

NOTICE

This City of Kettering Code section is not the official version and is provided only for the convenience of the public. The only official version of the City of Kettering Code is available through the office of the Clerk of Council, located in the City of Kettering Government Center, 3600 Shroyer Road, Kettering, Ohio 45429.

This version may, occasionally, differ from the official version and should only be relied upon for general information purposes. Any errors or omissions should be reported to the Clerk of Council. In no event shall the City of Kettering be held liable for damages of any nature, direct or indirect, arising from the use of this service or reliance on this unofficial document.

**CITY OF KETTERING BUILDING CODE
PROPERTY MAINTENANCE CODE**

TITLE FIVE - PROPERTY MAINTENANCE CODE

CHAPTER 1321	ADMINISTRATION	CHAPTER 1329	Reserved for future use
CHAPTER 1322	DEFINITIONS	CHAPTER 1330	Reserved for future use
CHAPTER 1323	GENERAL REQUIREMENTS	CHAPTER 1331	Reserved for future use
CHAPTER 1324	LIGHT, VENTILATION AND OCCUPANCY REQUIREMENTS	CHAPTER 1332	Reserved for future use
CHAPTER 1325	PLUMBING FACILITIES AND FIXTURE REQUIREMENTS	CHAPTER 1333	Reserved for future use
CHAPTER 1326	MECHANICAL AND ELECTRICAL REQUIREMENTS	CHAPTER 1334	Reserved for future use
CHAPTER 1327	FIRE SAFETY REQUIREMENTS	CHAPTER 1335	Reserved for future use
CHAPTER 1328	Reserved for future use	CHAPTER 1336	Reserved for future use

**CHAPTER 1321
ADMINISTRATION**

1321.101	General	1321.107	Notices and Orders
1321.102	Applicability	1321.108	Vacant Buildings and Premises
1321.103	Inspection	1321.109	Unsafe Structures and Equipment
1321.104	Duties and Powers of the Chief Code Official	1321.110	Emergency Measures
1321.105	Approval	1321.111	Demolition
1321.106	Violations	1321.112	Means of Appeal

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.