

**ORDINANCE NO. 2009- 69**

**AN ORDINANCE ADOPTING THE MODIFIED INTERNATIONAL PROPERTY MAINTENANCE CODE AS CHAPTER 14 OF THE KENT CITY ORDINANCES.**

**WHEREAS**, issues of property deterioration in the City and poor property maintenance need to be addressed in the City to retain property values and a decent standard of living; and

**WHEREAS**, standards for property maintenance should be standardized for residential and commercial properties, whether occupied or vacant; and

**WHEREAS**, City Council believes this ordinance should be enacted as soon as possible to preserve the health and welfare of its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Kent, Portage County, Ohio, at least a majority of all members elected thereto concurring:

**SECTION 1.** The Codified Ordinances of the City of Kent are hereby amended to include a new Chapter 14, the Modified International Property Maintenance Code, as shown on Exhibit "A", attached hereto and made a part hereof.

**SECTION 2.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 3.** That this Ordinance shall take effect and be in force from and after the earliest date allowed by law.

PASSED: 06/17/2009 \_\_\_\_\_  
DATE MAYOR AND PRESIDENT OF COUNCIL

ATTEST: \_\_\_\_\_  
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2009- 69 was duly enacted this 17 day of  
June, 2009, by the Council of the City of Kent, Ohio

\_\_\_\_\_  
CLERK OF COUNCIL

**EXHIBIT "A"**

**CODIFIED ORDINANCES OF KENT  
PART 14  
PROPERTY MAINTENANCE, HOUSING AND ENFORCEMENT**

**TITLE ONE - PROPERTY MAINTENANCE CODE**

- Chapter 1401- General Provisions
- Chapter 1402- Enforcement
- Chapter 1403- Duties and Powers
- Chapter 1404- Approval
- Chapter 1405- Violations
- Chapter 1406- Unsafe Structures and Equipment
- Chapter 1407- Demolition
- Chapter 1408- Means of Appeals
- Chapter 1409- Definitions
- Chapter 1410- General Requirements
- Chapter 1411- Exterior Structure
- Chapter 1412- Rubbish and Garbage

## CHAPTER 1401 GENERAL PROVISIONS

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### Chapter 1401 General Provisions

1401.01 Purpose and Intent  
1401.03 Severability

1401.02 Scope  
1401.04 Applicability

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#### **1401.01 PURPOSE & INTENT**

These regulations shall be known as the Property Maintenance Code of the City of Kent, Ohio. The Property Maintenance Code was adopted using the 2006 International Property Maintenance Code with revisions. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare in so far 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 to provide a minimum level of health and safety as required herein.

#### **1401.02 SCOPE**

The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for 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.

#### **1401.03 SEVERABILITY**

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

#### **1401.04 APPLICABILITY**

The provisions of this code shall apply to all matters affecting or relating to structures and premises. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

(a) Maintenance Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. 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. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

(b) 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 all other applicable City adopted codes and requirements. Nothing in this code shall be construed to cancel, modify or set aside any provision of other applicable requirements.

(c) Existing Remedies The provisions in this code shall not be construed to abolish or impair existing remedies of the City of Kent or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe or unsanitary.

(d) 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 workmanlike manner and installed in accordance with the manufacturer's installation instructions and/or applicable building codes.

(e) Historic Buildings The provisions of this code may be waived upon the approval of the City Manager for existing buildings or structures designated as historic buildings (National Register of Historic Sites) when such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety and welfare.

(f) Referenced Codes and Standards The codes and standards referenced in this code shall be those that are listed in the Kent Codified Ordinances and any additional codes adopted by the City of Kent by reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

(g) Requirements Not Covered by Code Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined directly by the Code Official based on information submitted by the property owner, including plans, architectural or engineering reports prepared by an Ohio Registered Architect or Engineer which document the adequacy of the repairs.

## CHAPTER 1402 ENFORCEMENT

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|                   |                     |
|-------------------|---------------------|
| 1402.01 General   | 1402.02 Appointment |
| 1402.03 Liability | 1402.04 Fees        |

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### **1402.01 GENERAL**

The Department of Community Development shall be the City Department responsible for the enforcement of the Property Maintenance Code. The Community Development Director shall oversee the general enforcement of the Property Maintenance Code.

### **1402.02 APPOINTMENT**

The Community Development Director may designate one or more persons to serve in the capacity of Code Official for the purpose of enforcing the Property Maintenance Code.

In accordance with the prescribed procedures of the City of Kent with the concurrence of the appointing authority, the Community Development Director shall have the authority to appoint a Deputy Code Official, other related technical officers, inspectors and other employees.

### **1402.03 LIABILITY**

The Code Official, officer or employee charged with the enforcement of this code, while acting for the City of Kent, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the City of Kent until the final termination of the proceedings. The Code Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the City, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

### **1402.04 FEES**

The fees for activities and services performed by the Community Development Department in carrying out its responsibilities under this code shall be as indicated below:

a) Re-inspection Fees – In the event that a property must be re-inspected by the Code Official or other City representative after the initial inspection for compliance, the City may levy a re-inspection fee of \$50.00 per re-inspection for each inspection thereafter related to the initial violation event.

**CHAPTER 1403**  
**DUTIES AND POWERS**

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|                            |                                  |
|----------------------------|----------------------------------|
| 1403.01 General            | 1403.02 Administrative Authority |
| 1403.03 Inspection         | 1403.04 Right of Entry           |
| 1403.05 Notices and Orders | 1403.06 Department Records       |

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**1403.01 GENERAL**

The Community Development Director, with the assistance of one or more Code Officials shall enforce the provisions of the Property Maintenance Code and amendments thereto.

**1403.02 ADMINISTRATIVE AUTHORITY**

The Community Development Director, shall have the authority as necessary in the interest of the public health, safety and welfare, to adopt and promulgate rules and procedures relative to enforcement; to interpret and implement the provisions of this code; to secure the intent thereof; and to modify applicable requirements due to the local climate or other unusual conditions. Such rules shall not have the effect of waiving any requirement of this ordinance or of compromising public safety.

**1403.03 INSPECTION**

The Code Official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the Community Development Director.

**1403.04 RIGHT OF ENTRY**

The Code Official is authorized to enter onto the outside premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Code Official is authorized to pursue recourse as provided by law.

(a) Identification The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**1403.05 NOTICES AND ORDERS**

The Code Official shall issue all necessary notices or orders to ensure compliance with this code.

**1403.06 DEPARTMENT RECORDS**

The Code Official shall keep official records of all business and activities of the Department specified in the provisions of this code. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations. Such records shall also be applicable to all record retention laws and requirements.

**CHAPTER 1404  
APPROVAL**

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1404.01 Modifications

1404.02 Alternative Materials

1404.03 Required Testing

1404.04 Materials and Equipment

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**1404.01            MODIFICATIONS**

Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Code Official shall have the authority to grant modifications for individual cases, provided the Code Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files and approved by the Community Development Director.

**1404.02 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. An alternative material or method of construction shall be approved where the Code Official, upon consultation with the City's Chief Building Official, finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

**1404.03            REQUIRED TESTING**

Whenever 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, the Code Official shall have the authority to require tests to be made as evidence of compliance at no expense to the City of Kent.

a)        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 Code Official shall be permitted to approve appropriate testing procedures performed by an approved agency.

b)        Test reports Reports of tests shall be retained by the Code Official. Such records shall be retained in the official records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by other regulations. Such records shall also be applicable to all record retention laws and requirements.

**1404.04            MATERIAL AND EQUIPMENT REUSE**

Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

## **CHAPTER 1405 VIOLATIONS**

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|--------------------------------|-------------------------------|
| 1405.01 Unlawful Acts          | 1405.02 Notice of Violation   |
| 1405.03 Prosecution            | 1405.04 Violation Penalties   |
| 1405.05 Abatement of Violation | 1405.06 Notice to Person      |
| 1405.07 Form                   | 1405.08 Method of Service     |
| 1405.09 Penalties              | 1405.10 Transfer of Ownership |

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### **1405.01 UNLAWFUL ACTS**

It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

### **1405.02 NOTICE OF VIOLATION**

The Code Official shall serve a notice of violation or order in accordance with the provisions of this Chapter and the policies and procedures for enforcement of this ordinance or amendments thereto as promulgated by the City.

### **1405.03 PROSECUTION OF VIOLATION**

Any person failing to comply with a notice of violation or order served in accordance with the provisions of this Chapter shall be deemed guilty of a misdemeanor or civil infraction as determined by the City of Kent, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Code Official shall institute the appropriate proceeding at law or in equity 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. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

### **1405.04 VIOLATION PENALTIES**

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

### **1405.05 ABATEMENT OF VIOLATION**

The imposition of the penalties herein prescribed shall not preclude the Law Director of the City of Kent 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.

### **1405.06 NOTICE TO PERSON RESPONSIBLE**

Whenever the Code Official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in this Chapter to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with all applicable provisions of law.

### **1405.07 FORM**

Such notice prescribed in Section 1405.06 shall be in accordance with all of the following:

- a) Be in writing.
- b) Include a description of the real estate sufficient for identification.
- c) Include a statement of the violation or violations and why the notice is being issued.
- d) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
- e) Inform the property owner of the right to appeal.
- f) Include a statement of the right to file a lien in accordance with all applicable provisions of law.

#### **1405.08METHOD OF SERVICE**

Such notice shall be deemed to be properly served if a copy thereof is:

- a) Delivered personally;
- b) Sent by certified or first-class mail addressed to the last known address; or,
- c) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

#### **1405.09PENALTIES**

Penalties for noncompliance with orders and notices shall be as set forth as follows:

- a) Any person violating any provision of the Property Maintenance Code or amendment thereto shall be fined not more than one hundred dollars (\$100.00) with each day of the continuation of the violation being deemed a separate offense.

#### **1405.10TRANSFER OF OWNERSHIP**

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure 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, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. Any fines or fees due the City as a result of enforcement actions of this property maintenance code shall be paid by the property owner prior to the transfer of ownership. The City may file a lien against the subject property in order to collect any unpaid fees or penalties.

**CHAPTER 1406  
UNSAFE STRUCTURES AND EQUIPMENT**

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|                              |                                      |
|------------------------------|--------------------------------------|
| 1406.01 General              | 1406.02 Closing of Vacant Structures |
| 1406.03 Notice               | 1406.04 Placarding                   |
| 1406.05 Prohibited Occupancy | 1406.06 Imminent Danger              |
| 1406.07 Hearing              |                                      |

**1406.01 GENERAL**

When a structure or equipment is found by the 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.

a) Unsafe structures An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants 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.

b) Unsafe equipment Unsafe equipment includes any exterior mounted equipment, wiring, devices, flammable liquid containers or other equipment on the premises or outside of the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

c) Structure unfit for human occupancy A structure is unfit for human occupancy whenever the Code 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, constitutes a hazard to the occupants of the structure or to the public.

d) Unlawful structure An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

**1406.02 CLOSING OF VACANT STRUCTURES**

If the structure is vacant or unfit for human habitation and occupancy, and is not in danger of structural collapse, the Code Official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Code Official shall cause the premises to be closed and secured 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 and may be collected by any other legal resource.

**1406.03 NOTICE**

Whenever the Code Official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with the provisions of this Ordinance or amendments thereto. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in this Ordinance or amendments thereto.

**1406.04 PLACARDING**

Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the 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 the premises, operating the equipment or removing the placard.

a) Placard removal The Code Official shall remove the condemnation placard whenever the

defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this code.

#### **1406.05 PROHIBITED OCCUPANCY**

Any occupied structure condemned and placarded by the Code Official shall be vacated as ordered by the Code Official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

#### **1406.06 IMMEDIATE DANGER**

When, in the opinion of the Code Official, there is imminent danger of 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, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The 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 Has Been Prohibited by the City of Kent." 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.

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

b) Closing streets When necessary for public safety, the Code Official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

c) Emergency repairs For the purposes of this section, the Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible. Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the City of Kent. The Law Director of the City of Kent shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

#### **1406.07 HEARING**

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Property Maintenance Board of Appeals, be afforded a hearing as described in Chapter 1408 of this code.

**CHAPTER 1407  
DEMOLITION**

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1407.01 General  
1407.03 Failure to Comply

1407.02 Notices and Orders  
1407.04 Salvage Materials

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**1407.01 GENERAL**

The Code Official shall order the owner of any property, upon which is located any structure, which in the Code Official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure 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; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

**1407.02 NOTICES AND ORDERS**

All notices and orders shall comply with this Ordinance or amendments thereto as well as all other applicable provisions of law.

**1407.03 FAILURE TO COMPLY**

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

**1407.04 SALVAGE MATERIALS**

When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, to the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

**CHAPTER 1408**  
**MEANS OF APPEALS**

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1408.01 Application for Appeal  
1408.03 Open Hearing  
1408.05 Board Decision  
1408.07 Stay of Enforcement

1408.02 Notice of Meeting  
1408.04 Postponed Hearing  
1408.06 Court Review

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**1408.01 APPLICATION FOR APPEAL**

Any person directly affected by a decision of the Code Official or a notice or order issued under this code shall have the right to appeal to the Board of Zoning Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

**1408.02 NOTICE OF MEETING**

The Board of Zoning Appeals shall meet to consider any appeals arising from this code upon notice from the Community Development Department, within 30 days of the filing of an appeal, or at stated periodic meetings. The agenda for the meeting shall be established and posted at least 48 hours in advance of the meeting. The City shall notify by regular mail, the appellant and all property owners abutting and directly across a street or alley from the subject property of the meeting and appeal at least 15 calendar days prior to the meeting.

**1408.03 OPEN HEARING**

All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard.

a) Procedure The Board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

**1408.04 POSTPONED HEARING**

When the full Board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing. As soon as possible thereafter, a new meeting date and time shall be set by the Board.

**1408.05 BOARD DECISION**

The board shall approve, modify or reverse the decision of the Code Official only by a concurring vote of a majority of the total number of appointed board members.

- a) Records and copies The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the Code Official.
- b) Administration The Code Official shall take immediate action in accordance with the decision of the board.

**1408.06 COURT REVIEW**

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law from the date of the Board's decision.

**1408.07 STAY OF ENFORCEMENT**

Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Appeals Board.

**CHAPTER 1409**  
**DEFINITIONS**

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1409.01 General

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**1409.01 GENERAL**

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

b) Interchangeability Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

c) Terms defined in other codes Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, the Kent Zoning Code, the International Plumbing Code, International Mechanical Code or the ICC Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes.

d) Terms not defined Where terms are not defined through the methods authorized by this section, such terms shall be given a meaning as found in Webster's Dictionary.

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

f) Definitions

- 1) CODE OFFICIAL. The official(s) who are charged with the administration and enforcement of this code, or any duly authorized representative.
- 2) CONDEMN. To adjudge unfit for occupancy.
- 3) DWELLING UNIT See Kent Zoning Code Definition
- 4) 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.
- 5) EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.
- 6) EXTERMINATION. The control and elimination of insects, rats 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.
- 7) GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

- 8) 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.
- 9) IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.
- 10) INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.
- 11) INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.
- 12) 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.
- 13) OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.
- 14) OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.
- 15) 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.
- 16) PERSON. An individual, corporation, partnership or any other group acting as a unit.
- 17) PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.
- 18) PUBLIC WAY. See Kent Zoning Code Definition
- 19) ROOMING HOUSE. See Kent Zoning Code Definition under Boarding House, Rooming House, Lodging House or dormitory.
- 20) 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, plastic, metals, mineral matter, glass, crockery and dust and other similar materials.
- 21) STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part 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. \
- 22) STRUCTURE. See Kent Zoning Code Definition.
- 23) TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.
- 24) WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.
- 25) YARD. See Kent Zoning Code Definition

**CHAPTER 1410  
GENERAL REQUIREMENTS**

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|                               |                                 |
|-------------------------------|---------------------------------|
| 1410.01 Scope                 | 1410.02 Responsibility          |
| 1410.03 Vacant Structures     | 1410.04 Exterior Property Areas |
| 1410.05 Swimming Pools / Spas |                                 |

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**1410.01 SCOPE**

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

**1410.02 RESPONSIBILITY**

The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person 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.

**1410.03 VACANT STRUCTURES AND LAND**

All vacant structures and premises thereof or vacant land 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.

**1410.04 EXTERIOR PROPERTY AREAS**

a) Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

b) Grading and Drainage. 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.

Exception: Approved retention areas and reservoirs.

c) Sidewalks and Driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

d) Rodent Harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. 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 re-infestation.

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

f) Accessory Structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

g) Motor Vehicles. Except as provided for in other regulations of the City of Kent and State of Ohio, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and 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 in an approved spray booth located in a facility, which is zoned and approved by the City for that type of use.

h) Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building 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 surface to an approved state of maintenance and repair.

#### **1410.05 SWIMMING POOLS, SPAS AND HOT TUBS**

a) Swimming Pools. Swimming pools, spas and hot tubs shall be maintained in a clean and sanitary condition, and in good repair. All such installations shall comply with the requirements of the Kent Zoning Code.

**CHAPTER 1411**  
**EXTERIOR STRUCTURE**

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|                                 |                              |
|---------------------------------|------------------------------|
| 1411.01 General                 | 1411.02 Protective Treatment |
| 1411.03 Structural Members      | 1411.04 Foundation Walls     |
| 1411.05 Exterior Walls          | 1411.06 Roofs and Drainage   |
| 1411.07 Decorative Features     | 1411.08 Overhang Extensions  |
| 1411.09 Stairways, Decks        | 1411.10 Chimneys and Towers  |
| 1411.11 Handrails and Guards    | 1411.12 Windows, Skylights   |
| 1411.13 Doors                   | 1411.14 Basement Hatchways   |
| 1411.15 Premises Identification |                              |

**1411.01 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.

**1411.02 PROTECTIVE TREATMENT**

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks 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. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**1411.03 STRUCTURAL MEMBERS**

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

**1411.04 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 and other pests.

**1411.05 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.

**1411.06 ROOFS AND DRAINAGE**

The roof 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 the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

**1411.07 DECORATIVE FEATURES**

All cornices, beltcourses, corbels, terra cotta trim, wall facings and similar decorative features

shall be maintained in good repair with proper anchorage and in a safe condition.

**1411.08 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. When required, 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.

**1411.09 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.

**1411.10 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.

**1411.11 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.

**1411.12 WINDOW, SKYLIGHT AND DOOR FRAMES**

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

- a) Glazing. All glazing materials shall be maintained free from cracks and holes.
- b) Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

**1411.13 DOORS**

All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units shall tightly secure the door.

**1411.14 BASEMENT HATCHWAYS**

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

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

**1411.15 PREMISES IDENTIFICATION**

Buildings shall have approved address numbers placed in a position to be plainly visible from the street or road fronting the property. These numbers shall contrast with their background and shall be Arabic numerals or letters. Letters and numbers shall be a minimum of 4 inches high.

**CHAPTER 1412  
RUBBISH AND GARBAGE**

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1412.01 Accumulation of Rubbish  
1412.03 Disposal of Garbage

1412.02 Disposal of Rubbish

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**1412.01 ACCUMULATION OF RUBBISH OR GARBAGE**

All exterior property and premises shall be free from any accumulation of rubbish or garbage.

**1412.02 DISPOSAL OF RUBBISH**

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

- a) Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.
- b) Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

**1412.03 DISPOSAL OF GARBAGE**

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers as required by City code.

- a) Containers. The operator of every 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.