

NOTICE

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**CHAPTER 1323
GENERAL REQUIREMENTS**

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SECTION 1323.01 GENERAL

1323.01.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment, exterior property, and premises.

1323.01.2 Responsibility. The owner of the premises shall maintain the structures and exterior property areas in compliance with these requirements. An owner shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a premises or dwelling unit are responsible for keeping in a clean, safe, and sanitary condition that portion of the premises, including any exterior property areas, which they occupy and control.

1323.01.3 Vacant Structures and Land. All vacant structures and premises thereof or vacant or undeveloped land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause blight or adversely affect the public health, safety, and welfare.

1323.01.4 Discontinuance of Utilities. Other than the legal occupant of the same residential dwelling unit or the provider of the utility or in the case of Imminent Danger, the Chief Code Official, no person shall cause any electric service, natural gas service, water service, or sanitary sewer service to be removed from or shut off from or discontinued in any residential dwelling unit that is presently legally occupied, except for such temporary interruption as may be necessary while actual repairs or alterations are in progress or during an emergency as provided for in Section 1322.09.2.1.

SECTION 1323.02 EXTERIOR PROPERTY AREAS

1323.02.1 Sanitation. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition so as not to cause blight or adversely affect the public health,

safety, and welfare and shall be kept free of the accumulation of junk, debris, trash, garbage, rubbish, yard debris, noxious or offensive materials, nuisances, and other such conditions.

1. Furniture, equipment, yard maintenance items, and other elements located on the exterior premises shall be designed and intended for outdoor use and shall be stored and maintained to a clean, neat, and orderly appearance and in a manner that is not conducive to creating a harborage for rodents or insects;
2. Except where may be permitted under the Zoning Code, vehicle and machinery parts and other similar items, whether new or used, are prohibited from storage outdoors on a premise;
3. The storage of firewood on exterior premises shall be:
 - a) maintained to a neat and orderly appearance;
 - b) stacked so as not to exceed the height of adjacent fencing and in no case shall exceed the maximum fence height for the applicable zoning district; and
 - c) arranged to prohibit the creation of a rodent or insect harborage area.

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

4. All premises, except for naturally wooded areas, shall be maintained free from the excessive accumulation or untended growth of underbrush, undergrowth, or other noxious vegetation which creates a harborage for rodents, insects, and other pests. Such growth within naturally wooded areas shall not impede visibility or use of public rights-of-way or easements intended for use by the general public as roadways, sidewalks, bikeways, or pathways and shall maintain a minimum cleared distance of eight feet (8') from the right-of-way;
5. Temporary, seasonal, or permanent stacked storage of equipment, furniture, materials, and other similar items is prohibited in any front yard or street side yard;
6. Compost areas shall be maintained pursuant to accepted standards for such uses and shall not be a storage area for large limbs, untended yard debris, and trash. Such uses are prohibited in any front yard or street side yard.

Exceptions:

1. Temporary construction trailers and temporary storage units may be permitted in accordance with the Kettering Zoning Code;

2. Temporary storage of building material in association with an active permit. Such items must be neatly stacked and weather protected, and shall not be placed within setback areas;
3. Dead and fallen trees within naturally wooded lots and areas as described in Section 1323.02.4.

1323.02.2 Grading and Drainage. All premises shall be graded and maintained to prevent the accumulation of foul stagnant water thereon, or within any structure located thereon. Existing retention areas and reservoirs shall be maintained pursuant to Kettering Codified Ordinances, Chapter 1701, Storm Water Runoff Code.

1323.02.2.1 Storm Water. No storm water, including discharge from sump pumps or other re-routed drainage, shall be discharged so as to accumulate and create a public nuisance or an unsafe condition or allow erosion on the subject property or any abutting property.

1323.02.2.2 Ground Cover. All premises shall be provided with grass and/or other appropriate ground cover or landscaping material so as to assure absorption of rainfall, avoid rapid runoff of surface water, and prevent erosion of soil.

1323.02.3 Walkways and Driveways. All walkways, stairs, driveways, parking spaces, and other similar areas covered by this code shall be kept in a proper state of repair, and maintained free from hazardous conditions.

1323.02.4 Vegetation. All vegetation, including trees, bushes, shrubs, and portions thereof, shall have no evident signs of neglect. Vegetation shall be trimmed and properly maintained to a neat and orderly appearance. Any vegetation removed as necessitated by this section shall be replaced as required by the Kettering Zoning Code.

1. All dead trees, bushes, shrubs, or portions thereof, shall be removed;
2. Dead or fallen trees located within naturally wooded lots that do not pose a threat to public health, safety, or welfare and do not negatively impact adjacent properties, including rights-of-way, are exempt from the requirement for removal;
3. All vegetation, including trees, bushes, and shrubs, which are infected with decay, disease, insect infestation, or are otherwise considered dangerous to other plant materials, shall be removed or appropriately treated to remove the disease or infestation;
4. "High risk" trees shall be removed;
5. Gardens shall be maintained pursuant to accepted standards;

6. Flower beds shall be maintained free of tall grass and weeds in excess of eight inches (8") tall;
7. Vegetation growing through control joints, breaks, and cracks within paved areas, such as walkways, driveways, parking lots, and adjacent public sidewalks, shall be considered as weeds and shall be removed;
8. Unobstructed access to fire hydrants shall be maintained at all times. A 3-foot (914mm) clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.

1323.02.4.1 Tall Grass and Weeds. All premises and exterior property areas shall be maintained free from tall grass and weeds in excess of eight inches (8") in height or length. All noxious weeds shall be prohibited. The term weeds shall not include trees or shrubs, cultivated flowers, ornamental grasses, or crops planted and cultivated for sale or in connection with a legally authorized agricultural business. Non-compliance with this section may also be subject to provisions of Section 1322.06. Vegetation growing through control joints, breaks, and cracks within paved areas, such as walkways, driveways, parking lots, and adjacent public sidewalks, shall be considered as weeds and shall be removed. Weeds determined to be a nuisance are subject to the provisions of Section 1328.10.

1323.02.4.2 Notice of Violation. When the Chief Code Official determines a premises or exterior property has vegetation in violation of this code, the Chief Code Official shall provide notice of such violation to the owner, tenant, user, or other responsible person. Notice shall be in the form provided for in Section 1322.07.2. Service shall be provided by:

1. Regular, U.S., first-class mail postage prepaid, to the owner's last known place of residence, plus posting such notice in a conspicuous place in or about the subject premises or property, or
2. Service pursuant to either Subsection 1 or Subsection 2 of Section 1322.07.3.

1323.02.4.3 Removal of Weeds. The owner, tenant, or other responsible person to whom a notice of violation of Section 1323.02.4.1 has been served, shall, within ten (10) days of the date of service of such notice, cut and remove such vegetation causing the violation. In the event the owner, tenant, or user of property or other responsible person fails to comply with a notice of violation or order of the Chief Code Official within the time prescribed, then the Chief Code Official is hereby authorized to cause to be cut and removed the vegetation causing the violation such that the premises or property is brought into compliance.

1323.02.4.4 Removal of High Risk Trees. The owner, tenant, user of property, or other responsible person to whom a notice of violation of Section 1323.02.4 for High Risk Trees has been served, shall remove the subject tree in the shortest time possible as determined by the Chief Code Official. The tree and trunk shall be removed from the property such that any remaining portion shall be no more than three inches (3") above the adjacent grade or as may be approved by the Chief Code Official.

In the event the owner, tenant, 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 Official is hereby authorized to cause to be cut and remove the tree(s) causing the violation.

1323.02.4.5 Costs. In the event the City of Kettering causes the cutting and removal of vegetation then the Chief Code Official shall prepare a statement of all costs, which shall include such administrative costs and expenses as established in the Kettering Schedule for Fees, incurred by the City in connection with such cutting and removal, and shall cause to be sent, via certified, pre-posted (green card return), U.S. mail, a copy of such statement to the owner of the property or premises in which a demand is made for payment of the statement amount within thirty (30) days from the date of the statement, and shall also post a copy of the statement and demand in a conspicuous place on the subject property. If service of such statement by certified mail is unsuccessful, then a copy of such statement shall be sent to the owner by regular mail. If the owner fails to make payment of the demand amount within the thirty (30) day time period, the Chief Code Official is then authorized to cause the necessary action to be taken to certify such amount to the Montgomery or Greene 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 that may be imposed for violation of the provisions of this code.

1323.02.5 Trimming of Trees, Shrubbery. The owner of every lot or parcel of land within the corporate limits upon which a tree, plant, bush, or shrubbery stands with any part thereof upon or overhanging a public way or sidewalk shall conform to the regulations herein provided.

1. The owner shall trim or cause the tree, plant, bush, or shrubbery to be trimmed so that a clear height of eight feet (8') between the lowest branches of the same and street or sidewalk is maintained;
2. The owner shall cut down and remove any tree, plant, bush, or shrubbery, or any part thereof, as may be necessary to provide a clear and unobstructed view of traffic from all directions at any street intersection, or to abate any nuisance necessary to protect life, limb, or property of persons, drivers of any vehicles, or pedestrians using the street or sidewalk.

1323.02.5.1 Notice of Violation. Notice shall be in the form provided for in Section 1322.07.2 and shall be served upon the owner of the lot or parcels of land by personal service or by certified U.S. mail. If service of such notice by certified US mail is not perfected after ten (10) days of the date of the initial notice, then a second notice shall be made by posting a copy of the second notice in a conspicuous place upon the lot or parcel of land and such posting shall constitute effective service.

1323.02.5.2 Removal. The owner, tenant or other responsible person to whom a notice of violation of Section 1323.02.5 has been served shall, within ten (10) days of confirmation of service of the first notice or within ten (10) days of the date of the second notice, cut and remove such vegetation causing the violation; otherwise, the Chief Code Official is hereby authorized to cause such vegetation to be trimmed or cut down and removed such that the premises or property is brought into compliance with these regulations and assess the cost thereof against the owner of such lot or parcel of land in the same manner as in Section 1323.02.4.5.

1323.02.6 Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation and free from conditions that are favorable for the creation of such environments. Any such conditions shall be promptly corrected upon notice. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

1323.02.7 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.

1323.02.8 Accessory Structures. All accessory structures, including, but not limited to, detached garages and carports, walls, fences, pools, signs, and the like shall be maintained structurally sound and in good repair.

1323.02.9 Vehicles. Except as provided for in other City of Kettering regulations, no inoperative or unlicensed vehicle shall be parked, kept, or stored outdoors on any premises, and while stored outdoors, no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. For the purposes of this section, major repair means work which requires any internal parts including the engine drive train or its parts, transmission assembly, exhaust system or other similar components to be removed from or reinstalled in the vehicle. For the purposes of this section, body work means any activity involving the use of power operated tools or machinery, application of paint and epoxy, or other similar application used to effect modifications to the exterior or interior of a vehicle. For the purposes of this section, items stored in a carport are considered stored outdoors/on exterior premises.

1323.02.9.1 Vehicle and Machinery. Except where may be permitted in the zoning ordinance, all exterior premises within the city shall be maintained free of the existence and maintenance of a storage area, junkyard, or dumping ground for wrecked or dismantled vehicles and machinery.

1323.02.9.2 Vehicle Covers. Any vehicle cover used for vehicles parked or stored outdoors must be in good condition, free from deterioration, and properly secured.

1323.02.9.3 Vehicles as Storage Containers. No vehicle shall be used as a place for inappropriate storage of items. Such vehicles shall be determined to be a junk vehicle and shall not be stored outdoors.

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

1323.02.10 Defacement of Property. No person shall willfully or wantonly damage, mutilate, or deface any exterior surface of any structure, building, fence, or wall on any private or public property by placing thereon any marking, carving, or graffiti. It shall be the responsibility of the owner to restore said surfaces to an approved state of maintenance and repair.

1323.02.11 Ground Surface Hazards. Holes, cracks, excavations, breaks, projections, and obstructions that are located outdoors on a premises and pose a hazard to persons using the premises shall be repaired to a safe, sound condition.

SECTION 1323.03 SWIMMING POOLS, SPAS, AND HOT TUBS

1323.03.1 Swimming Pools. All swimming pools, spas, hot tubs, and covers used for swimming pools, spas, and hot tubs shall be maintained in a clean, safe, and sanitary condition, and in good repair.

1323.03.2 Enclosures. Enclosures required by the Kettering Zoning Code, including gates and doors in such barriers, shall be maintained pursuant to standards of the Zoning Code and Section 1323.04. Gates that are required to be self-closing or self-latching shall be maintained such that the gate will positively close and latch when released from an open position of six inches (6") from the gatepost. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier. Pool covers approved by the Zoning Code as meeting the enclosure requirement shall be maintained free from defects.

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

SECTION 1323.04 EXTERIOR STRUCTURES

1323.04.1 General. The exterior of a structure shall be maintained in good repair, structurally sound, and sanitary so as not to pose a threat to the public health, safety, or welfare. All components of a structure shall be maintained in good repair and structurally sound. Conditions of deterioration that cause the component or system to be beyond their limit state shall be determined as unsafe and shall be repaired, replaced, or removed in a manner that complies with the Kettering Building and Zoning Codes unless the condition is substantiated otherwise by an approved method. Boarding and securing of openings or damaged exterior materials is a temporary safeguard measure and shall not be considered in maintenance in good repair.

1323.04.2 Protective Treatment. All exterior surfaces, including, but not limited to, roofs, doors, door and window frames, cornices, porches, trim, balconies, decks, rails, guards, and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces unless such surfaces are designed and intended for stabilization by oxidation.

1323.04.3 Premises Identification. Buildings shall have address numbers placed in a position to be plainly legible and visible from the right-of-way, including the street or road fronting the property and any abutting alley.

1323.04.4 Structural Members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed loads.

1323.04.5 Foundation Walls. All foundation walls shall be firmly supported, maintained plumb and free from open cracks and breaks, and shall be kept in such condition so as to prevent the entry of rodents and other pests.

1323.04.6 Exterior Walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials, and maintained weatherproof and properly surface coated where required to prevent deterioration.

1323.04.7 Roofs and Drainage. Roofing and roof framing shall be in good repair with no signs of deterioration; signs of deterioration shall include the use of tarps covering any portion of the roof. Roofing and roof flashing shall be sound, tight, and have no defects that admit rain. Roof drainage shall be maintained in good repair and free from obstruction. Such drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure and shall include drains, gutters, and downspouts, or other acceptable method of discharging roof water to the ground surface, so as to drain away from footings and foundations in a manner that does not create a hazard or a public nuisance to subject property or adjacent properties.

1323.04.8 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.

1323.04.9 Overhang Extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.

1323.04.10 Stairways, Decks, Porches, and Balconies. Every exterior stairway, deck, porch, and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage, and capable of supporting the imposed loads.

1323.04.11 Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, in good repair, and properly anchored. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of protective materials, such as paint or similar surface treatment.

1323.04.12 Handrails and Guardrails. Every existing handrail and guardrail shall be maintained in good condition, firmly anchored, and capable of supporting normally imposed loads. Existing guardrails installed at walking surfaces that are thirty inches (30") or more above adjacent grade and existing handrails at stairways of four or more risers shall not be permanently removed.

1323.04.13 Window, Skylight, and Door Frames. Every window, skylight, door, and frame shall be kept in sound condition, good repair and weather tight.

1323.04.13.1 Glazing. All glazing material shall be maintained free from cracks, breaks, and holes.

1323.04.13.2 Openable Windows. Every window, other than fixed windows, shall be easily openable and capable of being held in position by installed window hardware.

1323.04.13.3 Joints. All joints between the building envelope and the perimeter of windows, doors, and skylights shall be maintained in good repair, weather resistant, and water tight. All joints between abutting building envelope materials shall be maintained in good repair, weather resistant, and water tight.

1323.04.14 Insect Screens. During non-winter months, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition.

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

1323.04.15 Doors. All exterior doors, door assemblies, hardware, and intercom systems shall be maintained in good condition. Locks at all entrances including dwelling units and sleeping units shall tightly secure the door. All doors shall fit reasonably well within frames and shall be properly and securely attached to jambs, headers, or tracks as intended by the manufacturer of the attachment hardware.

1323.04.16 Basement Hatchways. Every basement hatchway shall be maintained to prevent the entrance of rodents, rain, and surface drainage water.

1323.04.17 Guards for Basement Windows. Every basement window that is operable shall be supplied with rodent shields, storm windows, or other approved protection against the entry of rodents.

1323.04.18 Building Security. Doors, windows, or hatchways for dwelling units shall be provided with devices designed to provide security for the occupants and the property within.

1323.04.18.1 Doors. Doors providing access to a dwelling unit that is rented, leased, or let shall be equipped with deadbolt locks designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge, or effort. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

1323.04.18.2 Windows. Operable windows that provide access to a dwelling unit that is rented, leased, or let shall be equipped with an operable window sash locking device.

1323.04.18.3 Basement Hatchways. Basement hatchways that provide access to a dwelling unit that is rented, leased, or let shall be equipped with devices that secure the units from unauthorized entry.

1323.04.19 Gates. All exterior gates, gate assemblies, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 1323.05 INTERIOR STRUCTURE

1323.05.1 General. The interior of a structure and the equipment therein shall be maintained in good repair, structurally sound, and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a hotel, a dormitory, two or more dwelling units, or two or more nonresidential occupancies shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

1323.05.1.1 Unsafe Conditions. All components of a structure shall be maintained in good repair and structurally sound. Conditions of deterioration that cause the component or system to be beyond their limit state, as example: dislodged floor joists or handrails, shall be determined as unsafe and shall be repaired, replaced, or removed in a manner that complies with the Kettering Building Code and Ohio Fire Code unless condition is substantiated otherwise by an approved method.

1323.05.2 Structural Members. All structural members shall be maintained structurally sound and be capable of supporting the imposed loads.

1323.05.3 Interior Surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean, and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

1323.05.4 Stairs and Walking Surfaces. Every stair, ramp, landing, balcony, porch, deck, or other walking surface shall be maintained in sound condition, good repair, and free from deterioration.

1323.05.5 Handrails and Guardrails. Every handrail and guardrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

1323.05.6 Interior Doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers, hinges, or tracks as intended by the manufacturer of the attachment hardware.

SECTION 1323.06 RUBBISH AND GARBAGE

1323.06.1 Accumulation of Rubbish or Garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish and garbage. Garbage, rubbish, and bulk items shall not be allowed to accumulate and must be removed from the premises in an approved manner on a weekly basis. Loose storage of materials, other than bulk items, is not permitted. Any accumulation or storage contrary to the provisions of this chapter is a nuisance and is prohibited.

1323.06.2 Disposal of Rubbish and Garbage. The owner or operator/occupant of every establishment producing rubbish and garbage shall provide, and at all times cause to be utilized, approved storage containers for the storage of such materials until they are removed from the premises for disposal. Every occupant of a structure shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such material in approved storage containers. No person shall place any garbage or rubbish in any street, alley, or other public place or on the property of another.

1323.06.2.1 Storage Containers. Such containers shall be leak-proof and constructed of metal, rigid plastic, or similar rigid material with close-fitting covers and shall be kept in a clean, neat, and sanitary condition at all times. Covers must be kept closed until disposal from premises in order to deter access by pests and vermin. Bulk items need not be kept in such containers, but must be stored indoors until such time as they are to be removed from the property. Storage containers at residential facilities are to be stored on the property per the City's zoning code requirements until scheduled pick up by the City approved hauler. Within 24 hours of scheduled pick up such containers shall be placed in areas designated by the City for pick up and must be removed from such areas no later than 24 hours after pick up.

1323.06.2.2 Storage Facilities. The owner or operator of every occupied non-residential facility and of every multi-unit residential establishment of greater than four dwelling units shall provide, and at all times cause to be utilized, an area designated on site for the storage of containers. Such storage facilities shall be maintained in a clean and sanitary manner and shall meet all requirements of the Zoning Code for such areas.

1323.06.2.3 Refrigerators. Refrigerators and similar equipment not in operation shall not be abandoned or stored on exterior premises. Refrigerators and similar equipment shall be disposed of in an approved manner and shall not be placed on exterior premises for removal without first removing the doors.

SECTION 1323.07 PEST ELIMINATION

1323.07.1 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 pest elimination, proper precautions shall be taken to prevent re-infestation.

1323.07.2 Owner. The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure or any portion thereof.

1323.07.3 Single Occupant. The occupant of a single-unit dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

1323.07.4 Multiple Occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property.

1. The occupant of each dwelling unit shall be responsible for the continued rodent and pest-free condition of the portion of the structure under their control except where infestations are caused by defects in the structure or infestation has spread from adjacent units. In such cases the owner shall be responsible for pest elimination.

1323.07.5 Bed Bug Infestation. The determination of a bed bug infestation must be confirmed by a professionally licensed exterminator.

1. Elimination of an infestation of bed bugs within any unit in a multi-tenant structure shall be the joint responsibility of the occupant and owner. As part of the elimination process, the owner shall ensure an infestation has not spread to adjacent units;
2. Control of bed bugs shall be deemed complete upon written determination from a professional exterminator that there has been no evidence of bed bug activity for thirty (30) days after the last application of any treatment;
3. Re-infestation within a previously treated area shall follow the same process as initial infestations.

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.