

ORDINANCE NO. 2019-90

AN ORDINANCE AMENDING TITLE SEVEN – ENVIRONMENTAL HEALTH AND HOUSING MAINTENANCE CODE (RENTAL LICENSING) OF THE KENT CODIFIED ORDINANCES TO REMOVE SURPLUS LANGUAGE AND ADD CLARIFYING LANGUAGE FOR THE INSPECTION AND LICENSING OF RESIDENTIAL RENTAL UNITS; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kent wishes to amend certain sections of Title Seven – Environmental Health and Housing Maintenance Code of the Kent Codified Ordinances; and

WHEREAS, by amending these sections, it will remove surplus language and allow for greater consistency in the rental licensing program; and

WHEREAS, by amending these sections, it will clarify civil enforcement remedies in the rental licensing program;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least three-fourths (3/4) of all members elected thereto concurring:

**SECTION 1.** The Council does hereby accept the amendments to Title Seven – Environmental Health and Housing Maintenance Code (rental licensing), Sections 1361.01, 1365.08, 1365.99, 1367.99, 1371.02, 1371.98, and 1371.99 of the Codified Ordinances of the City of Kent as shown on the Exhibit "A", attached hereto and made a part hereof.

**SECTION 3.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of this City, for which reason and other reasons manifest to this Council, this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: August 21, 2019  
Date

J. Fiala  
Jerry T. Fiala  
Mayor and President of Council

EFFECTIVE: August 21, 2019  
Date

ATTEST: Dawn Bishop  
Dawn Bishop  
Interim Clerk of Council

I, DAWN BISHOP, INTERIM CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. \_\_\_\_\_, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
DAWN BISHOP  
INTERIM CLERK OF COUNCIL  
(SEAL)




# CITY OF KENT, OHIO

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## DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: July 30, 2019

TO: Dave Ruller, City Manager

FROM: Bridget Susel, Community Development Director 

RE: Proposed Amendments to Title Seven "Housing Code"

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The City of Kent amended "TITLE SEVEN: Environmental Health and Housing Maintenance Code," also known as the "Housing Code," in April of 2016 to allow for the inspection and licensing of smaller residential rental units by the Community Development Department, while still maintaining the existing inspection and licensing authority of the Health Department for larger rental structures.

Staff from the City's Community Development Department and the Assistant Law Director worked with the former Health Commissioner to ensure consistency when applying the regulations to the two rental licensing programs administered by the different departments. Both programs utilize the civil remedies delineated in KCO 501.13 "Civil Offenses" to address noncompliance with the specified residential rental inspection and licensing requirements. The former Health Commissioner, however, did insist that certain language from the original 1979 enacting ordinance (Ord. 1979-219) be maintained that granted the Health Commissioner the ability to request the use of a non-civil penalty (i.e. possible 3<sup>rd</sup> degree misdemeanor) in cases where he felt it was warranted. The Health Department is reporting it has not actually sought to apply this criminal offense in cases of noncompliance and limits its enforcement to civil remedies only. The rental licensing program administered by the Community Development Department does not have any authority under the "Housing Code" to use criminal offenses and utilizes only civil penalties, as stipulated in KCO 501.13, to address situations of noncompliance.

The Law and Community Development Departments have drafted proposed amendments to the Housing Code to remove the antiquated 1979 criminal penalty language and establish consistency across both rental licensing programs with regards to enforcement remedies. I am respectfully requesting time at the August 7, 2019 Council Committee session to discuss the proposed amendments to the Housing Code in greater detail and to request Council authorization, with emergency, to amend TITLE SEVEN in order to update the applicable sections to allow for uniformity in enforcement between the two rental licensing programs administered by the Health and Community Development Departments.

930 Overholt Rd., Kent, Ohio 44240 • (330) 678-8108 fax (330) 678-8030 •  
[www.KentOhio.org](http://www.KentOhio.org)

Please let me know if you require any additional information in order to add this item to the August 7, 2019 agenda. Thank you.

**Cc:** Hope Jones, Law Director  
Eric Fink, Assistant Law Director  
Justin Smith, Interim Health Commissioner  
Dawn Bishop, Interim Clerk of Council

Attachments

**TITLE SEVEN Environmental Health and Housing Maintenance Code**

- Chap. 1361. General Provisions.
- Chap. 1363. Definitions.
- Chap. 1365. Minimum Standards and Requirements.
- Chap. 1367. Licensing Requirements.
- Chap. 1371. Enforcement and Penalty.
- Chap. 1373. Repairs and Demolition.

**CHAPTER 1361**

**General Provisions**

**1361.01 Legislative findings; purpose.**

**1361.02 Conflict and invalidity.**

**CROSS REFERENCE**

Rules of construction - see ADM. 101.03 et seq.

**1361.01 LEGISLATIVE FINDINGS; PURPOSE.**

(a) Chapters 1361 through Chapter 1375 shall be formally known as the Environmental Health and Housing Maintenance Code but may also be referred to as the "Housing Code".

(b) There hereby exists and may in the future exist, within the City residential rental units which by reason of their structure, equipment, sanitation, maintenance, use or occupancy, affect or are likely to affect adversely the public health, including the physical, mental and social well-being of persons and families, safety and general welfare. To correct and prevent the existence of such adverse conditions and to provide safe, decent and sanitary living conditions for residents living in residential rental units.

(c) It is hereby declared that the purpose of this Housing Code is to protect the health and safety of the public, to ensure compliance with state and local health codes, to prevent and control the incidence of communicable disease and to regulate all publicly and privately owned residential rental units for the purpose of maintaining adequate sanitation and public health. The provisions of this Housing Code are applicable to residential rental units only.

(Ord. 2016-40. Passed 4-20-16.)

**1361.02 CONFLICT AND INVALIDITY.**

In any case where a provision of this Housing Code is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the City existing on the effective date of this section, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Housing Code is found to be in conflict with a provision of any other ordinance or code of the City existing on the effective date of this section which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Housing Code shall be deemed to prevail and such other ordinances or codes are declared to be repealed to the extent that they may be found in conflict with this Housing Code.

(Ord. 2016-40. Passed 4-20-16.)

**CHAPTER 1363**

**Definitions**

**1363.01 Definitions and regulations.**

**CROSS REFERENCE**

General definitions - see ADM. 101.02

**1363.01 DEFINITIONS AND REGULATIONS.**

(a) This Chapter incorporates all definitions found in Part 11 of the City of Kent Codified Ordinances.

(b) Should there be any conflict between definitions in this Chapter and Part 11, the definition in this

Chapter controls for this Chapter only.

(c) Definitions:

(1) "Approved manner" means a manner which is in accordance with the existing minimum standards of the City Building Code.

(2) "Basement" means a portion of the building located underground, but having less than half its clear floor to ceiling height below the average grade of the adjoining ground.

(3) "Cellar" means a portion of a building located partly or wholly underground and having half or more than half of its clear floor to ceiling height below the average grade of the adjoining ground.

(4) "Dwelling" means any building, or portion thereof, which is designed or used primarily for residence purposes, including a single family, a household unit as that term is defined in this Chapter, a rooming house, a boarding house, a two-family dwelling, and a multifamily dwelling but not including hotels, motels, and bed and breakfasts.

(5) "Dwelling unit" means any room or group of rooms located within a dwelling and forming a residence with facilities that are used or intended to be used for living, sleeping, cooking and eating, with a restroom(s) and bathing facility (ies) to be utilized by a family, a household unit as that term is defined in this Chapter, or three or more unrelated individuals.

(6) "Dwelling, Two Family" means a building consisting of two (2) dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

(7) "Dwelling, Multifamily" means a building consisting of three (3) or more dwelling units, including condominiums, with varying arrangements of entrances and parting walls.

(8) "Extermination" means the control and elimination of insects, rodents or other pests by eliminating their harborage places by removing or making inaccessible materials that may serve as their food; by poisoning, fumigating, spraying, trapping; or by any other recognized legal pest elimination methods approved by the Department of Health.

(9) "Family" means individuals who are related by marriage, legally recognized civil union, adoption, or who are within three (3) degrees (or fewer) of consanguinity. See Table of Consanguinity found in Chapter 11.

(10) "Garbage" means all discarded putrescible materials including, but not limited to, animal, vegetable or fruit wastes resulting from the handling, storage, preparation or eating of food and handling and disposal of small dead animals.

(11) "Guest" means a person, who does not meet the definition of a resident, temporarily staying in a dwelling unit with the consent of a member of the household, who has express or implied authority to so consent.

(12) "Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes excluding bathrooms, water closet compartments, laundries, pantries, foyers or communication corridors, closets and storage spaces.

(13) "Health Commissioner" means that individual as defined by Ohio R.C. 3709.14 or his/her authorized representative.

(14) "Household Unit" is defined in KCO 1122 as a family, a family and one unrelated person, a single person, two unrelated persons, or any of these four designations and a caregiver(s) (as these terms are defined by the City of Kent Zoning Ordinance) residing in a dwelling unit. Persons residing in a rooming house, boarding house hotel, group dwelling, fraternity, or sorority house, together, do not constitute a household unit.

(15) "Housing Code" means the Environmental Health and Housing Maintenance Code adopted by Ordinance 1979-219, passed December 5, 1979, as amended, which is codified as Title Seven of this Building Code.

(16) "Infestation" means the presence within or around a dwelling of any insects, rodents or other pests.

(17) "Occupant" means any individual who is a resident or guest of a dwelling unit, as those terms are defined in this Chapter.

(18) "Operator" means any person, property manager, or agent who has or has been designated by the owner to have charge, care or control of a residential rental unit.

(19) "Owner" means any person who alone or jointly or severally with others has legal title to any dwelling or dwelling unit with or without accompanying actual possession thereof or has charge, care or control of any dwelling or dwelling unit as owner or agent of the owner or as buyer under land contract, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Housing Code and of rules and regulations adopted pursuant thereto to the same extent as if he were the owner.

(20) "Permissible occupancy" means the maximum number of persons permitted to reside in a residential rental unit.

(21) "Person" means an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, department, bureau, agency or any entity recognized by law.

(22) "Plumbing" includes all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower-baths, installed clothes washing machines, catch basins, drains, vents and any other connections installed or connected to water, sewer or gas lines.

(23) "Premises" whenever used in this Housing Code means not only the dwelling and other buildings of whatever nature located on the lot, but also the entire parcel of land surrounding such buildings including but not limited to fences, walkways, walls and appurtenances.

(24) "Qualified Vacant Rental Unit" is any dwelling unit that, at the time of inspection, is not occupied by a tenant or any other person.

(25) "Residential Rental Unit" is any dwelling unit or portion of a dwelling unit that is occupied by an individual or individuals other than the property owner or member of the property owner's household unit, regardless of whether the occupant compensates the property owner, or is a qualified vacant rental unit.

(26) "Resident" means a person staying overnight in a dwelling unit for more than fourteen (14) consecutive days or a total of thirty (30) cumulative calendar days during any twelve (12) month period.

(27) "Solid waste" means such unwanted residual solid or semi-solid materials as results from industrial, commercial, agricultural and community operations, excluding earth or material from construction, mining or demolition operations, or other waste materials of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, tires, combustible and noncombustible material, street dirt and debris. Solid waste does not include any material that is an infectious waste, a hazardous waste, an asbestos waste or material defined in Section 935.02 (h).

(28) "Supplied" means paid for, furnished or provided by or under the control of the owner or operator.

(29) "Tenant" is any person who occupies a dwelling unit other than the owner, a member of the owner's family, or a member of the owner's household unit as that term is defined in this Chapter.

(30) "Unrelated" means persons not meeting the definition of "family" listed in item (9) of this "Definitions" section.

(31) "Net floor area" means the actual occupied area, not including accessory unoccupied areas or thickness of walls.

(d) Regulations.

(1) Unless the dwelling unit is a licensed rooming house or a licensed boarding house, each dwelling unit may only contain one family or one household unit as that term is defined by KCO 1122 .

(2) An attached garage for purposes of determining the front, side and rear yards shall be considered a part of the dwelling.

(Ord. 2016-40. Passed 4-20-16.)

**CHAPTER 1365**

**Minimum Standards and Requirements**

**1365.01 Owner to comply with standards and requirements.**

**1365.02 Occupant to maintain sanitary conditions.**

**1365.03 Equipment and facility requirements.**

**1365.04 Light, ventilation, electric and heating requirements.**

**1365.05 Solid waste storage and collection.**

**1365.06 Extermination; infestation.**

**1365.07 Space, use and location requirements.**

**1365.08 Sanitary maintenance standards.**

**1365.98 Violating a minimum standard set forth in 1365.**

**1365.99 Penalty.**

**CROSS REFERENCES**

Venting of heaters and burners - see GEN. OFF. 521.02

Noxious odors - see GEN. OFF. 521.09

Snow and ice removal - see GEN. OFF. 521.15 , 521.16

Civil offenses - see GEN. OFF. 501.13

**1365.01 OWNER TO COMPLY WITH STANDARDS AND REQUIREMENTS.**

(a) Whenever the words "dwelling," "dwelling unit," or "premises" are used in this Housing Code, they shall be construed as though they were followed by the words "or any part thereof".

(b) Every owner, operator or agent of a residential rental unit shall be responsible for providing, supplying and maintaining all equipment, facilities, requirements and sanitary standards as prescribed in Chapter 1365 of this Housing Code. In addition, it shall be the responsibility of such individuals to comply with all provisions of the Planning and Zoning Code (Part 11 ), the Building Code (Part 13 ) including the Environmental Health and Housing Maintenance Code (Title 7 ), and the Property Maintenance, Housing and Enforcement Code (Part 14 ) unless specifically otherwise stated. (Ord. 2016-40. Passed 4-20-16.)

**1365.02 OCCUPANT TO MAINTAIN SANITARY CONDITIONS.**

Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling or dwelling unit which he occupies or controls.

(Ord. 2016-40. Passed 4-20-16.)

**1365.03 EQUIPMENT AND FACILITY REQUIREMENTS.**

Unless specifically exempted by this Section, residential rental units must be maintained in accordance with the most recently adopted Ohio Residential Code. This includes, but is not limited to, each of the following requirements.

(a) Kitchen Sink. Each dwelling unit shall contain a kitchen sink in working condition and connected to a potable water supply and sewer system in an approved manner.

(b) Bathrooms. All dwellings shall be provided with a room affording privacy and equipped with a flush water closet, a lavatory basin, and a bathtub or shower in good working condition and connected to a potable water supply and sewer system in an approved manner. A minimum of one bathroom for six individuals shall be required.

(c) Water Lines. Each kitchen sink, lavatory basin, bathtub or shower required by the provisions of subsection (b) hereof shall be connected with both hot and cold water lines in an approved manner.

(d) Water Heating. Each dwelling shall be supplied with water heating facilities installed in an approved manner and maintained in good working condition connected with the hot water lines required under the provisions of subsection (c) hereof and capable of heating water to a temperature of not less than 120°F. No combustibles shall be stored within 18 inches of the water heating device.

(e) Means of Egress. All dwellings shall have a safe, unobstructed means of egress with a minimum headroom of six feet, six inches leading to safe and open space at ground level. All means of egress openings shall be readily openable from the side from which egress is to be made without the need for keys or special knowledge. All pathways and aisle ways shall be unobstructed. All means of egress shall be properly installed and maintained. All means of egress shall meet the minimum requirements outlined in the most current Fire Code adopted by the State of Ohio. Any residential rental unit having sleeping rooms located on floors greater than fourteen feet from the ground shall be equipped with a second means of egress in the form of an approved fire ladder, fire stairs, or emergency exit.

(f) Fire Extinguishers. All residential rental units shall be equipped with easily accessible and properly maintained fire extinguishers at all times. They shall be kept in a designated location at all times when not in use. The minimum classification of fire extinguisher shall be 3A:40B:C at 5 pounds. Residential rental units with multiple floors shall have a minimum of one fire extinguisher on each habitable floor. Fire extinguishers stationed in a common hallway shall be on the same floor and within 30 feet of every dwelling unit. The owner or operator of a multifamily dwelling, rooming house, or boarding house must be responsible for meeting the additional minimum standards for fire extinguishers as are outlined in the most current Fire Code adopted by the State of Ohio.

(g) Fire Stairs. All residential rental units having habitable rooms located on floors greater than fourteen feet from the ground must have fire stairs in compliance with the most current Fire Code adopted by the State of Ohio. Previously licensed residential rental units with existing fire ladders shall comply with the fire stairs requirements if such ladder is altered and/or removed. All newly installed fire stairs shall comply with the above requirements.

(h) Smoke Alarms. All residential rental units must be equipped with audible smoke alarm devices that are U.L. approved and are installed in compliance with the standards set forth in the most recently adopted Ohio Residential Code. Additionally, each smoke alarm shall be installed within 12 inches of the ceiling. Working smoke alarms are required in each of the following locations:

- (1) In each sleeping room.
- (2) Outside each separate sleeping area, such as in the corridors in the immediate vicinity of the sleeping rooms.
- (3) On each additional story of the dwelling, including basements and habitable attics but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between adjacent levels, a smoke alarm installed on the upper level shall suffice for the lower level provided that the lower level is less than one full story below the upper level.

(i) Exterior Locks. All exterior doors within a residential rental unit must be equipped with safe and functioning locking devices.

(j) Handrails. All residential rental units must comply with the following for handrails:

- (1) Every exterior and interior flight of stairs having more than four risers shall



have a handrail on at least one side of the stairs.

(2) Every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches above the grade below shall have handrails with balusters spaced no more than six inches apart.

(3) Handrails shall not be less than 34 inches in height or more than 38 inches in height measured vertically above the walking surfaces.

(4) Every handrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition and constructed in an approved manner.

(k) Carbon Monoxide Alarms. All residential rental units are required to have carbon monoxide alarms in new and existing dwelling units that have fuel-fired appliances or have attached garages and only when any of the conditions described in this section apply.

(1) New Dwelling Units. In new dwelling units, carbon monoxide detectors are required to be installed in the locations described in 1165.03 (k)(3).

(2) Existing Dwelling Units. In existing dwelling units, where an application for approval is required for work involving any of the following areas or systems within that dwelling unit, carbon monoxide alarms are required to be installed in the locations described in 1165.03 (k)(3).

A. The addition or creation of a new sleeping room;

B. An alteration of a sleeping room;

C. An alteration in the immediate vicinity outside of a sleeping room;

D. An addition of, or an alteration to, an attached garage;

E. An addition, alteration, repair or replacement of a fuel-fired appliance.

(3) Where required. In new dwelling units and in existing dwelling units meeting any of the conditions described in Section 1165.03 (k)(2), an approved monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the sleeping rooms in those dwelling units.

(4) Alarm Requirements. Single station carbon monoxide alarms shall be listed as complying with UL 2034 and shall be installed in accordance with the most recently adopted Residential Code of Ohio and the manufacturer's installation instructions.

(Ord. 2018-133. Passed 12-19-18.)

#### **1365.04 LIGHT, VENTILATION, ELECTRIC AND HEATING REQUIREMENTS.**

Unless specifically exempted by this Section, residential rental units must be maintained in accordance with the most recently adopted Ohio Residential Code. This includes, but is not limited to, each of the following requirements.

(a) Window Areas. Every habitable room shall have at least one window or ventilating sky light facing directly to the outdoors. The minimum total window area measured between stops, for every habitable room shall be ten percent of the floor space of such room.

(b) Ventilation. Every habitable room shall have at least one window or sky light which can be easily opened or such other device as will adequately ventilate the room. The total of openable window area in each habitable room shall be equal to at least fifty percent of the minimum window area size as required in subsection (a) herein, except when supplied with such other device affording adequate ventilation and installed in an approved manner.

(c) Bathroom Ventilation. Every bathroom and water closet compartment shall comply with ventilation requirements as described in subsection (b) herein.

(d) Electric Requirements. The owner or operator in charge of a dwelling shall provide a properly installed and maintained electric light fixture in order to supply adequate light in all common areas including stairways, hallways, entranceways, laundry rooms, furnace rooms, kitchens, bathrooms, exterior porches, and similar common areas. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Multiple converter plugs permitting two or more appliances to be plugged into the same outlet shall not

be used. Every laundry area shall contain at least one grounded-type receptacle. Every bathroom shall contain at least one receptacle. Any new bathroom or kitchen receptacle outlet shall have ground fault circuit interrupter protection. All receptacles exposed to outdoors shall be of the grounding type. All receptacle outlets shall have the appropriate faceplate cover for the location. All electrical equipment, wiring, lighting, and appliances shall be properly installed and maintained in a safe and approved manner.

(e) Heating Facilities. The owner or operator in charge of a dwelling shall provide a heating facility installed in an approved manner and maintained in good working condition capable of maintaining a temperature of at least 68°F for any 24 hour period in all habitable rooms, bathrooms, water closet compartments and kitchens. The temperature inside a dwelling shall be measured in the approximate center of each room and approximately three feet above the floor. No combustibles shall be stored within 18 inches of the furnace or heating facilities. Heating facilities designed with filters shall maintain the filters per the manufacturers' recommendations.

(f) Plumbing Fixtures. Every occupant of a dwelling unit shall keep all plumbing fixtures therein, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care and the proper use and operation thereof.

(g) Screening. All windows or other devices used or intended to be used for ventilation shall be supplied with screens. If a screen is supplied to doorways opening directly from a dwelling to outdoor space it must be properly maintained and supplied with a self-closing device.

(h) Pest Protection. Every window and every other opening which might provide an entry for pests shall be supplied with a screen or other device as will effectively prevent entry by such pests into the building. Proper precautions shall be taken to secure the building and prevent pest infestation.

(Ord. 2016-40. Passed 4-20-16.)

#### **1365.05 SOLID WASTE STORAGE AND COLLECTION.**

Every occupant of a dwelling or dwelling unit shall store and dispose of all solid waste in a clean and sanitary manner by placing it in receptacles as required by Section 1365.01((d) and (e).

(a) Solid Waste Storage. The owner of each residential rental unit must provide adequate solid waste storage receptacles on the premises for the disposition of litter and solid waste. Such receptacles shall be maintained in a sanitary manner as to prevent the contents from being scattered upon such premises. Receptacles of sufficient size and number shall be of rigid plastic or metal, watertight and equipped with tight fitting lids. Any solid waste receptacle spillage which may occur upon the ground, sidewalk, street or alley shall be promptly cleaned up within twenty four hours after spillage. Solid waste containers must meet additional requirements outlined in Section 521.08 and 933.03 of the Kent Codified Ordinances. The Health Commissioner may require the owner of a residential rental unit to adhere to additional standards regarding solid waste storage outlined in section 1371.04 of this Housing Code.

(b) Solid Waste Collection. The owner of each residential rental unit must provide solid waste collection for the licensed dwelling by hiring a solid waste collector who is licensed by the City. The frequency of such solid waste collection shall be not less than once per week during those instances when solid waste is being generated on the premises. The owner shall provide written proof of such collection service if requested by the Health Commissioner. Additionally, the Health Commissioner may require the owner of a residential rental unit to obtain unlimited collection service at properties that are non-compliant with the solid waste ordinances as outlined in Section 1371.04.

(Ord. 2016-40. Passed 4-20-16.)

#### **1365.06 EXTERMINATION; INFESTATION.**

(a) Pest Infestation. All structures shall be kept free from insect and rodent infestation and all potential points of entry shall be properly maintained as to prevent pest migration. 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 reinfestation.

(b) Owner. The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure. Proper precautions shall be taken to prevent infestation. Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination. Whenever infestation exists in two or more dwelling units in any dwelling or in the common parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

(c) Occupant. The occupants of any structure shall be responsible for the continued pest-free condition of the structure. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for pest elimination. Every occupant of a dwelling unit shall be responsible for the extermination of insects, rodents and other pests therein, whenever their dwelling unit is the only dwelling unit within a dwelling that is infested. (Ord. 2016-40. Passed 4-20-16.)

#### **1365.07 SPACE USE AND LOCATION REQUIREMENTS.**

(a) Floor Space. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof, and at least 100 additional square feet of floor space for every additional occupant thereof. The floor space to be calculated on the basis of net floor area.

(b) Sleeping Areas. In all dwellings, every room occupied for sleeping purposes by one occupant shall contain at least seventy square feet of floor space. Every room occupied for sleeping purposes by more than one occupant shall contain at least fifty square feet of floor space for each occupant thereof.

(c) Bathroom Access. No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment, intended for use by occupants of more than one sleeping room, can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room, bathroom or water closet compartment.

(d) Ceiling Height. All habitable rooms located within a dwelling shall have an average ceiling height of not less than seven feet, six inches in at least fifty percent of the net floor area with no portion less than five feet in height.

(e) Basement and Cellars. No basement or cellar space shall be used as a habitable room or dwelling unit unless:

- (1) The floor and walls are impervious to leakage of underground and surface run-off water and are insulated against dampness;
- (2) The total window area in each room is equal to at least the minimum window area sizes as required by Section 1365.02 (a);
- (3) The required minimum area is located entirely above grade of the ground adjoining such window area;
- (4) The total of openable window area in each room is equal to at least the minimum as required under Section 1365.02 (b);
- (5) A basement or cellar space, when occupied for living, shall meet all minimum standards and requirements of the most recently adopted Ohio Residential Code at the time of the initial licensing.
- (6) Furnace and hot water tank areas are to be completely separated from habitable areas by the installation of fire rated materials in an approved manner;
- (7) Adequate makeup air is to be provided in an approved manner;
- (8) Two means of egress shall be provided. One means of egress shall be in

compliance with the provisions of Section 1365.01(g). The second means of egress can be either the same or a window whose area shall equal a minimum of 5.8 square feet and the window sill located no more than forty-four inches from floor level.

(Ord. 2016-40. Passed 4-20-16.)

#### **1365.08 SANITARY MAINTENANCE STANDARDS.**

(a) Structural Design and Repair. All dwellings, structures and all parts thereof including but not limited to foundations, roofs, gutters, downspouts, chimneys, walls, ceilings, etc., both exterior and interior, shall be maintained and in good repair and capable of performing the function for which such structure or part of any feature thereof was designed or intended to be used.

(1) If any dwelling is so designed to include the use of gutters and downspouts, such gutters and their appurtenant downspouting and drains shall be maintained in a weather tight and functioning order.

(b) Exterior Maintenance. All exterior parts of every dwelling including exterior walls, additions, chimneys, porches, steps, ramps and other such structures either above or below the roof line shall be maintained in a safe condition and in good repair and capable of performing the function for which such structure or part of any feature thereof was designed or intended to be used.

(c) Premises Maintenance. All premises shall be maintained in a safe and sanitary manner so as to preclude any situation that may be inimical to the public health and safety or which may provide harborage for rodents or infestation of insects. Such premises shall be free from the accumulation and/or location of the following:

- (1) Broken or dilapidated fences, walls or other structures;
- (2) Improperly installed or maintained walks, driveways and driveway aprons which are in a defective condition; and
- (3) Rugs, rags or other materials located on such premises which materials are not being used for general household or housekeeping purposes; broken furniture or upholstered furniture not designed or sold for outdoor use; mattresses or other household furnishing; ~~non-~~unusable appliances, automobile parts, plastic materials, paints, miscellaneous coverings and/or any other materials including those described in this section.

(d) All parts of a residential rental unit shall be maintained in a safe and sanitary condition and in good working order. Additionally, compliance shall be maintained with all portions of Part 14, and Chapter 933, and Section 521.08 of the Codified Ordinances of Kent.

(Ord. 2016-40. Passed 4-20-16.)

#### **1365.98 VIOLATING A MINIMUM STANDARD SET FORTH IN 1365.**

Any owner or operator of a residential rental unit in violation of the standards set forth in Section 1365 shall be subject to a civil offense in accordance with 501.13, including the right to notice, the right to answer a charge, the right to appeal, the amount of the fine, and the City's right to have the fine increase. Issuing a Notice of Civil Offense does not limit the City of Kent from pursuing any other additional remedies not prohibited by ordinance.

(Ord. 2016-40. Passed 4-20-16.)

#### **~~1365.99 PENALTY.~~**

~~Whoever violates any order of any provision of the standards set forth in this Chapter after been given notice in accordance with 501.13 (c) is guilty of a misdemeanor of the third degree as defined in Section 501.99. A property owner that pays a fine levied in accordance with 1365.98 may not be prosecuted for that specific violation, but may be prosecuted criminally for the same violation if the violation occurs in a subsequent month or if the fine is not paid in a timely manner.~~

~~(Ord. 2016-40. Passed 4-20-16.)~~

## **CHAPTER 1367 Licensing Requirements**

- 1367.01 Licensing procedure.
- 1367.02 Notice to tenants.
- 1367.03 Revolving Housing Fund.
- 1367.04 Establishment of Community Development Rental Licensing Revenue Line.
- 1367.05 Local requirement.
- 1367.98 Violation of notice to tenants.

CROSS REFERENCES  
Civil Offenses - see GEN. OFF. 501.13

**1367.01 LICENSING PROCEDURE.**

(a) Licensing. No person shall own, operate or be an agent for a residential rental unit without having in his their possession a current, unrevoked housing license. Such license shall be issued for a period of one year from the date of issuance and may be renewed for successive periods not to exceed one year. Upon the sale or disposition of such property, the housing license shall be permitted to be transferred to a new owner, operator or agent provided that the current holder of such license notifies the Health Commissioner or Community Development Director.

(1) The Health Commissioner must license all residential rental units that are located in:

- A. A multifamily dwelling;
- B. A two family dwelling that contains a dwelling unit that has a rooming house with more than three unrelated residents;
- C. A two family dwelling that contains a dwelling unit that has a boarding house with more than three unrelated residents; OR
- D. A single family dwelling that contains more than three unrelated residents.

(2) The Director of Community Development must license all residential rental units not described in 1367.01 (a)(1).

(b) Application. Prior to obtaining a housing license for a residential rental unit, the owner, operator or agent of the residential rental unit must make application on the prescribed forms, to the Health Commissioner or Community Development Director, as required by KCO 1367.01 . Such application shall be submitted with all requested information completed, signed and accompanied by the appropriate fee. The due date will be 30 days before the new licensing period. Failure to submit the application and licensing fee by the applicable due date will result in a late fee of an additional 25%.

(c) Fee. No operating license shall be issued or renewed unless the completed application form is accompanied by payment of the license fee. The cost of the license fee is \$100.00 per dwelling, plus an additional five dollars (\$5.00) per bedroom within the dwelling unit. For purposes of calculating the license fee only:

(1) If a building contains a single dwelling unit, the building shall be considered a single dwelling.

(2) If a building contains multiple dwelling units, and each dwelling unit has a separate egress route, the building shall be considered a single dwelling.

(3) If a building contains multiple dwelling units that share an egress route, the number of dwellings will be determined by the number of separate egress routes needed to access all of the dwelling units.

(4) Condominiums shall be considered separate dwellings except condominiums on the same parcel with the same ownership shall be treated as a single dwelling. Condominiums on the same parcel with different ownership but the same operator may, at the discretion of each owner, elect to be treated as a single dwelling.

(d) Inspection.

(1) For all residential rental units described in 1367.01 (a)(1)

A. Prior to obtaining a housing license for a residential rental unit described in 1367.01 (d)(1), the responsible owner, operator or agent shall schedule an inspection with the Health Commissioner at least 30 days before the new licensing period of said residential rental unit.

B. No housing license shall be issued or renewed until a residential rental unit is inspected and determined to be in compliance with the requirements of this Housing Code.

C. The frequency of inspections for a residential rental unit inspected under this section must be determined by the Health Commissioner.

D. Re-inspection. After the initial inspection of a residential rental unit is completed by the Health Department under this section, a reasonable amount of time will be allowed by the Health Department for the owner, operator or agent of the residential rental unit to correct potential violations. Failure to correct the violations by the re-inspection shall result in a non-compliance fee of up to \$75.00.

E. Non-compliance. The Health Commissioner has the authority to condemn any residential rental unit described in 1367.01( d)(1) that fails to comply with this housing code.

F. Any residential rental unit described in 1367.01 (d)(1) without a current license for more than 30 days may be condemned by the Health Commissioner.

(2) For residential rental units described in 1367.01 (a)(2):

A. Prior to obtaining a housing license for a residential rental unit described in 1367.01(a)(2), the owner, operator or agent shall have the residential rental unit inspected by the Director of Community Development at least 30 days before the new licensing period of said residential rental unit.

B. No housing license shall be issued or renewed until a residential rental unit is inspected and determined to be in compliance with the requirements of this Housing Code.

C. The frequency of inspections for the renewal of a housing license issued for a residential rental unit inspected under this section shall be determined by the Director of the Community Development Department.

E. Re-inspection. After the initial inspection of residential rental unit is completed by the Community Development Department under this section, a reasonable amount of time will be allowed for the owner, operator or agent to correct potential violations. A re-inspection may be required to verify that the corrections were made by the assigned date and time. Failure to correct the violations by the re-inspection shall result in a non-compliance fee of up to \$75.00 per re-inspection.

E. Non-compliance. The Chief Building Official, or his designee, has the authority to condemn any residential rental unit that fails to comply with the City of Kent Planning and Zoning Code (Part 11), the Building Code (Part 13) including this Housing Code, and the Property Maintenance, Housing and Enforcement Code (Part 14), or this housing code.

F. Any residential rental unit described 1367.01 (a)(2) without a current housing license for more than 30 days may be condemned by the Director of Community Development.

(3) In the event that a housing license expires before it the housing license is renewed, a late fee of 25% of the licensing fee will be required.

(e) Review of the Environmental Health and Housing Maintenance Code. The latest revision of the Environmental Health and Housing Maintenance Code was completed in 2016. The next scheduled review will take place no later than 2021.

(Ord. 2016-40. Passed 4-20-16.)

#### **1367.02 NOTICE TO TENANTS.**

It shall be the responsibility of the owner, operator or agent of any residential rental unit to give notice of his housing license with the City to tenants by one of the following authorized methods prior to the commencement of a rental term with such tenant:

(a) Display the license in a conspicuous place within the common ways of the residential rental unit.

(b) Give the following written notice to the tenants:

"This residential rental unit is licensed by the City of Kent for the period of \_\_\_\_\_ to \_\_\_\_\_ for not more than \_\_\_\_\_ occupants. Be advised that both landlords and tenants have certain responsibilities to each other as are set forth in the Environmental Health and Housing Maintenance Code of the City of Kent, Ordinance 1979-219 (Title 7), Planning and Zoning Code (Part 11), Building Code (Part 13) and Property Maintenance, Housing and Enforcement Code (Part 14) or any other applicable section of the Kent Codified Ordinances. Copies of this Housing Code can be obtained at the Kent Health and Community Development Departments. The owner, operator or agent of any residential rental unit shall give a minimum of 24-hour notice to tenants prior to entering the property for inspections, repairs, or maintenance."

(c) The blanks described in 1367.02( b) must be filled in, in ink, reflecting the accurate dates and number of residents.

(Ord. 2016-40. Passed 4-20-16.)

#### **1367.03 REVOLVING HOUSING FUND.**

There is hereby created a Revolving Housing Fund for the purpose of supporting the cost of repairs, corrective action or demolition made by the Health Commissioner pursuant to Section 1373.01 and other supportive costs associated with the enforcement of this Housing Code. Into this Fund, the following shall be paid:

(a) All civil penalties collected for violations of this Housing Code applicable to multifamily dwelling and enforced by the Health Department, pursuant to Section 1371.02.

(b) All judgments collected in actions to recover the cost of repairs and other corrective action or demolition of multifamily dwelling, pursuant to Section 1373.01 (b).

(c) Such other revenues the City may, from time to time authorize be paid into this Fund.

(Ord. 2016-40. Passed 4-20-16.)

#### **1367.04 ESTABLISHMENT OF COMMUNITY DEVELOPMENT RENTAL LICENSING REVENUE LINE.**

There is hereby established a separate and permanent revenue line in the General Fund known as the "Community Development Rental Licensing" revenue line. The Director of Budget and Finance is hereby authorized and directed to take such action and to make such records as may be necessary to establish the "Community Development Rental Licensing" revenue line and thereafter to show its existence and condition at all times upon the financial records of the City. Into said revenue line shall be paid:

(a) All civil penalties collected for violations of the Environmental Health and Housing Maintenance Code (Title 7 ), Planning and Zoning Code (Part 11 ), Building Code (Part 13) and Property Maintenance, Housing and Enforcement Code (Part 14 ) applicable to leased dwellings, not classified as multifamily dwelling, and enforced by the Community Development Department, pursuant to Section 1371.02 .

(b) All judgments collected in actions to recover the cost of repairs and other corrective action or demolition of leased dwellings not classified as multifamily and enforced by the Community Development Department, pursuant to Section 1373.01 (b).

(c) Such other revenues the City may, from time to time authorize be paid into this General Fund revenue line.

(Ord. 2016-40. Passed 4-20-16.)

**1367.05 LOCAL REQUIREMENT.**

In order to ensure that there is a local agent to contact to respond to property needs, concerns, or repairs in a timely manner, all owners of residential rental property in the City of Kent must designate an individual or property manager to be contacted by the City of Kent in case of an ordinance violation or inspection.

(a) The individual or property manager designated as a local agent for a residential rental unit must live or have their principal place of business in Portage County, Ohio or a county contiguous to Portage County, Ohio.

(b) The individual or property manager designated as a local agent for a residential rental unit must provide the City of Kent with a phone number, physical address, and e-mail address.

(Ord. 2016-40. Passed 4-20-16.)

**1367.98 VIOLATION OF NOTICE TO TENANTS.**

Any owner or operator of a residential rental unit in violation of the standards set forth in Section 1367.02 shall be subject to a civil offense in accordance with 501.13, including the right to notice, the right to answer a charge, the right to appeal, the amount of the fine, and the City's right to have the fine increase, but NOT including the right to a warning under 501.13 (c). Issuing a Notice of Civil Offense does not limit the City of Kent from pursuing any other additional remedies not prohibited by ordinance. (Ord. 2016-40. Passed 4-20-16.)

**1367.99 VIOLATING A MINIMUM STANDARD SET FORTH IN 1367.**

Any owner or operator of a residential rental unit in violation of the standards set forth in Section 1367 other than 1367.02 shall be subject to a civil offense in accordance with 501.13, including the right to notice, the right to answer a charge, the right to appeal, the amount of the fine, and the City's right to have the fine increase. Issuing a Notice of Civil Offense does not limit the City of Kent from pursuing any other additional remedies not prohibited by ordinance.

**CHAPTER 1371**

**Enforcement and Penalty**

**1371.01 Right of entry and inspection.**

**1371.02 Notice of violation.**

**1371.03 Board of Health Rules and Regulations.**

**1371.04 Solid waste violations.**

**1371.98 Operating a Residential Unit without a valid license.**

**1371.99 Penalty.**

**CROSS REFERENCES**

Civil Offenses - see GEN. OFF. 501.13

**1371.01 RIGHT OF ENTRY AND INSPECTION.**

(a) Inspection. The Health Commissioner and the Community Development Director are hereby authorized and directed to make or cause to be made inspections of all residential rental units, the premises of a residential rental unit, the accessory buildings of a residential rental unit and qualified vacant rental units, to determine compliance with the provisions of this Housing Code.

(b) Right of Inspection: Upon presentation of proper identification, the Health Commissioner and the Community Development Director are hereby:

(1) Authorized to request to enter and inspect, between the hours of 8:00 a.m. and 5:00 p. m., any residential rental units, the premises of a residential rental unit, and the accessory buildings of a residential rental unit in the City to perform duties imposed upon him by subsection (a) hereof, Section 1373.01, and Section 1373.02 (a) and (b).

(2) Must inform the occupant of the occupant's right to refuse the inspection.

(3) Must inform the occupant of the inspector's right to request an



administrative search warrant to inspect the dwelling if the occupant refuses the inspection.

(c) Obligations of Inspection:

(1) While conducting an inspection authorized by the Housing Code, the Health Commissioner must inform the Community Development Director of any violations observed by the Health Commissioner of any Section of the Planning and Zoning Code (Part 11), the Building Code (Part 13) including the Environmental Health and Housing Maintenance Code (Title 7), and the Property Maintenance, Housing, and Enforcement Code (Part 14).

(2) While conducting an inspection authorized by the Housing Code, the Director of Community Development must inform the Health Commissioner of any violations observed by the Director of Community Development of any Section of the Environmental Health and Housing Maintenance Code (Title 7).

(d) The Health Commissioner and the Community Development Director has the right to require the owner, designated agent, or operator to be present at the time of the inspection.

(e) Every occupant of a residential rental unit shall give the owner thereof or his agent access to any part of such building or its premises at reasonable times for the purpose of making repairs or alterations as are necessary to effect compliance with the provisions of this Housing Code. (Ord. 2016-40. Passed 4-20-16.)

**1371.02 NOTICE OF VIOLATION.**

Whenever the Health Commissioner or the Community Development Director determines there has been a violation of any provision of the Planning and Zoning Code (Part 11), the Building Code (Part 13) including the Housing Code, or Property Maintenance, Housing and Enforcement Code (Part 14), they shall give notice of such violation to the owner, occupant, operator or responsible person that such violations must be corrected. The notice and order shall either

(a) If the City is pursuing a fine, be in accordance with 501.13 (b) (2)

~~(b) If the City is NOT pursuing a fine, delivered in any manner approved by the Health Commissioner on forms approved by the Health Commissioner.~~

~~(c)~~ If a property is in violation of any provision of the Planning and Zoning Code (Part 11), the Building Code (Part 13) including the Housing Code, or the Property Maintenance, Housing and Enforcement Code (Part 14), the City may at any time elect to pursue a fine so long as a notice is issued in accordance with 501.13 (b) (2).

(Ord. 2016-40. Passed 4-20-16.)

**1371.03 BOARD OF HEALTH RULES AND REGULATIONS.**

As provided by Ohio R.C. 3709.20, the Board of Health is authorized to make and adopt such rules and regulations and fix such reasonable standards as may be necessary for the proper enforcement of the provisions of this Housing Code and to carry out the intent thereof.

(Ord. 2016-40. Passed 4-20-16.)

**1371.04 SOLID WASTE VIOLATIONS.**

The Health Commissioner has authority to assign additional requirements regarding solid waste storage and solid waste collection if a residential rental unit receives three violations in any 12 month period involving solid waste. This includes solid waste and similar violations documented in the following Ordinances: 521.08, 1365.01, 1365.04, 1369.03, 1412.01, 933, and 935. The Health Commissioner may require additional solid waste containers or different solid waste containers. Also, the Health Commissioner may require that a residential rental unit obtain unlimited trash collection service.

(Ord. 2016-40. Passed 4-20-16.)

**1371.98 OPERATING A RESIDENTIAL RENTAL UNIT WITHOUT A VALID LICENSE - FINES/PENALTIES.**

(a) Notwithstanding 1371.02(a) and 501.13(m), any Any owner that is found operating a residential

rental unit without a valid housing license may be fined up to \$3000.00. \$1000 per violation. Imposing a fine in accordance with this section does not limit the City of Kent from pursuing any other additional remedies not prohibited by ordinance.

(b) Each month that an owner is found to be in violation is a separate offense.

(c) If the residential rental unit without a valid housing license contains a single family or no more than three unrelated residents, the amount of the fine and length of time to pay that fine shall be determined by the City Manager or his designee. If the residential rental unit without a valid housing license is not a single family and has more than three unrelated residents, the amount of the fine and length of time to pay that fine shall be determined by the City of Kent Board of Health. In setting the fine, the City Manager or his designee or the City of Kent Board of Health shall consider the following factors:

- (1) The length of time of the violation;
- (2) The number of prior violations at that address;
- (3) The number of prior violations for that property owner;
- (4) The property owner's cooperation in resolving the violation; AND
- (5) Any other factor deemed relevant by the entity setting the fine (i.e. the City Manager or the City of Kent Board of Health).

(Ord. 2016-40. Passed 4-20-16.)

#### **1371.99 PENALTY.**

~~Whoever violates any order of any provision of the Planning and Zoning Code (Part 11 ), Building Code (Part 13 ) including the Housing Code or the Property Maintenance, Housing and Enforcement Code (Part 14 ) or notice of violation of any rule or regulation adopted by the Board of Health after having been given such order or notice of violation in accordance with Section 1371.02 is guilty of a misdemeanor of the third degree as defined in Section 501.99 . A property owner that pays a fine levied in accordance with 1371.98 (C) may not be prosecuted for that specific violation, but may be prosecuted criminally for the same violation if the violation occurs in a subsequent month or if the fine is not paid in a timely manner.~~

~~(Ord. 2016 40. Passed 4 20 16.)~~

Any owner or operator of a residential rental unit in violation of the standards set forth in Section 1371 other than 1371.98 shall be subject to a civil offense in accordance with 501.13, including the right to notice, the right to answer a charge, the right to appeal, the amount of the fine, and the City's right to have the fine increase. Issuing a Notice of Civil Offense does not limit the City of Kent from pursuing any other additional remedies not prohibited by ordinance.

### **CHAPTER 1373**

#### **Repairs and Demolitions**

**1373.01 Repairs.**

**1373.02 Condemnation; placard.**

**1373.03 Demolition.**

#### **CROSS REFERENCE**

Removal of unsafe structures - see Ohio R.C. 715.26

#### **1373.01 REPAIRS.**

(a) Whenever an owner, operator or agent of a residential rental unit fails, neglects or refuses to make repairs or engage in other corrective action as called for by an order or notice of violation issued pursuant to Section 1371.02 , the City may undertake such repairs or action on the City's own or by means of a court order when, in the sole judgment of the City of Kent, failure to make such repairs, will endanger the public health, safety or welfare. The cost of such repairs and action will not exceed fifty percent of the property value as reported by the Portage County Auditor for tax purposes.

(b) When repairs are made or other corrective action taken at the direction of the Health Commissioner or the Community Development Director, the cost of such repairs and corrective action, including labor, equipment, and supplies, plus fifteen percent (15%) for administrative costs, shall constitute a debt in favor of the City against the owner of the repaired structure. In the event such owner fails, neglects or refuses to pay the City the amount of this debt, it shall be recoverable in a civil action against the owner or his successor, brought in a court of competent jurisdiction by the City which shall possess all rights of a private creditor.

(Ord. 2016-40. Passed 4-20-16.)

### **1373.02 CONDEMNATION; PLACARD.**

(a) A residential rental unit must be designated as unfit for human habitation if any of the following deficiencies or conditions are found and when these defects create a hazard to the health or safety of the occupants or the public:

(1) The residential rental unit is damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested or meets a minimum of two of the conditions of blight under Section 1.08 of the Ohio Revised Code.

(2) The residential rental unit Lacks illumination, ventilation, required sanitation facilities or any other minimum requirements as established in Chapter 1365 of this Housing Code.

(3) The general condition of the residential rental unit, outbuildings and surrounding property is unsanitary, unsafe or unhealthful.

(b) Whenever a residential rental unit has been designated as unfit for human habitation, the Health Commissioner or the Chief Building Official or his designee may placard the structure or premises by placing a placard thereon or in a location which is readily noticeable, identifies the building as condemned and the applicable state or local code sections that caused the premises to be condemned.

(c) If such residential rental unit is occupied, the Health Commissioner or City Building Official shall order the dwelling or premises to be vacated within a reasonable period of time. Such time is not to be less than three days or more than ten days.

(d) Any residential rental unit or premises which has been condemned and/or placarded as unfit for human habitation or use, shall not again be occupied by a non-owner until a written approval is secured from and such placard removed by the Health Commissioner or Chief Building Official. The Health Commissioner or Chief Building Official shall remove such placard and give written notice whenever the defect from which the condemnation and placarding action resulted has been eliminated.

(Ord. 2016-40. Passed 4-20-16.)

### **1373.03 DEMOLITION.**

(a) The Health Commissioner or Chief Building Official shall issue an order commanding the owner of a residential rental unit or premises and all other persons having an interest in such premises as shown by the records of the County Recorder's Office to repair, vacate or demolish any dwelling or premises found to be unfit for human habitation or use within the terms of this Housing Code.

(b) The owner of any residential rental unit or premises which has been ordered demolished shall be given notice of this order in the manner provided in Section 1371.02 and shall be given a reasonable time not to exceed ninety days to demolish such structure.

(c) If the Chief Building Official issues a notice to demolish, any owner aggrieved by the notice to demolish may within fourteen days seek a formal hearing before the Board of Building Appeals in Chapter 1309. If the Health Commissioner issues a notice to demolish, any owner aggrieved by the notice to demolish may within fourteen days seek a formal hearing before the City of Kent Board of Health who must address the issue at the next regularly scheduled board meeting.

(d) When the owner, operator, or agent fails, neglects or refuses to demolish an unfit, unsafe or unsanitary residential rental unit or premises within the prescribed time the Health Commissioner or Chief Building Official may apply to the court of competent jurisdiction for a demolition order to undertake the demolition. The court may grant such order when no hearing on the matter is pending. The cost of such demolition shall create a debt in favor of the City against such owner and shall be recovered in civil action brought by the City who shall possess all rights of a private creditor.

(e) Whenever a residential rental unit is demolished whether carried out by the owner or by the appropriate authority such demolition shall include the filling in of the excavation remaining on the property on which the demolished dwelling was located pursuant to the requirements of Chapter 905 "Excavations" (Part Nine ).

(Ord. 2016-40. Passed 4-20-16.)