated junk, debris, trash, garbage or other noxious or offensive materials upon any exterior property or premises.
3. Furniture, equipment and other items located in exterior property areas shall be designed for outdoor use and shall be maintained to a neat and orderly appearance.

1323.302.2 Grading and Drainage. Excluding approved retention areas and reservoirs, all premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. No stormwater (including sump pump discharge) shall be discharged so as to accumulate and create an unsafe condition on any abutting property. No stormwater shall be discharged in a manner that creates a public nuisance.

1323.302.3 Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar paved or partially paved areas shall be kept in a state of repair and maintained so as to be free from unsafe or hazardous conditions. Stairs shall comply with the requirements of Sections 1323.303.10 and 1323.303.11.

1323.302.4 Weeds. All premises and exterior property shall be maintained free from weeds, excluding trees and shrubs, in excess of eight (8) inches in height or length. All noxious weeds shall be prohibited. For the purposes of this Section weeds shall be as defined in Section 1322.202 of this Code. For the purposes of this Section, noxious weeds shall be the same as then currently defined in Section 5579.04 of the Ohio Revised Code.

1323.302.4.1 Vegetation. All plant materials, including trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material, shall be removed or appropriately treated, and dead trees and shrubs and “high risk” trees that pose an imminent danger to subject property or adjacent properties shall be removed. All sound plant materials, including trees and shrubs, shall be properly maintained and have no evident signs of neglect.

1323.302.4.1.1 Trees, hedges and shrubbery shall be trimmed and maintained to a neat and orderly appearance.

1323.302.4.2 Notice of Violation. When the Chief Code Officer determines a premises or exterior property has weeds in violation of Section 1323.302.4 of this Code, he shall provide notice of such violation to the owner, tenant, user or other responsible person. Notice of this violation shall be in the form provided for in Section 1321.107.2. Service of such notice shall be provided pursuant to Section

1321.107.3. As an alternative, service of such notice may be provided by (i) regular, U.S., first-class mail, postage prepaid, plus posting such notice in a conspicuous place in or about the premises or property, or (ii) service pursuant to either Subsection 1 or Subsection 2 of Section 1321.107.3.

1323.302.4.3 Removal of Weeds. The owner, tenant or user of property or other responsible person to whom a notice of violation of Section 1323.302.4 has been served, shall, within ten (10) days of the date of service of such notice, cut and remove such weeds causing the violation. In the event the owner, tenant or user of property or other responsible person fails to comply with an order of the Chief Code Official or a notice of violation within the time prescribed, then the Chief Code Officer is hereby authorized to cause to be cut and removed the weeds or plant material causing the violation and the premises or property is brought into compliance with Section 1323.302.4 of this Code.

1323.302.4.4 Costs. In the event the City of Kettering causes the cutting and removal of weeds pursuant to Section 1323.302.4.2, then the Chief Code Official shall prepare a statement of all costs, including reasonable administrative costs and expenses, incurred by the City in connection with such cutting and removal from a property or premises, and shall send, by certified, preposted (green card return), U.S. mail, a copy of such statement to the owner of the property or premises and in which a demand is made for payment of the statement amount within thirty (30) days from the date of the statement. If service of such statement by certified mail is unsuccessful, then the Chief Code Enforcement Officer shall send a copy of such statement and demand to the owner by regular mail, and shall also post a copy of the statement and demand in a conspicuous place on the property from which the weeds and plant material was cut and removed. If the owner fails to make payment of the demand amount within the thirty (30) day time period, the Chief Code Officer is then authorized to cause the necessary action to be taken to certify such amount to the County Auditor for collection as in taxes and assessments, or to take action necessary for collection by a civil proceeding in a court of competent jurisdiction. Collection of the City's costs and expenses for cutting and removal shall be in addition to any penalty imposed for violation of the provisions of this Code.

1323.302.5 Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

1323.302.6 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.

1323.302.7 Accessory Structures. All accessory structures as defined in Section 1133, including but not limited to detached garages, sheds, permanent outdoor play equipment, lighting fixtures and fences and walls shall be maintained structurally sound and in good repair at all times.

1323.302.7.1 Gates. Gates which are required to be self-closing and self-latching in accordance with the Kettering Building Code or any other code of the City, shall be maintained such that the gate will positively close and latch when released from a still position of six (6) inches from the gatepost.

1323.302.7.2 Swimming Pools. Swimming pools, as defined in the City of Kettering Building Code, shall be maintained in a clean and sanitary condition, and in good repair.

1323.302.8 Motor Vehicles. Unless permitted by another code or regulation of the City of Kettering, no person shall park, keep or store outdoors an inoperable or unregistered motor vehicle on any premises or property, or allow such storage, parking or keeping of inoperable or unregistered motor vehicles. No person shall park, store, keep or have outdoors on any property any motor vehicle in a state of major disrepair, or in the process of being stripped or dismantled. Except as may be otherwise permitted by other codes and regulations of the City of Kettering, no person shall paint, perform major repair or body work on any motor vehicle unless in an enclosed space suitable for such purposes.

For purposes of this section, major repair means any repair which requires the engine drive train, transmission assembly, exhaust system or drive train parts to be removed from the vehicle, and/or requires the removal of any internal parts.

For purposes of this section, body work means any activity involving the use of a power-operated tool or machine, application of paint and epoxy or other similar application, to effect modifications to the exterior or interior of a vehicle.

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 designed and approved for such purposes.

1323.302.9 Front Yard and Street Side Yards. Temporary, seasonal or permanent storage of equipment, furniture or other items is prohibited in any front yard or street side yard.

Exception:

1. Temporary construction trailers and temporary storage units as permitted by the Zoning Code.

SECTION 1323.303 EXTERIOR STRUCTURE

1323.303.1 General. The exterior of a structure or building shall be maintained in good repair, structurally sound and sanitary so as not to threaten the public health, safety or general welfare.

1323.303.2 Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches trim, decks and fences shall be maintained in good condition. Exterior wood surfaces 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. Any appearing rust or corrosion on metal surfaces shall be stabilized, and all oxidation stains shall be removed from building and structure exterior surfaces.

1323.303.3 Street Numbers. Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public way.

1323.303.4 Structural Members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

1323.303.5 Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents.

1323.303.6 Exterior Walls. All exterior walls shall be free from holes, breaks, loose or rotting materials: and maintained weatherproof and properly surface coated to prevent deterioration.

1323.303.7 Roofs and Drainage. All roofing and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of any structure or building. Roof drains, gutters and downspouts are required for all structures and buildings and shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

1323.303.8 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.

1323.303.9 Overhang Extensions. All overhang extensions, including by way of example, canopies, marquees, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair, good working order and properly anchored so as to be kept in a sound condition.

1323.303.10 Stair and Walking Surfaces. Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Section 1327.702.5.

1323.303.11 Stairways, Decks, Porches and Balconies. Every exterior component of a building or structure that is structurally incorporated to that same building or structure and such component also incorporates a surface over which persons may walk, including but not limited to exterior stairways, decks, porches and balconies, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

1323.303.12 Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

1323.303.13 Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

1323.303.14 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

1323.303.14.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

1323.303.14.2 Openable Windows. Every window required by this Code, the Kettering Building Code or Kettering Fire Code for ventilation, egress, or light shall be easily opened and capable of being held in position by window hardware.

1323.303.15 Insect Screens. Every exterior door, window intended to be opened and other outside opening used 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 not less than sixteen(16)mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition; such requirement may be satisfied by alternative means approved by the Chief Code Official.

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

1323.303.16 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition.

1323.303.17 Basement Hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

1323.303.18 Guards for Basement Windows. Every basement (or cellar) window or other opening located at or near ground level which provides a possible entry for rodents shall, when open, be supplied and fitted with an approved screen of not more than one-half (1/2) inch mesh or other approved device(s) to prevent entry of rodents.

SECTION 1323.304 INTERIOR STRUCTURE

1323.304.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every owner of a structure containing a rooming house, 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.

1323.304.2 Structural Members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

1323.304.3 Interior Surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition and free from peeling paint, cracked or loose plaster, decayed wood, and other defective surface conditions.

1323.304.4 Stairs and Railings. All interior stairs and railings shall be maintained in sound condition and good repair.

1323.304.5 Stairs and Walking Surfaces. Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of Section 1327.702.9.

1323.304.6 Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

1323.304.7 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 or tracks as intended by the manufacturer of the attachment hardware.

SECTION 1323.305 RUBBISH AND GARBAGE

1323.305.1 Accumulation of Rubbish or Garbage. All exterior property and premises and the interior of every structure or building, shall be free from any accumulation of rubbish or garbage.

1323.305.2 Disposal of Rubbish and Garbage. All garbage shall be disposed of by placing it in a leak-proof container made of metal, plastic, or similar rigid materials, with a close fitting cover.

1323.305.3 Containers. The operator of every nonresidential establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close fitting covers for the storage of such materials until removed from the premises for disposal.

SECTION 1323.306 EXTERMINATION

1323.306.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

1323.306.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

1323.306.3 Single occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

1323.306.4 Multiple Occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property.

1323.306.5 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

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.

**CHAPTER 1324
LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS**

1324.401	General	1324.403	Ventilation
1324.402	Light	1324.404	Occupancy Limitations

SECTION 1324.401 GENERAL

1324.401.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

1324.401.2 Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

1324.401.3 Alternative Devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the building code shall be permitted.

SECTION 1324.402 LIGHT

1324.402.1 Habitable Spaces. Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be seven (7) percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least seven(7)percent of the floor area of the interior room or space, but not less than twenty-five (25) square feet. The exterior glazing area shall be based on the total floor area being served.

1324.402.2 Common Halls and Stairways. Every common hall and stairway, other than in one- and two-family dwellings, shall be lighted at all times with at least a sixty (60) watt standard incandescent light bulb or equivalent for each two hundred (200) square feet of floor area, provided that the spacing between lights shall not be greater than thirty (30)feet.

Every exterior means of egress stairway, other than in one- and two-family dwellings, shall be illuminated with a minimum of one (1) foot-candle at floors, landings and treads.

1324.402.3 Other Spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

SECTION 1324.403 VENTILATION

1324.403.1 Habitable Spaces. Every habitable space shall have at least one (1) openable window. The total openable area of the window in every room shall be equal to at least forty-five (45) percent of the minimum glazed area required in Section 1324.402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least seven (7) percent of the floor area of the interior room or space, but not less than twenty-five (25) square feet. The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

1324.403.2 Bathrooms and Toilet Rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section 1324.403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted from a bathroom or toilet room shall be discharged by a mechanical or gravity ventilation system.

1324.403.3 Cooking Facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exception: Where specifically approved in writing by the Chief Code Official.

1324.403.4 Process Ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

1324.403.5 Clothes Dryer Exhaust. Clothes dryer venting systems shall be independent of all other systems and shall be vented in accordance with the manufacturer's instructions.

SECTION 1324.404 OCCUPANCY LIMITATIONS

1324.404.1 Privacy. Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

1324.404.2 Legal Nonconformity. No space in a building or structure shall be occupied as a habitable space unless it has been, prior to the effective date of this code, originally designed and constructed for or legally converted to use as a habitable space.

Notwithstanding the provisions of this Section and notwithstanding any determination that a habitable space is a legal nonconformity, all dwelling units shall comply with the provisions in Section 1324.404.6.

1324.404.3 Minimum Room Widths. A habitable room, other than a kitchen, shall not be less than seven (7) feet in any plan dimension. Kitchens shall have a clear passageway of not less than three (3) feet between counterfronts and appliances or counterfronts and walls.

1324.404.4 Minimum Ceiling Heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven(7)feet.

Exceptions:

1. In one-family and two-family dwellings, beams or girders spaced not less than four (4) feet on center and projecting not more than six (6) inches below the required ceiling height.
2. Basement rooms in one-family and two-family dwellings occupied exclusively for laundry, study, or playroom purposes, having a ceiling height of not less than six (6) feet eight (8) inches, with not less than six (6) feet four (4) inches of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven (7)feet over not less than one-third (1/3) of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five(5)feet or more shall be included.

1324.404.5 Bedroom Requirements. Every bedroom shall comply with the requirements of Sections 1324.404.5.1 through 1324.404.5.5.

1324.404.5.1 Area for Sleeping Purposes. Every bedroom occupied by one (1) person shall contain at least seventy (70) square feet of floor area, and every bedroom

occupied by more than one (1) person shall contain at least forty (40) square feet of floor area for each occupant thereof.

1324.404.5.2 Access from Bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two(2) bedrooms.

1324.404.5.3 Water Closet Accessibility. Every bedroom shall have access to at least one (1) water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one (1) water closet and lavatory located within one (1) story (floor) from the story in which the bedroom is located.

1324.404.5.4 Prohibited Occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

1324.404.5.5 Other Requirements. Bedrooms shall comply with the applicable provisions of this Code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 1325; the heating facilities and electrical receptacle requirements of Chapter 1326; and the smoke detector and emergency escape requirements of Chapter 1327.

1324.404.6 Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 1324.404.6.

TABLE 1324.404.6
MINIMUM AREA REQUIREMENTS

<u>SPACE</u>	<u>MINIMUM AREA IN SQUARE FEET</u>		
	<u>1-2 Persons</u>	<u>3-5 Persons</u>	<u>6+ Persons</u>
Living Room(a)(b)	No Rqmts.	120	150
Dining Room(a)(b)	No Rqmts.	80	100
Kitchen	50	50	60
Bedrooms	shall comply with Section 1324.404.5		

(a) See Section 1324.404.6.2 for combined living room/dining room spaces.

(b) See Section 1324.404.6.1 for limitations on determining the minimum occupancy area for sleeping purposes.

1324.404.6.1 Sleeping Area. The minimum occupancy area required by Table 1324.404.6 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 1324.404.5.

1324.404.6.2 Combined Spaces. Combined living room and dining room spaces shall comply with the requirements of Table 1324.404.6 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

1324.404.7 Efficiency Unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than two (2) occupants shall have a clear floor area of not less than two-hundred and twenty (220) square feet. A unit occupied by three(3)occupants shall have a clear floor area of not less than three-hundred and twenty(320)square feet. These required areas shall be exclusive of the areas required by Items 2 and 3, immediately below.
2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than thirty (30) inches in front. Light and ventilation conforming to this Code shall be provided.
3. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
4. The maximum number of occupants shall be three (3).

1324.404.8 Food Preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

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.

**CHAPTER 1325
PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

1325.501	General	1325.505	Water System
1325.502	Required Facilities	1325.506	Sanitary Drainage System
1325.503	Toilet Rooms	1325.507	Storm Drainage
1325.504	Plumbing Systems and Fixtures		

SECTION 1325.501 GENERAL

1325.501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

1325.501.2 Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. No person shall occupy as owner-occupant or permit another person to occupy any structure or building or premises which does not comply with the requirements of this Chapter.

SECTION 1325.502 REQUIRED FACILITIES

1325.502.1 Dwelling Units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink, which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

1325.502.2 Rooming Houses. At least one (1) water closet, lavatory and bathtub or shower shall be supplied for each four(4) rooming units.

1325.502.3 Hotels. Where private water closets, lavatories, and baths are not provided, one (1) water closet, one lavatory and one (1) bathtub or shower having access from a public hallway shall be provided for each ten(10) occupants.

1325.502.4 Employee Facilities. A minimum of one (1) water closet, one (1) lavatory and one(1) drinking facility shall be available to employees.

1325.502.4.1 Drinking Facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser.

SECTION 1325.503 TOILET ROOMS

1325.503.1 Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

1325.503.2 Location. Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one (1) flight of stairs and shall have access from a common hall or passageway.

1325.503.3 Location of Employee Toilet Facilities. Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one (1) story above or below the employees' regular working area and the path of travel to such facilities shall not exceed a distance of five-hundred (500) feet. Employee facilities shall either be separate facilities or public customer facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of five-hundred (500) feet from the employees' regular working area to the facilities.

SECTION 1325.504 PLUMBING SYSTEMS AND FIXTURES

1325.504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

1325.504.2 Fixture Clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

1325.504.3 Plumbing System Hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 1325.505 WATER SYSTEM

1325.505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the plumbing code.

1325.505.2 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

1325.505.3 Water Heating Facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than one-hundred and ten (110) degrees Fahrenheit. A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless otherwise allowed by the then current Kettering Building Code.

SECTION 1325.506 SANITARY DRAINAGE SYSTEM

1325.506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

1325.506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

SECTION 1325.507 STORM DRAINAGE

1325.507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

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.

**CHAPTER 1326
MECHANICAL AND ELECTRICAL REQUIREMENTS**

1326.601	General	1326.605	Electrical Equipment
1326.602	Heating Facilities	1326.606	Elevators, Escalators and Dumbwaiters
1326.603	Mechanical Equipment	1326.607	Duct Systems
1326.604	Electrical Facilities		

SECTION 1326.601 GENERAL

1326.601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

1326.601.2 Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

SECTION 1326.602 HEATING FACILITIES

1326.602.1 Facilities Required. Heating facilities shall be provided in structures as required by this section.

1326.602.2 Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of sixty-eight (68) degrees Fahrenheit in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature.

1326.602.3 Heat Supply. Every owner or operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, shall furnish heating equipment or heating facilities to the occupants thereof capable of maintaining a temperature of not less than sixty-eight (68) degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity.

1326.602.4 Occupiable Work Spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than sixty-eight (68) degrees Fahrenheit during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

1326.602.5 Room Temperature Measurement. The required room temperatures shall be measured three (3) feet above the floor and as close as possible to the center of the room but not more than two (2) feet from the center of the room.

SECTION 1326.603 MECHANICAL EQUIPMENT

1326.603.1 Mechanical Equipment. All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

1326.603.2 Cooking and Heating Equipment. All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions.

1326.603.2.1 Cooking Equipment. Cooking appliances shall not be used to provide space heating to meet the minimum requirements of Section 1326.602.3.

1326.603.3 Removal of Combustion Products. All fuel-burning equipment and appliances shall be connected to an approved chimney or vent.

Exception: Fuel-burning equipment and appliances which are labeled for unvented operation.

1326.603.4 Clearances. All required clearances to combustible materials shall be maintained.

1326.603.5 Safety Controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

1326.603.6 Combustion Air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

1326.603.7 Energy Conservation Devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

SECTION 1326.604 ELECTRICAL FACILITIES

1326.604.1 Facilities Required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

1326.604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the then current Kettering Fire Code. Every dwelling shall be served by a main service that is not less than sixty (60) amperes, three (three) wires.

1326.604.3 Electrical System Hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the Chief Code Official shall require the defects to be corrected to eliminate the hazard.

SECTION 1326.605 ELECTRICAL EQUIPMENT

1326.605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

1326.605.2 Receptacles. Every habitable space in a dwelling shall contain at least two (2) separate and remote receptacle outlets. Every laundry area shall contain at least one (1) grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one (1) receptacle. Any new bathroom receptacle installed after January 1, 2001, shall have ground fault circuit interrupter protection.

1326.605.3 Lighting Fixtures. Every structure or building used for residential purposes shall have at least one (1) operable, electric lighting fixture in each public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room. Every structure or building used for non-residential purposes shall have at least one (1) operable, electric lighting fixture over or near every public and employee exterior doorway.

SECTION 1326.606 ELEVATORS, ESCALATORS AND DUMBWAITERS

1326.606.1 General. Elevators, dumbwaiters and escalators shall be maintained to sustain safely all imposed loads, to operate properly, and to be free from physical and fire hazards. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter; or the certificate shall be available for public inspection in the office of the building operator.

1326.606.2 Elevators. In buildings equipped with passenger elevators, at least one (1) elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one (1) elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

SECTION 1326.607 DUCT SYSTEMS

1326.607.1 General. Duct systems shall be maintained free of all obstructions and shall be capable of providing the required function.

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.

**CHAPTER 1327
FIRE SAFETY REQUIREMENTS**

1327.701	General	1327.704	Fire Resistance Ratings
1327.702	Means of Egress	1327.705	Fire Protection Systems
1327.703	Accumulations and Storage		

SECTION 1327.701 GENERAL

1327.701.1 Scope. The provisions of this Chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided. No provisions of this Chapter shall supercede any provisions of the then Kettering Fire Code. In the event of any conflict between the provisions of this Code and the provisions of the then Kettering Fire Code, the then Kettering Fire Code shall prevail.

1327.701.2 Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that does not comply with the requirements of this chapter.

SECTION 1327.702 MEANS OF EGRESS

1327.702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

1327.702.2 Aisles. The required width of aisles in accordance with the City of Kettering Fire Department shall be unobstructed.

1327.702.3 Locked Doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the City of Kettering Building Code.

1327.702.4 Emergency Escape Openings. Emergency escape and rescue openings, as required by any other code or regulation of the City of Kettering, shall be operational from the inside of the room without the use of any keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the City of Kettering Building Code and such

devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening. Where such bars, grilles, grates or similar devices are installed in existing buildings, smoke detectors shall be installed as required in Section 1327.705.

1327.702.5 Stairways, Handrails and Guards. Every exterior and interior flight of means of egress stairs serving any building or structure, or portion thereof and having more than four risers shall have a handrail on at least one (1) side of the stair. Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than thirty (30) inches above the floor or grade below shall have guards. Handrails shall not be less than thirty-four (34) inches nor more than forty-two (42) inches high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surface. Guards shall not be less than thirty (30) inches high above the floor of the landing, balcony, porch, deck, ramp or other walking surface. The depth of stairway treads shall be uniform and the height of stairway risers shall be uniform in each set of stairways or stairs; any variance of such tread or riser in the same set of stairs or stairway shall vary by not more than one-half (1/2) of one (1) inch.

Exception: Guards are not required at any location where guards are exempted by the Kettering Building Code.

SECTION 1327.703 ACCUMULATIONS AND STORAGE

1327.703.1 Accumulations. Rubbish, garbage or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

1327.703.2 Hazardous Material. Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention code.

SECTION 1327.704 FIRE RESISTANCE RATINGS

1327.704.1 General. The fire resistance rating of floors, walls, ceilings, and other elements and components required by the building code shall be maintained.

1327.704.2 Maintenance. All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation thereof. Fire doors shall not be held open by doorstops, wedges and other unapproved hold-open devices.

SECTION 1327.705 FIRE PROTECTION SYSTEMS

1327.705.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the fire prevention code.

1327.705.2 Fire Suppression System. Fire suppression systems shall be maintained in proper operating condition at all times.

1327.705.3 Standpipe Systems. Standpipe systems shall be maintained in proper operating condition at all times. Hose connections shall be unobstructed.

1327.705.4 Fire Extinguishers. All portable fire extinguishers shall be visible, provided with ready access thereto, and maintained in an efficient and safe operating condition. Extinguishers shall be of an approved type.

1327.705.5 Smoke Detectors. A minimum of one (1) approved single-station or multiple-station smoke detector shall be installed in each guestroom, suite or sleeping area in residential and group home occupancies, and in dwelling units in the immediate vicinity of the bedrooms in occupancies in one- and two-family dwellings and multifamily dwellings. In all residential occupancies, smoke detectors shall be required on every story of the dwelling unit, including basements. In dwelling units with split levels and without an intervening door between the adjacent levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.

1327.705.5.1 Installation. All detectors shall be installed in accordance with the building code and the manufacturer's instructions. When actuated, the smoke detectors shall provide an alarm suitable to warn the occupants within the individual room or dwelling unit.

1327.705.5.2 Power Source. The power source for smoke detectors shall be either an AC primary power source or a monitored battery primary power source.

1327.705.5.3 Tampering. Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this Code.

1327.705.6 Fire Alarm Systems. Fire alarm systems shall be in proper operating condition at all times.

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.

