

NOTICE

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TITLE FIVE - PROPERTY MAINTENANCE CODE

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**CHAPTER 1321
DEFINITIONS**

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SECTION 1321.01 GENERAL

1321.01.1 Title. The regulations in Chapters 1321-1328 shall be known as the Property Maintenance Code of the City of Kettering, Ohio (the “code”).

1321.01.2 Interchangeability. For purposes of this code, the following terms, phrases, words, and their derivations shall have the meanings as set forth herein. When not inconsistent with the context, words in the present tense include the future tense, words in the

plural number include the singular number, words in the singular number include the plural number, words in the feminine include the masculine, and words in the masculine include the feminine. Defined terms remain defined terms whether or not capitalized.

1321.01.3 Terms Defined In Other Codes. Where terms are not defined in this code and are defined in the Kettering Building and Zoning Codes and the Ohio Fire Code, such terms shall have the meanings ascribed to them as stated in those codes.

1321.01.4 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.

1321.01.5 Sections. Whenever the words "dwelling unit," "dwelling," "lot," "premises," "building," or "story" are stated in this code, they shall be construed as though they were followed by the words "or any section thereof."

SECTION 1321.02 GENERAL DEFINITIONS

ANCHORED. Secured in a manner that provides a stable, positive connection.

APPROVED. Approved by the Chief Code Official or the Chief Building Official.

BASEMENT. That portion of a building that is all or partly underground, but having at least 1/2 of its height below the average level of the adjoining ground. The height of a basement is measured between the surface of the basement floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and ceiling next above it.

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

BED BUG. An insect of the species "cimex lectularius," commonly referred to as a bed bug.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

BLIGHT.

1. A parcel of real estate, lot, or premises that has one or more of the following conditions:
 - a. A structure that is dilapidated, unsanitary, unsafe, or vermin infested and that because of its condition has been designated by the Chief Code Official as unfit for human habitation or use;
 - b. The property poses a direct threat to public health or safety in its present condition by reason of environmentally hazardous conditions, solid waste pollution, or contamination;

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- c. Tax or special assessment delinquencies exceeding the fair value of the land.
2. A parcel of real estate, lot, or premises that has two or more of the following conditions that, collectively considered, adversely affect surrounding or community property values or entail land use relationships that cannot reasonably be corrected through the Kettering Zoning Code:
 - a. Dilapidation and deterioration;
 - b. Age and obsolescence;
 - c. Inadequate provision for ventilation, light, air, sanitation, or open spaces;
 - d. Unsafe and unsanitary conditions;
 - e. Hazards that endanger lives or properties by fire or other causes;
 - f. Noncompliance with this code, the Kettering Building or Zoning Code, or the Ohio Fire Code;
 - g. Nonworking or disconnected utilities;
 - h. Is vacant or contains an abandoned structure;
 - i. Vermin infestation;
 - j. Extensive damage or destruction caused by a major disaster when the damage has not been remediated within a reasonable time;
 - k. Identified hazards to health and safety that are conducive to ill health, transmission of disease, juvenile delinquency, or crime;
 - l. Ownership or multiple ownership of a single parcel when the owner, or a majority of the owners of a parcel in the case of multiple ownership, cannot be located;
 - m. One or more vehicles improperly stored; and
 - n. An accumulation of litter.

BUILDING. An enclosed structure which is permanently constructed, the use of which requires permanent location and attachment on the ground.

CARPORT. A roofed shelter enclosed by no more than three (3) walls for the purpose of providing shelter for operable automobiles and is either freestanding or attached to a principle or accessory structure.

CHIEF BUILDING OFFICIAL. The City of Kettering official who is designated and charged with the administration and enforcement of the Kettering Building Codes, or any duly authorized representative.

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

CITY. The City of Kettering, Ohio.

COMPOST. A mixture of decomposing organic material that is stored and maintained under controlled conditions for use in fertilizing soils.

CONDEMN. To adjudge unfit for occupancy or use.

CROWN. The live branches, twigs, and foliage of a tree.

CROWN CLOSURE. The percentage of a given lot or lots covered by tree crowns.

CULTIVATED. A garden or other yard area that is routinely improved, plowed, fertilized, prepared, and maintained for the purpose of raising crops or ornamental and flowering plants and bushes.

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

DETACHED. When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust, or decay and lose effectiveness.

DWELLING UNIT. One or more rooms designed, occupied, and intended for occupancy as a separate living quarters for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above a said lot or lots.

EQUIPMENT SUPPORT. Those structural members, or assemblies of members, or manufactured elements including braces, frames, lugs, hangers, or saddles that transmit gravity load, lateral load, and operating load between the equipment and the structure.

EROSION. The detachment, wearing away, or movement of land surface through the action of forces such as water, wind, ice, or gravity.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of the owner, an owner's authorized agent, or operators of such premises.

EXTERIOR STORAGE. Any materials stored outdoors on a property, lot, or premises, including under an open-sided structure if visible from the public view.

EXTERMINATION. The control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing materials that may serve as their food, by poisoning, spraying, fumigating, or trapping, by blocking their access to a structure, or by any other approved and legal pest elimination methods.

FIRE MARSHAL. The City of Kettering official who is designated and charged with the administration and enforcement of the Ohio Fire Code, or any duly authorized representative.

GARAGE. An enclosed structure which was originally constructed and equipped to park and/or store vehicles.

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

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. The space in a structure that is used, or intended to be used, for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

HISTORIC AUTOMOBILE. Any vehicle licensed by the State of Ohio as a Historic Motor Vehicle.

IMMINENT DANGER. 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, vermin, or other pests in numbers large enough to be determined harmful.

INOPERABLE/INOPERATIVE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reasons, including, but not limited to: being hazardous to operate; having one or more flat tires; being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power. Any such vehicle shall be deemed unroadworthy if it does not have all operational and safety-related components maintained in a manner that makes it legal and safe to operate on the public streets.

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

LABELED. Equipment, materials, or products to which have 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 whose labeling indicates either that the equipment, material, or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide, or offer possession or occupancy of a dwelling, dwelling unit, building, premises, 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.

LITTER. The exterior accumulation of junk, debris, garbage, waste, rubbish, or anything else of an unsightly or unsanitary nature.

MANUFACTURER'S LISTING. Installation instructions and standards of use set by the product's manufacturer.

NATURAL WOODLAND. Land that has always been covered with a dense growth of trees with a Crown Closure measured at 25% or more. That undeveloped portion of a lot or property that has always been covered by trees, shrubs, and undergrowth and is greater in area than the developed portion of said lot.

NATURALLY WOODED LOT. Any undeveloped lot that has always been covered with a dense growth of trees with a Crown Closure measured at 25% or more.

NEGLECT. The lack of proper maintenance for a building, structure, equipment, system, or fixture.

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 section of a window, skylight, or door which is available for unobstructed ventilation and egress 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.

ORC. Ohio Revised Code.

ORGANIZATION. A corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated nonprofit association, estate, trust, or other commercial or legal entity. "Organization" does not include an entity organized as or by a governmental agency for the execution of a governmental program.

OWNER. The owner of record as shown on the current tax list of the county auditor and any purchaser under a land contract. "Owner" also means any person who has a freehold or lesser estate in the premises; a mortgagee or vendee in possession; or any person who has charge, care, or control of the premises as agent, executor, administrator, assignee, receiver, trustee, guardian, or lessee.

PERSON. Any individual, firm, corporation, association, partnership, agent, operator, business trust, estate, syndicate, cooperative, or any entity recognized by law, or anyone in control of a premise or property.

PEST. An annoying insect or other animal that can bring harm, disease, or destructiveness.

PREMISES. A lot, plot, or parcel of land, easement, or public way, including any structures thereon.

PUBLIC WAY. Any street, alley, or similar parcel of land which is deeded, dedicated, or otherwise permanently appropriated to the public for public use.

RIGHT-OF-WAY. A strip of land taken or dedicated for use as a public way. A right-of-way may be occupied by a road, pedestrian walkway, utility line, railroad line, canal, or easement. The right-of-way width is designated in the Official Thoroughfare Plan.

RIGHT-OF-WAY, ADJACENT. The portion of right-of-way that is between the property line of a private property and the officially designated street and/or street side edge of curb.

RUBBISH. Combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard

trimmings, tin cans, metals, mineral matter, glass, crockery and dust, and other similar materials.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

STREET. A way for vehicular traffic designated by official action as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, drive, or otherwise.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a section of its case. It is enough to prove that the defendant either did an act which was prohibited or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed, or a portion thereof, that stands on its own, such as, a building, carport, fence, wall, and the like.

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.

TRASH. All combustible and noncombustible waste material, except garbage.

TREE. Any self-supporting woody plant that usually produces one main trunk and a more or less distinct and elevated head with many branches.

TREE, HIGH RISK. Any tree or portion thereof that is so damaged, decayed, diseased, or of similar condition that should it fall poses a danger to adjacent structures and public ways and the occupants thereof.

UNSANITARY. Unclean enough to endanger health.

VACANT. Buildings, properties, and premises which are unoccupied or without authorized human inhabitants.

VEHICLE. Anything on wheels, runners, tracks, designed to float on water, or designed to fly in the air.

VEHICLE COVER. A completely opaque cover that is specifically manufactured and commercially retailed for the purpose of covering a vehicle. General purpose tarps are not considered appropriate vehicle covers.

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

WEEDS. All grasses, annual plants, and vegetation, excluding trees and shrubs, all noxious weeds as defined in ORC Section 5579.04, and including, but not limited to, Canada thistle (*cirsium arvense*), wild carrot (*daucus carota*), bindweed (*convolvulus arvensis*), ragweed (*ambrosia elatior* 1), poison ivy (*rhus toxicodendron*), poison sumac (*toxicodendron vernix*), or other such vegetation. This term shall not include trees or shrubs, cultivated flowers, ornamental grasses, or crops planted and cultivated for sale or in connection with an agricultural business.

WASTE. All trash, rubbish, garbage, and other refuse or discarded material required to be removed from private or public places.

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

YARD. An open space on the same lot with a structure.

YARD, FRONT. As defined in Chapter 1159 of the Zoning Code.

YARD, REAR. As defined in Chapter 1159 of the Zoning Code.

YARD, REQUIRED. As defined in Chapter 1159 of the Zoning Code.

YARD, SIDE. As defined in Chapter 1159 of the Zoning Code.

YARD, STREET SIDE. As defined in Chapter 1159 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. Title Five (Chapters 1321-1327) amended by Ord. 4328-19, passed 10-08-2019.