

MINUTES OF THE HEALTH & HUMAN SERVICES COMMITTEE
November 20, 2017
Council Conference Room

Present: Councilmembers Marx, Anderson, & Litten

Also Present: Director Gelsomino, Director Sylvester, Planning Department staff Mary Leigh & Michelle Nochta, Council-elect Meghan George, Executive Director of Lakewood Alive Ian Andrews, Director Butler, four members of the public, Councilmember Bullock (6:22 p.m.)

Call to order: 6:05 p.m.

Ord 35-17 – To Amend Section 1306.34, Responsibility for Pest Extermination

Director Butler provided an amended version of the ordinance. Amendments were made based on the requests of Committee members at the November 13th meeting.

The changes distinguish bed bugs from other pests and require the owner to notify all contiguous units within 72 hours of confirmation that bed bugs are present. An amendment was made to require that a landlord hire a licensed pest exterminator to treat bed bugs or use heat treatment.

Director Sylvester remarked that ORC requires landlords of properties with four or more units to hire a licensed pest exterminator to treat bed bugs. He expressed concern about putting this requirement on landlords of 1, 2, and 3 unit properties and asked for this requirement to be taken out. He explained that the majority of bed bug problems in the City affect multi-unit dwellings. It was clarified that the ORC requirement will still apply if this portion of the ordinance is removed.

Dan Shephard, a local landlord remarked that many landlords are not aware of the ORC statute requiring a licensed pest exterminator to treat buildings of four or more units. He expressed a preference for including a reference to the state statute in Ordinance 35-17 so that it can be looked up by landlords.

Mr. Andrews acknowledged that while the majority of problem bed bug cases affect multi-unit properties that there remains a concern for the singles, doubles and triples. He provided an example of such a case where a landlord endangered tenants by inappropriately spreading chemicals to treat bed bugs.

The Committee discussed the pros and cons of regulating beyond the requirements of the state code. The Committee agreed to remove the requirement that landlords of 1, 2, and 3 family properties be required to hire a licensed pest exterminator to treat bed bugs. The Committee expressed support for encouraging landlords of 1, 2, and 3 family properties to use a licensed pest exterminator through education and best practices instead. The Committee agreed to amend the Ordinance to reference the ORC statute.

Director Butler pointed out that the ORC requires a licensed pest exterminator at properties of “more than four units” not “four or more units,” as has been discussed.

The Committee agreed to require that a licensed pest exterminator treat bed bugs in a dwelling of more than three units.

A motion was made and seconded to recommend adoption of Ordinance 35-17 with the discussed changes.

All members voted in favor. Motion passed.

Health & Human Services adjourned at 6:36 p.m.

ORDINANCE NO.

BY:

AN ORDINANCE to amend Section 1306.34, Responsibility for Pest Extermination, of the Codified Ordinances of the City of Lakewood in order to clarify responsibility for pest identification and extermination.

WHEREAS, it is necessary and desirable to amend the Property Maintenance and Safety Code of the City to clarify responsibility for pest identification and extermination; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power of local self-government, and the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; now, therefore,

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1306.34, Responsibility for Pest Extermination, of the Codified Ordinances of the City of Lakewood, currently reading as follows:

1306.34. RESPONSIBILITY FOR PEST EXTERMINATION

Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, vermin, rodents or other pests therein or on the premises and every occupant of a dwelling unit in a dwelling unit containing more than one dwelling unit and every occupant of an occupiable structure shall be responsible for such extermination whenever his dwelling unit or occupiable structure is the only one infested. Notwithstanding the foregoing, whenever the occupant fails to maintain a dwelling or an occupiable structure in a rat-proof or insect-proof condition or whenever infestation exists in two or more occupancies in an occupiable structure, or in the shared or public parts of a dwelling containing two or more dwelling units, or in the shared or public parts of an occupiable structure, extermination thereof shall be the responsibility of the owner.

shall be and hereby is repealed, and new Section 1306.34, Responsibility for Pest Extermination, of the Codified Ordinances of the City of Lakewood, is hereby enacted to read as follows:

1306.34. RESPONSIBILITY FOR PEST EXTERMINATION

(a) An owner of an occupiable structure shall take such measures necessary to prevent and control the harborage and free movement of insects, vermin, rodents or other pests within the structure. An owner of an occupiable structure is solely responsible for the extermination of insects, vermin, rodents or other pests within the structure. No owner shall fail to exterminate insects, vermin, rodents or other pests as required herein.

(b) In the event that the dwelling is infested with or there is a report of infestation with bedbugs, the owner shall make written notification to all contiguous units (including adjacent units on either side, across the hall, or above or below the af-

ected unit) within 72 hours of confirmation of the presence of bedbugs. In addition, where there are confirmed bedbugs in the dwelling unit, the owner or agent shall cause all affected units to be treated by a licensed pesticide applicator or for the affected units to be heat-treated to eliminate the bedbugs.

(bc) The occupant of an occupiable structure, if not the owner, shall promptly notify the owner of the structure when the occupant knows of or suspects an infestation of insects, vermin, rodents or other pests within the structure within 72 hours of discovery. The occupant shall grant the owner and the owner's agents or contractors access to every portion of the structure reasonably necessary for the inspection and extermination of insects, vermin, rodents or other pests within the structure. No occupant shall fail to promptly notify an owner or fail to grant the owner or the owner's agents or contractors reasonable access as required herein.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberation of the 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.

Adopted: _____

President

Clerk

Approved: _____

Mayor